



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2735 OF 2023

Ramesh S/o Papalal Bagalekar, Kaulkheda, Akola
-vs-

Maharashtra Jeevan Pradhikaran Thr. Member Secretary, New Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri S. D. Chopde, Advocate for petitioner.
Shri A. Y. Kapgate, Advocate for respondent Nos.1 to 3.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.
DATE : May 09, 2024

Civil Application (CAW) 1265/2024

1. For the reasons mentioned in the application and in view of no objection of the learned counsel for the respondents, prayer for amendment is allowed. Amendment be carried out forthwith. Civil Application is disposed of.

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2. The petitioner is already paid gratuity. Arrears of pension is also not disputed. As such issue which needs to be looked into is about payment of interest on delayed payment.

3. The prayer is objected by Shri A. Y. Kapgate, learned counsel appearing for respondents-employer on the ground that there is no policy for payment of interest on the amount of arrears.

4. In our opinion, the issue is settled by catena of judgments that in case there is delay in payment of pension and retiral benefits

including that of gratuity at the end of employer, the employee is entitled to interest on such delayed payment. As far as delay in payment of gratuity is concerned, the statute itself prescribes payment of interest at the rate of 10% per annum if such payment is made beyond the period of one year.

5. As far as pension is concerned, in our opinion the claim to the extent of 9% interest per annum cannot be granted as the prevailing rate of interest would be 7% per annum for senior citizens.

6. At this stage Shri A. Y. Kapgate, learned counsel appearing for respondent-employer submits that the issue be left to the respondents-employer who are looking into the issue on 14/05/2024.

7. As such we dispose of the writ petition with a direction to the respondent-employer to take decision on the issue of payment of interest on the amount of arrears in the light of observations made herein above.

8. No costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)