

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.5659/2013

Sudama Gapala Khillare **VERSUS** Nagar Parishad, Mehkar and others.

WRIT PETITION NO.5678/2013

Fattekha Hasankha **VERSUS** Nagar Parishad, Mehkar and others.

WRIT PETITION NO.5777/2013

Kisan Gapala Manvatkar **VERSUS** Nagar Parishad, Mehkar and others.

WRIT PETITION NO.5961/2013

Chandrakant Lalsingh Joharle **VERSUS** Nagar Parishad, Mehkar and others.

WRIT PETITION NO.6335/2013

Dattatraya Vishnu Apre **VERSUS** Nagar Parishad, Mehkar and others.

WRIT PETITION NO.6336/2013

Namdeo Laxman Pawar **VERSUS** Nagar Parishad, Mehkar and others.

WRIT PETITION NO.6337/2013

Rajabhau Krishnappa Mahimane **VERSUS** Nagar Parishad, Mehkar and others.

WRIT PETITION NO.6809/2013

Pralhad Ashru Ubale **VERSUS** Nagar Parishad, Mehkar and others.

WRIT PETITION NO.6810/2013

Vishvambhar Sitaram Gaikwad **VERSUS** Nagar Parishad, Mehkar and others.

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

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI
& A.P. BHANGALE, JJ.

DATED : JANUARY 14, 2015.

Heard Shri P.S. Sadavarte, learned Counsel
for the petitioners, Shri A.R. Deshpande, learned

Counsel for respondent no.1 and learned A.G.P. for respondent nos. 2 and 3.

Shri Sadavarte, learned Counsel appearing on behalf of petitioners has invited attention to earlier orders of this Court in Writ Petition No. 3030/2011 passed on 18.11.2011. He submits that at that time retirement dues were to be paid to 143 employees and an amount of Rs.1,80,33,168/- was required by the Municipal Council, for that purpose. Proposal sent to the State Government seeking said amount was not pursued and payment was made to concerned petitioners only. He has also invited attention to orders passed by this Court on 08.08.2014 in Writ Petition Nos. 918, 919, 920 and 921 of 2014. He points out that after this Court issued notice of contempt, because of failure of respondents to file reply, immediately payment of pension and other dues has been made to those petitioners, and a statement was accordingly made on 13.08.2014 itself.

Learned A.G.P. as also Shri Deshpande, learned Counsel appearing for respective respondents

are pointing out the facts relevant for adjudication of the present petitions. They state that here gratuity amount has been paid to all the petitioners and some of them have already been paid the amount of leave encashment. They are receiving current pension, and arrears are to be cleared. There are other such persons and only 9 are before this Court. The regular salary of staff is in arrears since last 3 to 5 months.

Shri Sadavarte, learned Counsel for petitioners points out that the petitioners before this Court stood retired either in 1997 or 1999 and last of them retired in the year 2010. He contends that the retirement dues including amount of provident fund, gratuity, leave encashment etc., are payable immediately after retirement to enable them to meet the liabilities which till then have crystallized. Delay has prejudiced the prospects of families and family members. He is therefore opposing any adjournment.

He submits that Municipal Council ought to have properly pursued the proposal submitted in terms of order dated 18.11.2011 in Writ Petition No.

3030/2011. He also argues that only few have succeeded in recovery of entire amount, but, out of turn.

We find that in Writ Petition No. 3030/2011, Shri Sadavarte, learned counsel had only appeared for the petitioner. Even in Writ Petition Nos. 918, 919, 920 and 921 of 2014, he only represented the petitioners. He therefore, could have pointed out to the Court that other persons who have retired earlier are still waiting for their dues.

In this situation, we find interest of justice can be met with by directing the State Government to take appropriate decision on the proposal submitted by the respondent Municipal Council on 06.08.2011, seeking assistance of Rs. 1,80,33,168/- for paying dues of 143 employees. Said proposal shall be considered within a period of 6 months from today.

Needless to mention that the Municipal Council as also respondents shall arrange to pay all outstanding dues of present petitioners and other similarly situated employees, with interest in terms of

provisions of Rule 129(A) and (B) of the Maharashtra Civil Services (Pension) Rules, 1982, within said period.

' With these directions, we allow the Writ Petitions and dispose of the same. No costs.

Rgd

JUDGE

JUDGE