



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

WRIT PETITION NO. 5724 OF 2024

State of Maharashtra and others...Vs... Prakash Tulshiram Nagdeve

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.S.Fulzele, Addl.GP for the petitioners.
Mr. N.D.Thombre, Adv. for the respondent.

CORAM: NITIN W. SAMBRE AND
SMT. VRUSHALI V. JOSHI, JJ.

DATED : 12TH NOVEMBER, 2024.

Heard.

2. The challenge is to the impugned order/ judgment dated 17/07/2023 delivered in Original Application No.350 of 2022 passed by the Maharashtra Administrative Tribunal, Nagpur Bench, Nagpur.

3. The learned Tribunal vide said order, directed the petitioners/State to calculate the extent of delay and pay interest on account of belated payment of retiral benefits to the respondent as provided under Rule 129-A/129-B of the Maharashtra Civil Services (Pension) Rules, 1982. The directions were to be complied with within a period of three months from the date of order i.e. 17/07/2023.

4. Mr. Fulzele, learned Additional Government Pleader would strenuously urged that the learned Tribunal has failed to appreciate that due to COVID-19, the delay was caused in releasing the pernsonary benefits to the respondent.

5. According to him, the fact remains that the Apex Court in exercise of powers under Article 141 of the Constitution of India has extended the limitation and in such an eventuality, it cannot be said that the petitioners-State have failed to discharge its statutory liability within the period prescribed.

6. As against above, Mr.Thombre, learned Advocate for the respondent would submits that the order impugned is justified as the Tribunal has rightly recorded a finding that the extension of period of limitation does not mean that the statutory period prescribed under the Statute for compliance of the obligation is extended.

7. We have considered the rival claims.

8. It appears that under Rules 129-A and 129-B of the Maharashtra Civil Services (Pension) Rules, 1982, it is mandatory to release the pensionary benefits within the time stipulated, which the petitioners have failed to do.

9. The only reason stated for non-compliance is the COVID-19 pandemic and the directions of the Apex Court.

10. We hardly notice any such directions issued by the Apex Court, whereby the statutory obligations on the part of the State were not to be discharged within the statutory period.

11. The Tribunal rightly interpreted the directives of the Apex Court in the matter of extending the limitation.

12. No error could be noticed in the approach of the Tribunal.

13. That being so, the petition has no merit. Hence, the same is dismissed. No order as to costs.

(SMT. VRUSHALI V. JOSHI, J.) (NITIN W. SAMBRE, J.)