

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

WRIT PETITION NO. 4003 OF 2015

Smt.Rajani Avinash Patwardhan and 20 others

-vs-

Municipal Council, thr.its Chief Officer, Karanja (Lad) and 3 others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.K.B.Gurbani, counsel for the petitioners.
Mr. P. P. Deshmukh, counsel for the respondent No.1.
Mr. N. S. Rao, AGP for the respondent Nos.2 to 4.

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

DATE : 17.12.2015.

By this petition, twenty one petitioners-employees of the Municipal Council, Karanja (Lad) have sought a direction to the respondents to release the retiral dues i.e. gratuity and leave encashment to the petitioners with interest. The petitioners have also sought a declaration that the action on the part of the Municipal Council of diverting some of the amount payable to the petitioners towards their retiral dues to the M.C. Employees Credit Cooperative Society, Karanja and Gurudeo Credit Cooperative Society, Karanja is illegal and unauthorized. Certain other ancillary relief is also sought by the petitioners.

Today, when the matter came up for hearing before this Court, neither is the counsel for the petitioner, nor is the counsel for the respondent-Municipal Council, in a position to inform this Court what amount is due and payable to each of the petitioners towards their retiral benefits. It is not stated in the petition as to what amount is payable to each of the petitioners towards gratuity or leave encashment. Twenty one retired employees have joined together and filed this petition for release of the retiral benefits,

without even mentioning what is the amount due and payable to each of the petitioners. Also, it is not clear as to what amount in respect of each of the petitioners was diverted to the Credit Cooperative Societies. Normally, the Zilla Parishad and the Municipal Council employees file separate petitions for seeking a direction to these local authorities for payment of their retiral benefits. Even if, we pass an order directing the respondent-Municipal Council to pay the retiral dues, there would be some disputes and problems, as the petitioners may not agree on the amount that would be paid by the Municipal Council. Normally, in every petition that is filed for seeking the retiral benefits, the amount that is liable to be paid by the local authority towards each of the items-retiral benefits is mentioned separately and the said amount is mentioned in the prayer clause so that the Zilla Parishad or the Municipal Council can verify the position and can either admit or deny the claim or a part of the claim. The petition as vague as it could be.

In the circumstances of the case, we permit the petitioners to file separate petitions claiming their retiral benefits.

The writ petition is disposed of. No costs.

JUDGE

JUDGE