

WRIT PETITION NO.4681 OF 2019

Vilas Tayappa Narbat ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. Saurabh Pakale i/b Mr. S.M. Katkar for the Petitioner.
Mrs. S. S . Bhende AGP for the Respondent-State.
Mr. B. A. Lawate for Respondent Nos.4 and 5.

**CORAM : S. V. GANGAPURWALA &
S. M. MODAK, JJ.**

DATED : 7TH JULY 2022

P.C. :

1. The Writ Petition is filed for retiral and pensionary benefits. The Petitioner claims to have given notice of voluntary retirement to the Institution in February 2016. The same is three months notice. The Petitioner stood retired at the end of May 2016.
2. Under the order dated 22nd July 2021, this Court directed Respondent Nos.4 and 5 to forward the proposal of the Petitioner in respect of release of pension, provident fund and other retiral benefits. It was also directed to Respondent Nos.2 and 3 to take appropriate steps to release the pension, provident fund and other benefits along with interest at the rate of 6% per annum from the date of VRS of the Petitioner till release of the said benefits.

3. According to the learned counsel for Respondent Nos.3 and 4, Respondent Nos.3 and 4 are not responsible for the delay. There was dispute upon VRS notice submitted by the Petitioner and further steps taken as such the proposal could not be submitted. The non forwarding of pension proposal of the Petitioner was not intentional one. As such the interest may not be charged.

4. This Court in its order dated 22nd July 2021 had already directed release of the retiral benefits along with interest at the rate of 6% per annum for the delay in grant of retiral pensionary benefits. The State Authorities are not responsible. The proposal for first time was forwarded to the Management after the order of this Court dated 22nd July 2021 and immediately the proposal was forwarded on 4th August 2021 and the Petitioner has been paid retiral benefits so also pension and provident fund etc. on 14th June 2022.

5. For the delay, Respondent Nos.4 and 5 (Management) are responsible. The Management shall pay interest at the rate of 6% per annum (simple interest) on the amount of retiral benefits to be computed from 1st January 2017 till 30th July 2021. The said interest amount be paid to the Petitioner by Respondent Nos.4 and 5 preferably within six months.

6. The Writ Petition is disposed of accordingly. No costs.

(S. M. MODAK, J.)

(S. V. GANGAPURWALA, J.)