

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CONTEMPT PETITION NO. 271 OF 2014
IN
WRIT PETITION NO. 3055 OF 2013**

Suryakant Shankarappa Ambulge
and others

.. Petitioners

Versus

Manukumar Shrivastava and others

.. Respondents

Shri Ram Shinde, Advocate for Petitioners.

Shri M. K. Bhosale, Advocate h/f Shri P. V. Barde, Advocate for
Respondent Nos. 3 and 4.

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

DATE : 25TH JUNE, 2015.

PER COURT :

. The contempt petition is filed for non adherence to the order of the Court for payment of retiral benefits.

2. After filing of the present contempt petition, it is not disputed by the petitioners as well as the respondents that, amount towards retiral benefits except difference amount of 6th Pay Commission has been paid. The learned counsel for respondent Nos. 3 and 4 assures that, the difference of 6th Pay Commission shall be paid within a period of one month from

today to the petitioners. The said statement is accepted.

3. The petitioners stood retired in the year 2009 and 2010 respectively. It is submitted by respondents that, the retiral benefits could not be paid earlier because of the weak financial condition of the respondent/Municipal Council.

4. In any event, the petitioners were deprived of the use and enjoyment of amount of retiral benefit. Considering the financial condition of the respondents and the right of the petitioners, equities will have to be adjusted with regard to payment of interest.

5. In the light of the above, we pass the following order.

6. The respondent Nos. 3 and 4 shall pay difference of 6th Pay Commission to petitioners as agreed by them within a period of one (1) month from today. The respondents shall also pay interest at the rate of 6% per annum on the retiral benefits paid for a period after the lapse of six (6) months from the date of retirement till the amount of retiral benefits is paid. The contempt petition accordingly is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/June 15