

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13768 OF 2024

Mr. Ramaswamy K.

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Priyank Daga, Advocate for the Petitioner.

Ms. D.S. Deshmukh, AGP for Respondent Nos.1 to 4.

Mr. H.P. Giri i/by Mr. Pankaj Deokar, Advocate for Respondent No.7.

CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.

DATE : 9th DECEMBER, 2024

P.C. :-

1. The only issue raised in this Petition is as regards calculation of interest on the delayed payment of pension amounts.

The Petitioner superannuated on 30th September, 2001. He was suspended pending disciplinary proceedings on 20th March, 1999.

On 12th January, 2000, he was reinstated in service. Respondent No.3 found the Petitioner guilty of misappropriation and issued a punishment order on 13th July, 2001. His Appeal was dismissed on 5th December, 2001.

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2. This Court set aside the order dated 5th December, 2001, restored the Appeal and directed a re-hearing. On 26th February, 2007, the Petitioner was exonerated of all the charges in the said departmental Appeal, and his period of suspension was treated as 'on duty'. The withheld pension was released in April-2008. Interest amount was not paid.

3. The learned Advocate for the Petitioner, submits on instructions that a comprehensive representation praying for interest calculated as per the statutory provisions, would be tendered to the Chief Executive Officer, Zilla Parishad, Pune within 15 days and thereafter, the Zilla Parishad may carry out its own calculation and pass an appropriate order, within a time frame.

3. In view of the above, this **Writ Petition is disposed off.**

4. The Petitioner shall tender the representation within 15 days, addressed to the Chief Executive Officer, Zilla Parishad, Pune. The said Authority shall scrutinize the representation, shall peruse the statutory provisions applicable for calculating interest, and pass

an appropriate order within 45 days. If the Petitioner is held eligible for the interest component, the said amount shall be paid to the Petitioner within 45 days thereafter. If the Petitioner is aggrieved by the order or a part thereof, he would be at liberty to avail of a remedy as is permissible in law.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)