

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

WRIT PETITION NO. 493 OF 2018

Shridhar Devrao Jadhav

... Petitioner

Versus

State of Maharashtra & Anr.

... Respondents

.....
Shri. Parag V. Barde, Advocate for the petitioner
Smt. A. V. Gondhalekar, AGP for respondent/State
Smt. Sharada P. Chate, Advocate for respondent Nos. 2 & 3
.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 21ST FEBRUARY, 2019

ORAL ORDER:

. The petitioner seeks interest on the delayed payment of
retiral benefits.

2. Mr Parag V. Barde, learned counsel submits that, the
petitioner stood retired on 31.07.2013 upon attaining the age of
superannuation. The pension proposal has not been processed and as
such the petitioner filed Writ Petition No. 5875 of 2014. This Court
under order dt.14.07.2014 directed the respondents to consider the
pension proposal within six months.

3. Learned counsel for respondents No. 2 & 3 submits that, the delay is not on the part of respondents No. 2 & 3. The pension proposal was submitted by the petitioner only on 03.02.2014 and thereafter steps were taken. Respondents No 2 and 3 sent it to the concerned authority for verification. The office of respondents No. 2 and 3 received the proposal from the Finance Department duly verified on 23.05.2014. On 09.06.2014, the respondents received the order in respect of the provident fund and therefore there was no delay on the part of the respondents No. 2 & 3.

4. The pension has to be sanctioned and the benefits have to be given within a period of three months from the date of retirement. Provisions of Section 129A & B of Maharashtra Civil Services (Pension) Rules, 1982 provide for interest on account of delayed payment of retiral benefits.

5. There is nothing on record to show that there was delay on the part of the petitioner in complying with the certain aspects of the matter. The respondents No. 2 & 3 put forth administrative exigencies in not granting the retiral benefits within the stipulated period.

6. Considering the above, we are inclined to grant interest to the petitioner from 01.01.2014 till 18.09.2014. The respondents shall pay interest on the amount of the delayed payment of retiral benefits at the rate of 8% p.a. for period from 01.01.2014 till 18.09.2014. The said interest shall be paid within a period of four months from today.

7. The Writ Petition is disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde