

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1078 OF 2017

Tukaram Gopal Lad

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Ms. Sonali Pawar i/b Sandeep Dere for the Petitioner.

Ms. R.A. Salunkhe, AGP for Respondent No.1/State.

Mr. Rui Rodrigues for Respondent No.2/University.

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**CORAM : NITIN JAMDAR AND
M.M. SATHAYE, JJ.**

DATE : 19 AUGUST 2024

P.C. :

. Heard learned counsel for the parties. Taken up for final disposal.

2. The Petitioner is seeking a direction to the Respondent/State to pay interest on delayed payment of the pension amount to the Petitioner. The Petitioner was working as 'Library Attendant' in J.J. College of Architecture, who retired on 30 June 2011. Since his pension case was not forwarded, he approached the Pension Lok Adalat, which disposed of the case of the Petitioner on 5 July 2014 by recording the statement that all the requirements for the purpose

of grant of pension to the Petitioner have been fulfilled and the matter is forwarded to Account General, Maharashtra for passing the pension order. The Petitioner received the pensionary benefits in the year 2015 in the month of February-March. It is in these circumstances that the Petitioner is seeking interest on delayed payment. It is Petitioner's specific case that no departmental inquiry/preliminary inquiry or criminal proceedings were pending against the Petitioner.

3. This Court on 12 December 2018, after hearing all the parties passed the following order :

"1. Heard learned Counsel appearing for the petitioner, the learned AGP for the first respondent and the learned Counsel appearing for the second respondent.

2. The grievance of the petitioner is regarding the failure to grant pension was placed before the Lok-Adalat on 5 July, 2014 when a statement was recorded of the Director of Technical Education that requirements for the purpose of get of pension have been fulfilled and the matter is forwarded to the Accountant General for passing pension order. The grievance in the petition is that, there was inordinate delay in acting upon the said statement as the petitioner received benefits in February and March, 2015.

3. We direct the respondents to file an Affidavit-in- reply within a period of one month from today. No further time shall be granted.

4. Place the petition on 23 January, 2019 under the caption of 'fresh admission'.

5. Parties are put to notice that an endeavour

shall be made to finally dispose of the petition at the stage of admission.”

(emphasis supplied)

4. It is clear from the above order that the statement made before the Pension Lok Adalat was noted by this Court and thereafter the Respondents were directed to file affidavit-in-reply within 1 month. It is specifically ordered that no further time shall be granted.

5. The matter has thereafter remained pending from 2017 till today i.e. for about 7 years. Till date, no affidavit-in-reply is filed either by the State Government or the University. Therefore the factual assertions made in the petition have gone uncontroverted. Therefore, the petitioner is entitled to the interest on delayed payment.

6. In that view of the matter, the petition is allowed in terms of prayer clause (a), which reads thus:

“a) This Hon’ble Court may be pleased to direction to the Respondents to issue interest on delayed payment @ 8.7% per annum for the delayed payment by the Respondent or as per the chart provided by the Petitioner vide letter dated 01.03.2016.”

7. It is clarified that the letter dated 1 March 2016 is at Exhibit ‘A’ page 11A of the petition, calculating the interest from 1 January 2012. The payment of due interest to be made within 6 weeks from today.

8. Writ Petition is disposed of in the above terms. No costs.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)