

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

WRIT PETITION NO. 10554 OF 2014

Rupchand Hariba Bakale

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Paresh B. Patil, Advocate for the Petitioner.

Shri D. B. Bhange, A.G.P. for the Respondent No. 1.

Mrs. Manisha Deshpande, Advocate for the Respondent No. 2.

Shri S. V. Kurundkar, Advocate for the Respondent No. 5.

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

DATE : 07TH JULY, 2015.

PER COURT :

. Heard Mr. Patil, the learned counsel for the petitioner and Mr. Kurundkar, the learned counsel for the respondent No. 5. In fact, major grievance of the petitioner stands redressed as in the affidavit in reply it has been clearly stated that the suspension of the petitioner has been regularized.

2. Mr. Patil, the learned counsel for the petitioner prays for interest on the amount of pensionary benefits. Mr. Kurundkar, the learned counsel for the respondent No. 5 states that, though in the year 2002 the petitioner was acquitted, still the appeal was

filed and the appeal is decided in the year 2013. The matter is old one and the papers were at Mumbai. The State had taken some time to take decision. There was no deliberate delay on the part of respondents.

3. Time and again it has been held by the Apex Court and this Court that the retiral benefit is not bounty, but it is hard earn money of a employee. Though the petitioner has retired in the year 2001, he could not get the retiral benefits earlier. Considering the above, the petitioner would be entitled for interest on the delayed payment of retiral benefits at the rate of 8% per annum from 2002 that is when the petitioner was acquitted in the criminal case.

4. Considering the aforesaid reply, the respondents shall pay the retiral benefits of the petitioner along with interest at the rate of 8% per annum from 2002 that is when the petitioner was acquitted in the criminal case expeditiously and preferably within a period of three (3) months from today. The writ petition is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]