

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4535 OF 2016

HARISHCHANDRA SHANKAR SONWANE
AND OTHERS.

... **PETITIONERS.**

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS.

... **RESPONDENTS.**

...
Advocate for Petitioners : Mr.Kulkarni Mukul S.
AGP for Respondents/State: Mr.P.N. Kutti.
Advocate for Respondents 2 to 4 : Mr.V.D. Gunale.
...

CORAM: S.S.SHINDE & SANGITRAO S. PATIL, JJ.

Dated: JUNE 23, 2016.

PER COURT:

1] Mr. Kulkarni, learned counsel for the petitioners submits that the petitioners are retired employees of respondent No.2 Municipal Corporation. The retiral benefits i.e. arrears of pension as shown in Chart A, are not paid. The learned counsel submits that the respondents are duty bound to pay the same. Even 50% of the said amount has been received by the respondent Municipal Corporation, but they have not paid any amount to the petitioners. The petitioners are entitled to receive interest at the rate of 18% p.a.

2] Mr. Gunale, learned counsel for the respondent Municipal Council submits that whatever amount is received by the respondents, the same has been paid to the petitioners. Because of weak financial condition, it is not possible for the respondent Municipal Corporation to pay the entire amount, in lump sum. Learned counsel for the respondents submits that the Municipal Corporation is not denying its liability to pay the retiral benefits, however, it is only because of precarious financial condition the same is not paid.

3] We have considered the submissions canvassed by the learned counsel for the respective parties. The fact that the petitioners are entitled to receive retiral benefits is not disputed by the respondents. As the petitioners are retired employees, it would be expedient for the respondent Municipal Corporation to make payment of retiral benefits because that would be a source of their livelihood. As far as the claim of the petitioners for grant of 18% interest on the amount of arrears is concerned, we are not inclined to consider the same in view of the fact that respondents have put forth the grievance of their precarious financial condition. In

the light of that, we pass the following order :-

[a] Respondent Municipal Corporation shall pay the entire retiral benefits, as due and payable to the petitioners, expeditiously and preferably within six months.

[b] In case, the respondent No.3 fails to make payment of the said amount to the petitioners within six months from today, then, respondent No.3 would be liable to pay interest @ 9 % p.a. on the outstanding amount, from the initial date of its liability, till realization of entire amount.

[c] Writ petition is accordingly disposed of. No costs.

(SANGITRAO S.PATIL, J)

(S.S. SHINDE, J)