

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

WRIT PETITION NO.9842 OF 2015

Chandrabhagabai w/o Ganpati Madale,
Age 56 years, Occ: Retired
r/o Killa Galli, Udgir,
Tq. Udgir, Dist. Latur

...PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary,
Urban Development Department,
Mantralaya, Mumbai 431 032
2. The Collector, Latur,
Dist. Latur.
3. The Director of Municipal Administration
Directorate of Municipal Council, Mumbai.
4. The Chief Officer,
Municipal Council, Udgir,
Tq. Udgir, Dist. Latur.
5. Municipal Council, Udgir,
Through its President,
Tal.Udgir, Dist. Latur.

...RESPONDENTS

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Mr. D.M.Shinde h/f Mr. Ram S.Shinde, Advocate
for the petitioner.

Mr. S.K.Kadam, AGP for respondent nos. 1 to 3.

Mr. Mr.M.K.Bhosle, h/f Mr. P.V.Barde, Advocate
for respondent no.4.

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CORAM: R.M.BORDE

AND

P.R.BORA, JJ.

DATE : March 18th, 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 petitioner is claiming retirement benefits to the tune of Rs.5,34,757/- together with interest at the rate of 9 per cent per annum. It is not a matter of dispute that the petitioner is a retired employee of the Municipal Council and is entitled for retirement benefits. Counsel appearing for respondents, on instructions states that the entitlement of the petitioner is for an amount of Rs. 4,56,588/- which fact has been admitted by the learned Counsel appearing for the petitioner.

3. It is contended by the learned Counsel appearing for respondent Municipal Council that the Municipal Council is facing financial hardships and it is not in a position to pay the dues at once. It also cannot be lost sight of that the petitioner is a retired employee and needs the amount for his survival.

4. Considering the facts and circumstances of this case, we pass following order.

ORDER

a) The respondent Municipal Council shall pay the amount to the tune of Rs.4,56,588/- together with interest at the rate of 6 per cent per annum, as expeditiously as possible, preferably within a period of four months from today, and it is accordingly directed.

Rule is accordingly made absolute. No order as to costs.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

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AGP/9842-15wp