

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO.1965 OF 2023

SHAIKH GAFUR RAHIMAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

.....
Advocate for Petitioner : Mr. Shivaji T. Shelke
AGP for Respondent Nos. 1 to 3: Mr. S.G. Karlekar
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 14th MARCH, 2023.**

PER COURT :-

1. On 21.2.2023, we had passed the following order:-

"1. The petitioner, who has superannuated on 31.05.2019, is yet to receive his entire gratuity amount. The communication from the Information Officer, office of the Joint Director, Higher Education, Pune and the correspondence between respondent no.3 and respondent no.2, indicates that the sanctioned amount is either lying in the office of respondent no.3 or the same has not yet been sanctioned.

2. Issue notice to the respondents, returnable on 14.03.2023. The learned AGP waives service of notice on behalf of all respondents.

3. Considering the cause of action, we are listing this petition in the passing orders category on 14.03.2023."

2. The learned A.G.P. tenders a compilation of three pages with a covering letter dated 13.3.2023, addressed to him by the Assistant Director, Higher Education, Pune. The same is taken on record and marked as "X" for identification. Unpaid amount of gratuity to the extent of the calculations in the light of the 6th Pay Commission Recommendations which were due and payable after superannuation of the Petitioner in May, 2019, has now been deposited in the account of the Petitioner on 27.2.2023. The amount of gratuity calculated as per the 7th Pay Commission Recommendations/ pay scale, has already been paid to the Petitioner.

3. The issue as regards the payment of gratuity is thus closed. The only issue that remains is, as contended by the learned advocate for the Petitioner, that some interest may be granted on the amount of Rs.7,00,000/- which could have been paid to the Petitioner in July, 2019 i.e. after 30 days from the date of superannuation. The learned A.G.P. rightly points out that it is for the department to assess as to who is the cause of the said delay, since the sequence of events set out at page Nos. 2 and 3, below "X" indicate that this issue is at the level of the establishment.

4. In view of the above, this Petition is disposed off, with a direction to the State Government to grant 3% interest p.a. on the amount of Rs.7,00,000/- to be calculated from 1.7.2019 till 28.2.2023

and the same shall be paid to the Petitioner within 60 days from today.

5. We leave it open to the Respondents/competent authority to follow the due procedure laid down in law in order to assess as to who is the cause for this delay and recover the said amount of interest, if such decision is taken by the State, from the person responsible for such delay.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/