

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3663 OF 2016

Rajendra Dhansing Patil

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Sushilkumar H. Tripathi, Advocate for the Petitioner.

Shri Pavan K. Lakhotiya, A.G.P. for Respondent Nos. 1 to 4.

Ms. Kalyani Deshmukh, Advocate h/f Shri P. R. Patil, Advocate
for Respondent Nos. 5 and 6.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALA, JJ.**

DATE : 12TH MARCH, 2019.

FINAL ORDER :

. The petitioner claims interest on delayed payment of pension.

2. The petitioner has retired on attaining age of superannuation on 31.01.2011. The pension proposal is sanctioned on 19.11.2012. It is the case of the petitioner that, the amount has been actually credited in his account in February 2013.

3. According to the petitioner, the petitioner was required to

file Writ Petition No. 8496 of 2011. Same was disposed of under order dated 05th July, 2012. The statement of learned advocate for the institution was recorded that the pension proposal is forwarded to the Education Officer in April 2012. The Court directed to decide the pension proposal expeditiously. Thereafter contempt petition was required to be filed by the petitioner. In the contempt proceedings, the Court directed the Education Officer to process pension proposal at the earliest.

4. The learned advocate for the respondent/institution submits that the pension proposal could not be forwarded earlier as the petitioner failed to provide the service book. So also did not take steps for his pay fixation as per 5th and 6th Pay Commission. The learned advocate further submits that, there is no delay on the part of the institution. The delay is on the part of the petitioner. The petitioner was working as a Head Master and was in custody of all documents. The petitioner did not comply the same.

5. It is not disputed that, the petitioner retired on attaining age of superannuation on 31.01.2011. The petitioner it appears that has received the retiral benefits of pension in February 2013. The order of pension was passed by the authority on 19.11.2012. The petitioner is entitled for pension within six months after date of retirement. The petitioner would be

entitled for interest on the delayed payment of pension, if the petitioner is not responsible for the delay in process of pension papers. In the earlier round of litigation, a statement was made that the pension proposal is already forwarded in the month of April 2012.

6. From the record it does not appear that the petitioner was responsible for delay in forwarding pension proposal. As per Rule 129(A) and (B) of the Maharashtra Civil Services (Pension) Rules, the petitioner would be entitled for interest.

7. In the light of the above, we pass following order.

8. The respondent Nos. 5 and 6 shall pay interest to the petitioner on the amount of retiral benefits and the pension paid belatedly at the rate of 8% per annum (simple interest) from 01st August, 2011 till 30th October, 2012. The interest shall be calculated and paid to the petitioner within a period of four (04) months from today. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]