

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

WP NO.982/2016

934 WRIT PETITION NO. 982 OF 2016

KHAJA ZAHEER KHAN ABDUL RAZZAK KHAN

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr.M.M.Choudhari
AGP for Respondents State: Mr.P.G.Borade
Mr.Barde Parag Vijay, Adv., for R/4.

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CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: February 24, 2016

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PER COURT :-

1. Heard. The learned Counsel for the petitioner submits that though the petitioner retired from service of respondent no.4 on 1st of March, 2015, and though he is entitled for pensionary and service benefits, till date, same is not paid to him even after several requests to respondent no.4. He further submits that on delayed payment by respondent no.4, this Court may order payment of interest at the rate of 18 per cent per annum.

2. Learned Counsel appearing for respondent no.4 invited our attention to the order passed by the Division Bench of this Court in Writ Petition No.1470/2014 and connected writ petition thereto in case of Somkant Hari Dixit Vs. The State of Maharashtra and others, and submits that, in similar fact situation, the said order is passed. Therefore, this Court may pass appropriate orders, keeping in view the said order passed in afore mentioned writ petition.

AGP/-

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(2)

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3. We have heard the Counsel appearing for the parties. There is no dispute that the petitioner stood retired from the service of respondent no.4 on 1st March, 2014, and till date, respondent no.4 has not paid the retiral benefits to the petitioner.

4. The Apex Court time and again has laid down that pension is not a bounty but the hard earned money and the property of the employee. The retiral benefits are normally to be paid within six (6) months of the retirement of an employee. Considering the financial condition of the Municipal Council, it would be inappropriate to grant interest amount at the higher rate. However, in token of having deprived of the use and enjoyment of the said amount for a long time, we award interest at the rate of 6% p.a.

5. In light of that, we pass the following order :

a) The Respondent Municipal Council shall pay the amount due and payable to the petitioner towards difference in 6th Pay Commission within three (3) months. The Respondent Municipal Council shall pay interest at the rate of 6% p.a. on the amount of retiral benefits to be calculated after the lapse of six (6) months after the date of retirement till the amount is paid by the Municipal Council. The said amount of interest be paid expeditiously, preferably within four (4) months.

b) The Writ Petition stands disposed of on above terms. No costs.

(P.R. BORA, J.)

(S.S. SHINDE, J.)

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