



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

WRIT PETITION NO. 1205/2025

The State of Maharashtra and Anr. Vs. Prakash Gulabrao Kale

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N. S. Rao, A.G.P. for Petitioners.

CORAM : NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.
DATED : 10/03/2025.

The respondent entered in the services of the State Government in the capacity of employee of Finance Department in the Maharashtra Finance and Account Services as an Assistant Accounts Officer on 29.06.1996. After having completed 12 years service on 29.06.2008 he was extended benefit of Assured Progression Scheme vide order dated 17.07.2009.

2. Subsequent thereto, he was granted ad-hoc promotion as an Account Officer as per the order of the State Government dated 31.05.2010 on which post he joined on 01.09.2010.

3. Subsequent thereto, since there was a stagnation, the respondent employee was entitled for the benefit of second Assured Progression Scheme which was extended to the respondent employee on the date in point of time viz. during pendency of his Original Application No.869/2023.

4. The Maharashtra Administrative Tribunal where the respondent employee has sought release of the said amount has recorded a finding that during the pendency of

the Original Application, the second benefit is released, however, the same was without interest. The Tribunal accordingly, vide order dated 27.09.2024 proceeded to award interest at 6% p.a. on the delayed payment. The said order dated 27.09.2024 passed by the Administrative Tribunal is questioned on the ground that the delay in extending the benefit was on administrative ground.

5. It is claimed that the ACRs for the year 2011 to 2016 were not submitted by the reporting authority as per the schedule. It is further claimed that even otherwise, the order impugned lacks reasons and that being so, the order impugned warrants interference in extraordinary jurisdiction.

6. We have considered the aforesaid submissions canvassed by Mr. Rao, learned Assistant Government Pleader.

7. We are sensitive to the fact about the entry of the respondent employee in the service of the State Government on 29.06.1996 and the first benefit of Assured Progression Scheme extended to the respondent employee vide order dated 17.07.2009.

8. It is also not in dispute that the respondent employee was entitled for the second benefit post his superannuation on 31.05.2020. Vide order dated 31.12.2021, second time-bound promotion viz. the benefit of the Scheme was extended. Since there is a delay, the Tribunal proceeded to record an order of directing 6% p.a. interest to be paid on delayed payment.

9. Though Mr. Rao, learned Assistant Government Pleader has strenuously urged that the Tribunal has not recorded the reasons in support of the finding for grant of interest and the delay was caused due to administrative reasons, we see no default on the part of the respondent employee in the matter of extension of benefits of such an Assured Progression Scheme.

10. It is for the petitioners that they should have submitted the proposal within time bound manner. In the reply in para 4 and 5 to the original application, though it is specifically claimed that the confidential report of the respondent employee from 2011 to 2016 were not received within time, such failure was on the part of the petitioners and its officer, for the same the respondent employee cannot be blamed for.

11. Apart from above, the fact remains that the respondent employee being entitled for such benefit is apparent as the petitioners on their own extended such benefit to the respondent employee vide order dated 31.12.2021.

12. As regards the substance of the reasons by the Tribunal is concerned, the Tribunal in fact has noted that post superannuation of the respondent employee on 31.05.2020, the benefits were extended to the other employees but not to the respondent though he is similarly placed.

13. As such, the Tribunal was sensitive to the aforesaid failure on the part of the petitioners in extending the benefits and as such rightly so directed payment of

interest.

14. No error of law could be noticed, the petition lacks merit and as such it stands dismissed.

15. In case, if the petitioners faces any difficulty in the matter of calculation of the interest from the due date, it shall be open for the petitioner to go for clarification before the Tribunal

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