

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.15005 OF 2018
(Godawari Marathwada Irrigation Development Corporation, through
Executive Engineer, Minor Irrigation Vs. Rajkumar Madhavrao
Jadhav)
IN
WRIT PETITION NO.557 OF 2003

Mr.D.R.Shelke h/f Smt.K.K.Teware, Advocate for the applicant.
Mr.B.N.Patil, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 22/02/2019

PER COURT :

1. I have heard the learned Advocate for the applicant for quite some time. I have perused the order passed by this Court on 12/07/2018 by which WP No.557/2003 was partly allowed though none appeared for the petitioner/Department on 09/11/2017, 20/04/2018 and 29/06/2018.

2. It was observed in the order dated 12/07/2018 that a lump-sum compensation of Rs.25,000/- shall be paid to the worker on or before 31/08/2018. As such, more than 6 weeks were granted to the department to pay the said amount, failing which, the interest @ 6% p.a. from the date of the award 11/10/2002, would be recovered

from the salary of the Executive Engineer, Minor Irrigation, Division Latur.

3. Learned Advocate for the respondent/worker submits that no sympathy deserves to be shown towards the Department. They are ready to pay an amount of Rs.25,000/- towards compensation, only in February 2019. They have invited the interest on account of the delay caused.

4. Learned Advocate for the applicant / Executive Engineer, who has filed an affidavit dated 20/12/2018, submits that the recovery of interest would amount to a stigma to her career.

5. It is made clear that the recovery of the interest was aimed only to ensure that delay is avoided and the worker is not compelled to prefer a contempt petition if the order is not implemented with promptitude. Interest on account of delay caused by the department should not be recovered from the tax payers' money and hence it was ordered that it would be recovered from the salary of the Executive Engineer. Such an order is not by way of attaching any stigma or by way of strictures against the concerned Officer.

6. As such, this civil application is disposed of with the above observations on the condition that the Executive Engineer shall deposit the interest amount on or before 15/03/2019 in this Court, from her salary account, failing which, the direction to deposit the interest would be deemed to be strictures on the said Executive Engineer, to be entered in her service book.

7. Office to accept the cheque dated 18/02/2019 towards the payment of compensation. The respondent/workman is at liberty to withdraw the said amount without conditions by following the procedure as is normally followed.

(Ravindra V.Ghuge, J.)