

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3494 OF 2020

PETITIONER: Namdeo Kashinath Shambharkar,
aged about 62 years, Occ. Retired Grade-1
Labour, R/o. 13/A, Awadhut Nagar-2,
Near Vande-mataram College, Chikhli Road,
P.O.Mhalgi Nagar, Nagpur

...VERSUS...

RESPONDENTS:

1. Dr. Panjabrao Deshmukh Krishi Vidyapeeth,
Akola, through its Vice Chancellor.
2. Dr. Panjabrao Deshmukh Krishi Maha
Vidyalaya, Nagpur, through its
Cooperative Presiding Officer,
3. Dr. Panjabrao Deshmukh Krishi Maha
Vidyalaya, Nagpur, Horticulture Department
through its Principal
4. Dr. Panjabrao Deshmukh Krishi Maha
Vidyalaya, Nagpur, through its
Officer and Accountant
5. Department of Agriculture, Government of
Maharashtra, Mantralaya, Mumbai

Shri D.P. Bhongade, Advocate for petitioner
Shri Abhay Sambre, Advocate for respondent nos.1 to 4
Shri A.A.Madiwale, AGP for Respondent No.5

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.
DATE : 10/06/2021.

ORAL JUDGMENT (PER : SUNIL B. SHUKRE, J.)

1] Heard learned counsel for the parties.

2] Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3] The grievance raised in this petition is in respect of the delay on the part of the respondents in making payment of balance amount of whatever was due and payable to the petitioner under the Defined Contribution Pension Scheme. This balance amount, as calculated by the petitioner, comes to Rs.34,050/-. The petitioner has claimed not only this amount, but also interest at the rate of 18% with quarterly rests and compensation of Rs.30,000/-.

4] Now, as submitted by Shri Sambre, learned counsel for respondent Nos. 1 to 4, this amount of Rs. 34,050/- has already been deposited in the account of the petitioner together with interest of Rs.4,044/-. Therefore, he submits that now this petition can be disposed of as having been worked out.

5] Learned counsel for the petitioner has no objection for disposing of the petition, but he submits that the same be done after granting some compensation to the petitioner for delayed payment. He submits that the interest of course has been paid to the petitioner at the rate of 12% per annum, but he is of the opinion that since there has been delay in making the payment of the dues to which the petitioner was entitled to, some compensation must be provided to the petitioner in the interest of justice.

6] Considering the fact that though the entire amount due and payable to the petitioner ought to have been paid under the Defined Contribution Pension Scheme by the respondents and as a matter of course and without the petitioner asking for it, this has not been done by the respondents and the respondents have caused great delay in performing the statutory obligation, we are of the view that reasonable compensation must be paid by the respondents jointly and severally to the petitioner and in our considered view, this amount would be of Rs.5,000/-.

7] Accordingly, we direct the respondents to pay jointly and severally the compensation of Rs.5,000/- to the petitioner within

period of six months from the date of the order. The petition is disposed of accordingly.

8] Rule in above terms. No costs.

JUDGE

JUDGE

Rvjalit