

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2887 OF 2016

1. Janardhan s/o Gopalrao Kapse,
Age 63 years, Occu. Retired Employee,
R/o. Jangda-Nagar, Bhokardan Road,
Jalna.
2. Trimbak s/o Girjaji Nikam,
Age 66 years, Occu. Retired Employee,
r/o. Kothari-Nagar, Bhokardan Road,
Jalna.
3. Smt.Jijabai w/o Trimbak Mali,
Age 62 years, Occu.Nil,
r/o. Fire Station, Deulgaon Raja Road,
Jalna.

...PETITIONERS

VERSUS

1. The State of Maharashtra,
Through: Director of Municipal Administration,
State Transport Service Building, 3rd Floor,
Sir Pochkhanwala Road, Worli,
Mumbai 400 030
2. The Divisional Commissioner,
Aurangabad.
3. The District Collector,
Jalna, Dist. Jalna.
4. The President, Municipal Council,
Jalna, Dist. Jalna.
5. The Municipal Council, Jalna,
Through its Chief Officer.

...RESPONDENTS

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Mr.Suresh M.Kulkarni, Advocate for petitioners.
Mr.S.B.Pulkundwar, AGP for respondent State.
Mr. H. K.Munde, Advocate, for respondent nos. 4
and 5.

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CORAM: R.M.BORDE

AND

P.R.BORA, JJ.

DATE : March 10th, 2016

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ORAL JUDGMENT: (*Per R.M.Borde, J.*)

1. Heard. Rule. Rule made returnable and heard forthwith with the consent of learned Counsel for the parties.

2. The petitioners are retired employees of the Municipal Council, Jalna, and are making grievance in respect of the failure of the respondent employer to pay retiral benefits admissible to the employees, which are overdue.

3. The total liability computed by the petitioners is to the tune of Rs.5,10,831/-. The Municipal Council has not disputed the liability, however, has contended that considering the financial constraints, and looking at the prevailing drought situation in the district, the funds are required to be diverted for enforcement of water supply scheme with a view to provide

drinking water to the residents of Jalna.

4. It is no doubt true that the Municipal Council has to take up the issue of providing drinking water to the citizens residing within the municipal area on priority basis and major funds are required to be diverted for the aforesaid purpose, however, the petitioners are retired employees and the only source of their livelihood is the retiral benefits to which they are legally entitled to.

5. Considering the facts and circumstances, we deem it appropriate to direct the respondent Municipal Council to pay the dues receivable by the petitioners within a period of six months from today.

Considering the financial constraints put forth by the Municipal Council, we deem it appropriate to direct the Municipal Council to pay interest on the amount receivable by the petitioners at the rate of six per cent per annum from the date of their entitlement to the amount till the date of receipt.

The respondents are, as such, directed to pay the admissible dues to the petitioners as expeditiously as possible, preferably, within a period of six months from today, together with interest at the rate of six per cent, per annum, from the

date of their entitlement to the amount till the date of payment.

Rule is made absolute accordingly. There shall be no order as to costs.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

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