

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 4139 OF 2013

Transport Manager,  
Solapur Municipal Corporation  
and anr.

.....Petitioners

: V/S :

Shri. Nagnath Ambadas Jadhav

.....Respondent

\* \* \* \* \*

Mr. Vijay Killedar, Advocate for the petitioners.

Mr. Prasad Kulkarni, Advocate for the respondent.

\* \* \* \* \*

**Coram :- Smt. R.P. SondurBaldota, J.**

**28<sup>th</sup> July, 2015.**

**P.C. :-**

1). The petitioner is Solapur Municipal Corporation. It challenges the order dated 29<sup>th</sup> August, 2012 passed by the Industrial Court, Solapur on Complaint (ULP) No. 18 of 2010 which directs the petitioner to pay pensionary benefits of Rs.1,72,700/- to the respondent alongwith interest at the rate of 9% p.a. from the date of the complaint till realisation of the entire amount. The petitioner does not dispute that the amount of Rs.1,72,700/- is the quantum of the pensionary benefits payable to the respondent and also that the amount is not paid till date.

The grievance of the petitioner is not about the liability to pay the pensionary benefits but about the interest awarded by the Industrial Court to the respondent on that amount. There is no dispute that, since the date of his retirement in the year 2008 till date the pensionary benefits have not been paid to the respondent. Mr. Killedar, learned Advocate appearing for the petitioner submits that because of the financial difficulties, the petitioner has been paying the pensionary benefits in installments to its employees who have retired from service and therefore the award of interest on the amount of pensionary benefits to the petitioner would not be justifiable.

2). The petitioner cannot be heard to complain the Award of interest, since the petitioner has not paid any amount by way of installment to the respondent till date. Thus, there is no substance in the challenge to the impugned order. The petition is therefore dismissed.

**(SMT. R.P. SONDURBALDOTA, J)**