

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.1470 OF 2014

WITH

C.A.NO.3826 OF 2015

WITH

WRIT PETITION NO.1477 OF 2014

WITH

C.A.NO.3827 OF 2015.

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.Choudhari Md.Mujeebuddin M.S., advocate for the Petitioners.

Mr.P.V.Barde, advocate for Respondent No.4.

Mrs.S.A.Dhumal, Asstt. Govt. Pleader for the State.

**CORAM : S.V.GANGAPURWALA &
V.K.JADHAV, JJ.**

Date : 23.06.2015.

PER COURT :

1. Heard.
2. Mr. Barde, learned counsel for Municipal Council submits that pursuant to the directions of this Court, Chief Officer, Municipal Council, Udgir, is present in the Court. The explanation given is accepted and he stands discharged.
3. On the last date, we had heard Mr.Choudhari, learned counsel for the petitioners and Mr.Barde, learned counsel for Municipal Council, Udgir. The petitioners are claiming retiral benefits. The petitioner in W.P.No.1470/2014 has retired on

31.7.2012 and petitioner in W.P.No.1477/2014 has retired on 31.8.2010.

4. The learned counsel for Municipal Council handed over the cheques to the learned counsel of the petitioners of the amount as detailed in the order dated 12.6.2015. It is also not disputed that the petitioners have given the pan number to the Respondents.

5. The major grievance of the petitioners stands redressed. The amount of Rs.86,480/- (Rupees eighty six thousand four hundred eighty only) is due and payable by the Municipal Council to the petitioner in W.P.No.1477/2014 and an amount of Rs.81,148/- (Rupees eighty one thousand one hundred forty eight only) is due and payable to the petitioner in W.P.No.1470/2014. The Municipal Council, undertakes to pay the said amount to the respective Writ petitioners within three (3) months.

6. The learned counsel for the petitioners prays for interest at the rate of Rs.18% p.a. According to the learned counsel for the Municipal Council, it is because of the financial crunch, the amount of retiral benefits could not be paid earlier. Today also the Municipal Council is in financial crisis.

7. The Apex Court time and again has laid down that pension is not a bounty but the hard earned money and the property of the employee. The retiral benefits are normally to be paid within six (6) months of the retirement of an employee. Considering the

financial condition of the Municipal Council, it would be inappropriate to grant interest amount at the higher rate. However, in token of having deprived of the use and enjoyment of the said amount for a long time, we award interest at the rate of 6% p.a.

8. In light of that, we pass the following order :

- a) The Respondent Municipal Council shall pay the amount due and payable to the respective petitioners towards difference in 6th Pay Commission within three (3) months. The Respondent Municipal Council shall pay interest at the rate of 6% p.a. on the amount of retiral benefits to be calculated after the lapse of six (6) months after the date of retirement till the amount is paid by the Municipal Council. The said amount of interest be paid expeditiously, preferably within four (4) months.
- b) The Writ Petitions stand disposed of. No costs.
- c) The Civil Applications also stand disposed of.

(V . K . JADHAV , J .)

Dt . 23 . 06 . 2015 .

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(S . V . GANGAPURWALA , J .)

