

jvs

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

WRIT PETITION NO. 674 OF 2022

Anil Vaman Joshi	}	Petitioner
Versus		
Employees' Provident Fund	}	
Organisation & Ors.	}	Respondents

Mr. A. K. Jalisatgi with Mr. T. R. Yadav i/b.
Mr. Siddhesh S. Shetye for the petitioner.
Mr. Ravi Tattesar for the respondents.

**CORAM: S. V. GANGAPURWALA, Act.CJ.&
SANDEEP V. MARNE, J.**

DATE: MARCH 31, 2023

P.C.:

1. The petitioner has filed the writ petition seeking pension. During the pendency of the writ petition, pension is being paid to the petitioner since December 2022. Now, the matter is being argued to the extent of interest on the pension.

2. It is the case of the petitioner that the petitioner ought to have been paid pension from 19th April 2018. According to the learned advocate, the papers were also forwarded, but the respondents raised a dispute about wrong date mentioned of joining. The petitioner joined the pension scheme in 1981. The employers were changed from time to time and only in respect of one employer, i.e., M/s. KEC, the date of joining was wrongly mentioned by the employer. There was no mistake in any of the papers. The petitioner was paid pension only from December 2022. The petitioner is entitled for interest on the delayed payment of pension at the rate of 12%. p.a. as per clause 17-A of the Scheme.

3. The learned advocate for the respondents submits that the petitioner has committed mistake in submitting the papers. The date of joining is wrongly mentioned with M/s. KEC (employer). In view that in absence of the correct date of joining, it was not possible to calibrate the entire record. The respondents, thereafter, collected the records from other offices and giving the pension to the petitioner. It is the fault of the petitioner in not giving the correct information.

4. We have considered the submissions.

5. It is not disputed that the petitioner retired on or about 9th April 2018 and thereafter, was entitled to pension. However, it appears that the petitioner applied for pension on 1st November 2019. There appears to be small mistake with regard to the date of joining the employer M/s. KEC. The petitioner had mentioned the date of joining with other employers correctly. The date of joining of pension scheme is also not disputed.

6. In light of that, the respondents could have processed the papers. Rule 17-A of the Scheme provides for interest at the rate of 12% p.a. for the delay. Certainly, the respondents ought to have made the payment of pension earlier. It also appears that there was a small mistake committed in giving the date of joining with employer M/s. KEC. Considering the above, we pass the following order: -

The respondents shall pay interest at the rate of 6%. (simple interest) from 1st January 2020 on the delayed payment of pension.

7. With the aforesaid direction, the writ petition is disposed of.
8. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

SALUNKE
J V

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