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

WRIT PETITION NO. 1598 OF 2024

PETITIONER : Dr. Rajendra S/o. Madhavrao Ujjankar, Aged – 69 Years, Occ. Retired, R/o. Ashirwad, 174, Reshimbag, Nagpur.

//VERSUS//

RESPONDENTS :

1. State of Maharashtra, through its Principal Secretary, Animal Husbandry, Dairy Development and Fisheries, Mantralaya, Mumbai – 440032.

2. The Commissioner, Animal Husbandry, Maharashtra State, Aundh, Pune – 67.

3. District Animal Husbandry Officer, Zilla Parishad, Nagpur.

4. Accountant General (MH-II), Civil Lines, Nagpur.

Mr. N.S. Warulkar, Advocate for the Petitioner.
Ms. S.S. Jachak, Additional Government Pleader for Respondent Nos.1, 2 & 4/State.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 16th JANUARY, 2026.

ORAL JUDGMENT (PER : RAJ D. WAKODE, J.)

Heard Mr. N.S. Warulkar, learned counsel for the petitioner, and Ms. S.S. Jachak, learned Additional Government Pleader for respondent Nos.1, 2 & 4/State.

2. **Rule**. Rule made returnable forthwith. Heard finally with the consent of the parties.

3. The present petitioner has approached this Court seeking challenge to the judgment dated 13.03.2020 passed by the learned Maharashtra Administrative Tribunal, Nagpur Bench, Nagpur (for short, "the learned Tribunal") in Original Application No.184/2019, so also the order dated 04.10.2023 passed by the learned Tribunal in Review Application No.03/2021.

4. The present petitioner, the original applicant, had approached the learned Tribunal by filing Original Application No.05/2012, which came to be allowed by the learned Tribunal *vide* judgment dated 15.09.2015, in which following order was passed:

> *"9. In the result, O.A. succeeds in the following terms:-*
> *(i) Service of the applicant as Live Stock Development Officer w.e.f. 16.04.1993 stands, regularized. Consequently, he shall be entitled for regular increments of his pay as per rule, provided there was no snag of any nature in releasing the increment of a particular year.*
> *(ii) It is further declared that, the applicant stood retired from regular service w.e.f. 30.04.2012 and shall be entitled for gratuity, pension and other retiral benefits as per rules.*
> *(iii) Entire process of payment of arrears on account of salary and pension shall be completed within six months from the date of receipt of this order."*

5. Since the respondents had made the payment belatedly, the present petitioner approached the learned Tribunal by filing Original Application No.184/2019, seeking a declaration that he is entitled to interest at the rate of 18% per annum on the amounts received

belatedly without his fault, and accordingly prayed for directions to the respondents to pay interest at the said rate.

6. The respondents appeared before the learned Tribunal and filed their reply, pointing out a table regarding the dates of payment of pensionary benefits under various heads. The Tribunal reproduced the relevant portion of the reply along with its findings in paragraph 3 of its judgment, which reads as under:

> *"3. In reply by respondent Nos.1 & 2 on P.B., Pg. No. 72 following table is given regarding retirement benefits paid to the applicant which are below:-*

Sr. No.	*Item*	*Amount*	*Date of Payment*
1.	*G.P.F. 90%*	*1,84,037/-*	*20.03.2012*
2.	*G.I.S.*	*90,320/-*	*12.06.2012*
3.	*G.P.F. Final*	*1,77,534/-*	*10.09.2012*
4.	*D.C.R.G.*	*2,88,420/-*	*06.09.2016*
5.	*Pay & Allowances*	*8,25,725/-*	*19.09.2016*
6.	*Leave Encashment*	*5,00,940/-*	*24.10.2016*
7.	*Commutation*	*5,81,601/-*	*24.10.2016*

> *The order of Tribunal was passed on 15.09.2015 and in order it was mentioned that entire process should be completed within six months from the date of this order. From 15.09.2015 six months period will expire on 15.03.2016. However, from the chart in para no. 3 above its seems that many payments have been made after 15.03.2016."*

7. Thus, the learned Tribunal specifically observed that the judgment was passed on 15.09.2015 and the six-month period expired on 15.03.2016, whereas the chart demonstrates that several payments were made thereafter.

