

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

**CIVIL APPLICATION NO. 6331 OF 2016 IN CA
NO.9886 OF 2015 IN WP NO. 5284 OF 2011
WITH CIVIL APPLICATION NO. 9686 OF 2015
IN WP/5284/2011 WITH CA/5525/2016 IN
CA/9686/2015**

**PRABHAKAR PARASHRAM PAIKRAO AND OTHERS
VERSUS
THE UNION OF INDIA THROUGH UNDER SECRETARY
MINISTRY OF FINANCE DEPTT OF EDUCATION**

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Advocate for Applicants : Mr. Shinde Ajay
AGP for Respondent/State : Mr. S.B. Yawalkar
ASG for Respondent/Union : Mr. S.B. Deshpande

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**CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.
Dated: May 04, 2016**

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PER COURT :-

Heard the learned counsel appearing for the petitioners/applicants, the learned Additional Solicitor General appearing for Respondent No.1 and the learned A.G.P. appearing for Respondent/State.

2. This application is filed with the prayer to allow the applicants to withdraw the difference of gratuity amount in the names of respective applicants, as per the judgment and order dated 30th January, 2013

passed by the Hon'ble Supreme Court of India in Civil Appeal No. 908/2013.

3. In pursuance of the directions issued on 27th April, 2016, the Nazir Department of the Registry has sought information from Bank Authorities about the interest accrued on the amount of Rs.2,00,000/- deposited in the names of each of the petitioners/applicants from 26th August, 2014 to 31st March, 2016. Accordingly, the Bank has informed that the interest accrued on the said amount is of Rs.28,603/- each. It is not in dispute that in pursuance of the directions issued by the Hon'ble Supreme Court in Civil Appeal No. 908 of 2013, the State Government was supposed to disburse the amount of Rs. 2,00,000/- to the each of the petitioners/applicants. However, the Supreme Court directed the Respondent – State Government to disburse the said amount within three months from issuing such directions. Admittedly the said amount is not disbursed to the applicants within three months, as directed by the Supreme Court in Civil Appeal No. 908 of 2013. The amount was deposited on 26th August, 2014 in the individual names of the

applicants/petitioners. Admittedly, the amount of Rs. 2,00,000/- was deposited in the names of 18 applicants, whose names are mentioned in the letter addressed by the Section Officer, Nazir Department of the Registry to the learned Advocate for the petitioners/ applicants. The copy of the said letter is annexed at Exhibit 'X' with the Civil Application No.6331 of 2016.

4. Therefore, in the light of the aforementioned undisputed position and the fact that the amount of Rs.2,00,000/- was deposited in the names of each of the applicants/petitioners on 27th August, 2014 and the State Government on 31st March, 2016 disbursed the amount of Rs. 2,00,000/- through Treasury, without including interest on the said amount. Therefore, in the facts and circumstances of the case, ends of justice would be met, in case of the applicants/petitioners are allowed to withdraw the amount of interest of Rs.28,603/- each for the period from 26th August, 2014 to 31st March, 2016. Accordingly the Civil Application is allowed and same stands disposed of.

The applicants/petitioners are permitted to withdraw the interest amount of Rs. 28,603/- each.

5. In view of disposal of the Civil Application No. 6331 of 2016 itself, nothing survive for consideration in Civil Application Nos. 9686 of 2015 and 5525 of 2016, and same stand disposed of accordingly.

(SANGITRAO S. PATIL, J.) (S.S. SHINDE, J.)

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