

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2276/2015

(SHAKUN DAYARAM BAGHELE **VERSUS** MUNICIPAL COUNCIL, TUMSAR)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. Vijaya Thakre, counsel for the petitioner.
Shri M.I. Dhattrak, counsel for the respondent.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : DECEMBER 15, 2015.

By this petition, the petitioner seeks a direction to the respondent-Municipal Council to release the retiral benefits of the petitioner, with interest.

It is the case of the petitioner that though the petitioner voluntarily retired from service on 31.07.2012, the respondent-Municipal Council has not paid the entire retiral benefits to the petitioner. It is stated that admittedly, the retiral benefits to the extent of Rs.3,10,026/- have not been paid by the respondent-Municipal Council.

Shri Dhattrak, the learned counsel for the respondent, states that the respondent does not dispute that an amount of Rs.3,10,026/- is payable to the petitioner. It is stated that the financial condition of the Municipal Council is very weak and the retiral benefits are liable to be paid to nearly sixty employees. It is stated that the unpaid retiral benefits cannot be paid to the petitioner in lump sum, considering the weak financial condition of the Municipal Council. It is stated that appropriate orders may be passed in the circumstances of the case.

On hearing the learned counsel for the parties, it appears that it would be necessary to direct the respondent-Municipal Council to pay the amount of Rs.3,10,026/- to the petitioner in installments, in the circumstances of the case.

Hence, we dispose of the writ petition with a direction to the respondent-Municipal Council to pay the retiral benefits to the petitioner in six installments. In the first five monthly installments, beginning from January, the respondent should pay a sum of Rs.50,000/- to the petitioner and in the sixth monthly installment, the respondent-Municipal Council would pay a sum of Rs.60,026/- to the petitioner.

Order accordingly. No costs.

JUDGE

JUDGE

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