

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9352 OF 2014**

Thane Municipal Transport Petitioners
Undertaking & Ors.

Vs.

Mr. Shaukat Rasul Shaikh Respondent

Mr. R.S. Apte, Senior Counsel Mr. Mandar Limaye, Advocate
for the Petitioner.

Mr. Raja M. Yamgar, Advocate for the Respondent.

**WITH
WRIT PETITION NO.9351 OF 2014**

Thane Municipal Transport Petitioners
Undertaking & Ors.

Vs.

Mr. Dattatraya Shankarrao Takalkar Respondent

Mr. R.S. Apte, Senior Counsel Mr. Mandar Limaye, Advocate
for the Petitioner.

Mr. Shaikh M. Aslam, Advocate for the Respondent.

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

Date : 12th August, 2015

P.C.

1 The petitions challenge the interim orders dtd.19th September, 2014, by which the petitioner is directed to pay difference of dearness allowance as per 5th and 6th Pay Commissions to the respondents alongwith the retirement benefits.

2 Pursuant to the interim order passed, in the present petitions, the petitioner has deposited the amount of difference of dearness allowance in this court and the respondents have already withdrawn the same. They have, however raised a dispute as regards the quantum of the difference. According to them, the deposit cannot be said to satisfy the impugned order and contend that they are entitled to more amount under the 5th and 6th Pay Commissions. The main complaint is still pending for hearing. Therefore, any dispute as regards the quantum of the difference in dearness allowance paid, as always be taken up at the final hearing of the complaint. In view of deposit of the amount of difference and it's withdrawal by the respondents, the orders impugned in the petitions are substantially complied with and nothing survives in the petitions for consideration of the court. The same are accordingly disposed off.

(Smt. R.P. SondurBaldota, J)