

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

903 WRIT PETITION NO. 12221 OF 2015

SHASHIKANT LENDRA WASNIK AND OTHERS

VERSUS

THE MAHARASHTRA STATE FINANCIAL CORPORATION THROUGH ITS
MANAGING DIRECTOR AND ANOTHER

...

Advocate for Petitioners : Ms. Mahajan Surekha P.

Advocate for Respondents : Mr. V. N. Dank

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 22nd November, 2016

ORDER:

1. Ms. Mahajan, the learned counsel for the petitioners submits that the petitioners are not paid enhanced dearness allowance and gratuity and the cut off date as decided by the respondents i.e. 01.08.2014 is unconstitutional and erroneous. The learned counsel relies on the judgment of the Apex Court in the case of D. S. Nakara & others Vs. Union of India, reported in (1983) 1 Supreme Court Cases 305. Ms. Mahajan, the learned counsel further submits that even an application/representation is made on 2nd December, 2014 to the Managing Director of the Respondent Corporation, however, no cognizance is taken about the same.

2. Mr. Dank, the learned counsel for the respondents submits that the Corporation has placed the matter before the Board; one meeting of the board

has been held and the Board would take a decision afresh in the matter.

3. Considering the fact that the respondent Corporation has placed the matter before the Board with regard to the grievance of the petitioners, it will be appropriate for the Board to take decision, considering the legal position, expeditiously.

4. The matter is pending with the Board since long time. The Board shall take decision in respect of the grievance raised by the petitioners, more particularly with regard to the cut off date i.e. 01.08.2014 for the purpose of granting the benefit of enhanced dearness allowance and gratuity, expeditiously, preferably within a period of six months from today.

5. Needless to state that in case, the petitioners are aggrieved by any further decision of the Board, the petitioners would have liberty to take up appropriate remedy against the same. All contentions of the respective parties are kept open.

6. Writ petition is accordingly disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC