

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.309/2022

Zebunnisa D/o Lalkhan Pathan ... Petitioner

- Versus -

Nagar Parishad, Deolgaon Raja
and others ... Respondents

Mr. A.P. Chaware, Advocate for the Petitioner.

Mr. N.S. Rao, Assistant Government Pleader for Respondent
Nos.2 and 3.

CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.

DATE : 1 APRIL 2022

P.C. :

Heard learned Counsel for the parties.

2. The learned Counsel for the Petitioner states that the Respondent Authorities have paid the pensionary benefits to the Petitioner and the relief sought for in the petition in that regard stands satisfied.

3. The learned Counsel for the Petitioner states that interest at the rate of 10% per annum should be directed to be paid. According to the Petitioner, moment there is a delay in payment, 10% per annum interest is payable as per Rule 129A and 129B of the Maharashtra Civil Services (Pension) Rules, 1982.

4. The Petitioner has sought interest at the rate of 10% per annum, however, these Rules refer to interest rate as per General Provident Fund deposits. Further, these Rules do not state that grant of interest is automatic and stipulate that in certain contingencies, interest is not payable. Therefore, there will have to be an enquiry in that regard.

5. We direct Respondent No.1 i.e. Chief Officer of the Municipal Council, Deolgaon Raja to ascertain whether the factual position under Rule 129A and 129B is in favour of the Petitioner for release of pension and if not, necessary action under Rule 129A and 129B would be taken. Respondent No.1 will take

necessary decision in that regard. If the interest is payable, same shall be released to the Petitioner as per the terms of the Rules within a period of eight weeks. With these observations, writ petition is disposed of.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)

Tambaskar.