8. It would be appropriate at this stage to refer to Section 129(B) of the Maharashtra Civil Services (Pension) Rules, 1982 (for short, "the Rules of 1982"), which reads as under:

> *129(B). Interest on delayed payment of Pension:- If the payment of pension has been authorised after six months from the date when its payment became due and it is clearly established that the delay in payment was attributable to administrative lapse, interest at the rate of 10 percent per annum in respect of the period beyond six months shall be paid on the amount of pension:"*

9. In our considered opinion, after examining the dates of payment of retiral benefits and considering the provisions of Section 129(B) of the Rules of 1982, the learned Tribunal was not justified in granting a further grace period of six months to the respondents, which, according to the Tribunal, would expire on 15.09.2016. It is an admitted fact that the retiral benefits became due on 15.09.2015. The grace period, as mentioned in Section 129(B) of the Rules of 1982, starts from 15.09.2015 when the retiral benefits became due, and the said grace period of six months expired on 15.03.2016. Thus, the respondents became liable to pay interest at the rate of 10% per annum for the period beyond 15.03.2016. In our view, the learned Tribunal was not justified in extending the said grace period by further six months from 15.03.2016 to 15.09.2016, which is in violation of the provisions of Section 129(B) of the Rules of 1982.

10. In view of the above, the impugned judgment dated 13.03.2020 passed by the learned Tribunal in O.A. No.184/2019, so

also the order dated 04.10.2023 passed by the learned Tribunal in Review Application No.03/2021 deserve interference by this Court.

11. Ms. S.S. Jachak, learned Additional Government Pleader appearing for the respondents/State, has invited our attention to the affidavit dated 17.07.2025 filed by respondent No.2 – Commissioner of Animal Husbandry, Maharashtra State, Aundh, Pune, wherein it has been specifically stated that the respondents have complied with the order of the learned Tribunal and the payment of interest has been made to the petitioner as per Exhibit R-3. Exhibit R-3 is a table indicating calculation details of the interest, which is as follows:

Exhibit R-3

The table indicating the details of calculation of interest

Details	Due Date	Paid Date	Amount	Delay in days	Rate of interest	Interest calculation Rs.	Paid Date
1	2	3	4	5	6	7	8
Pay and Allowances	15.09.2016	19.09.2016	8,25,725/-	4 Days	10 %	905/-	Total Amount Rs. 12768 /- Cheque No. 044933 Dt.14.09.2020 deposited through RTGS In bank A/c No. 10483129463 of Petitioner
Leave Encashment	15.09.2016	24.10.2016	5,00,940/-	40 Days	10 %	5,489/-	
Commutation	15.09.2016	24.10.2026	5,81,601/-	40 Days	10 %	6,374/-	
						12,768/-	

12. Thus, the respondents have not disputed the petitioner's entitlement to interest on delayed payment. They have only considered the due date of payment to be 15.09.2016. Upon a query made by this Court, learned Additional Government Pleader Ms. S.S. Jachak, upon

instructions, has fairly conceded that the due date, as per the judgment dated 15.09.2015 passed in O.A. No.05/2012, was 15.03.2016.

13. In view of the above, we proceed to pass following order:

ORDER

(i) The writ petition is allowed.

(ii) The impugned judgment dated 13.03.2020 passed by the learned Tribunal in O.A. No.184/2019, so also the order dated 04.10.2023 passed by the learned Tribunal in Review Application No.03/2021, are quashed and set aside.

(iii) The respondents are directed to pay interest at the rate of 10% per annum on the heads as mentioned in paragraph 7(V) of Original Application No.184/2019, which have been received belatedly by the petitioner without his fault, after the due date i.e. 15.03.2016, within twelve weeks from today.

14. Rule is made absolute in the above terms. No order as to costs.

(RAJ D. WAKODE, J.) **(ANIL S. KILOR, J.)**

Vijaykumar

Signed by: Mr. Vijay Kumar
Designation: PA To Honourable Judge
Date: 20/01/2026 18:15:36