

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8672/2014

1] Laxman Arjun Kedare
Age 63 years, Occu-Pensioner
R/o Rahul Nagar, Ambad Road
Jalna.

2] Omprakash Punjaji Bhise
Age 6t years, Occu-Pensioner
R/o Koshti Galli,Kadrabad
Jalna.

..PETITIONERS

Versus

1] The State of Maharashtra
Through the Director of Municipal
Administration, State Transport Service
Building, IIIrd Floor, Warli
Mumbai-400 030

2] The District Collector
Jalna, District Jalna
(Copy to be served on GP of the
Bombay High Court at
Aurangabad)

3] The President,
Municipal Council
Jalna

4] The Municipal Council
Jalna, Through its
Chief Officer.

..RESPONDENTS

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Mr.B.R.Kedar,Adv. For petitioners
Mr.D.V.Tele ,AGP for respondent State.
Mr.S.R.Bagal,Adv. for R.4.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 15th January, 2015.**

P.C. :

Mr.Kedar, learned counsel for petitioners submits that the petitioners have retired long back, however, they have not been paid retiral benefits till today. According to the learned counsel, getting retiral benefits is the right of the petitioners. The respondents be directed to pay the said retiral benefits including difference of the arrears as per 6th Pay Commission expeditiously alongwith interest at the rate of 12% p.a.

2] Mr.Bagal, learned counsel for respondent-municipal council submits that the respondents are not denying their liability to pay the retiral benefits, so also difference of arrears of salary as per 6th Pay Commission but due to the weak financial condition of the Municipal council, said amount cannot be paid immediately. The respondents have shown their bonafide by paying part payment. The details of which have been given in the affidavit in reply.

3] Time and again the Apex Court has held that the retiral benefits are not bounty but it is a hard earned money of an employee. The respondents have not disputed entitlement of the petitioners to get the retiral benefits including the arrears of salary as per 6th Pay Commission, however, they have come forward with the plea of financial constraint.

4] Considering the aforesaid aspects of the matter and balance of equities, we pass the following order :

a] The respondents shall pay the remaining retiral benefits to the petitioners including the difference of the arrears of salary as per 6th Pay Commission expeditiously preferably within a period of six months. Considering weak financial condition of the municipal council, the respondent municipal council shall pay the said amount alongwith interest on the unpaid amount at the rate of 6% p.a,

5] Writ Petition is disposed of with above directions. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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