

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

WRIT PETITION NO. 6976 OF 2013

Narsingrao Balaji Kathare
Since deceased through his L.Rs.
Smt. Arunabai Narsingrao Kathare .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Dr. S. K. Patil, Advocate for the Petitioner.
Shri A. S. Shinde, A.G.P. for the Respondent No. 1.
Shri Satyajit S. Bora, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
V. L ACHLIYA, JJ.**

DATE : 16TH FEBRUARY, 2015.

PER COURT :

. Mr. Patil, the learned counsel for the petitioner submits that, the deceased had retired in the year 2008 and thereafter expired on 25th December, 2013. The petition is being prosecuted further by his widow. The learned counsel submits that, the retiral benefits are not paid, nor the difference of VIth Pay Commission is also paid. The respondents be directed to pay the same.

2. Mr. Bora, the learned counsel for the respondent No. 2 submits that, the retiral benefits to which the deceased was

entitled too are to the tune of Rs. 4,32,198/- and difference of VIth Pay Commission would come to Rs. 84,122/-. The respondent No. 2/Municipal Corporation is in a financial problem, as such would endeavour to make the payment, but is not in a position to make the payment of lump-sum amount. The respondent No. 2/Municipal Corporation would pay Rs. 4,32,198/- to the petitioner within a period of four (4) months and as far as arrears of VIth Pay Commission are concerned, the same would be paid at the rate of Rs. 500/- per month as paid to other employees.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The retiral benefits are not being paid, is not disputed by respondent No. 2/Corporation. The respondent No. 2 has put forth reason of financial exigencies. Considering the above, we pass the following order.

5. The respondent No. 2/Municipal Corporation shall pay an amount of Rs. 4,32,198/- to the petitioner within a period of four (4) months from the date of this order. The respondent No. 2 shall also go on paying arrears of VIth Pay Commission to the petitioner at the rate of Rs. 500/- per month.

6. The petitioner certainly would be entitled for the interest for the delayed payment. Considering the financial position of the respondent No. 2/Municipal Corporation, the respondent No. 2/Municipal Corporation shall pay the outstanding amount of Rs. 4,32,198/- along with interest at the rate of Rs. 6% per annum from the date of lapse of six (6) months from the retirement of the petitioner till its realization. The writ petition accordingly is disposed of with aforesaid observations and directions. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]