

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

WRIT PETITION NO.110 OF 2016

1. Arun s/o Bhagwanrao Khardekar,
Age: 63 years, Occu. Retired Employee,
r/o Gopalpura, Near Sheetal Mata Mandir,
Jalna.
2. Dayanand s/o Bhagoji Dahale,
Age 69 years, Occu. Retired Employee,
r/o same as above.
3. Pandurang s/o Tatyarao Ugale,
Age 64 years, Occu. Retired Employee,
r/o same as above.
4. Sambhaji s/o Namdeo Harale,
Age years, Occu. Retired Employee,
r/o same as above.
5. Janu Shahu Rathod,
Age 62 years, Occu. Retired Employee,
r/o same as above.
6. Sudhir s/o Tukaram Shelke,
Age 63 years, Occu. Retired Employee,
r/o same as above.
7. Bhagwan s/o Ganpat Wahul,
Age 65 years, Occu. Retired Employee,
r/o same as above.
8. Vishnu s/o Motilal Jamdar,
Age 72 years, Occu. Retired Employee,
r/o same as above.
9. Madhavrao s/o Tatyarao Dhakne,
Age 63 years, Occu. Retired Employee,
r/o same as above.

10. Sow.Chanda w/o Prabhakarrao Palaskar,
Age 65 years, Occu. Retired Employee,
r/o same as above.
11. Champat s/o Shankarrao Bhalerao,
Age 63 years, Occu. Retired Employee,
r/o same as above.
12. Babulal s/o Maganlal Sonwane,
Age 63 years, Occu. Retired Employee,
r/o same as above.
13. Asaram s/o Vitthalrao Khaire,
Age 63 years, Occu. Retired Employee,
r/o same as above.
14. Ram s/o Dhakleshwar Karnade,
Age 65 years, Occu. Retired Employee,
r/o same as above.
15. Prakash s/o Krushnarao Ratnaparkhi,
Age 65 years, Occu. Retired Employee,
r/o same as above.
16. Ramkishan s/o Gangaram Choudhari,
Age 65 years, Occu. Retired Employee,
r/o same as above.
17. Smt.Gayabai Rambhau Mohite,
Age 64 years, Occu. Retired Employee,
r/o same as above.
18. Smt.Damyanti Rameshchandra Khardekar,
Age 65 years, Occu. Retired Employee,
r/o same as above.
19. Subhash s/o Narayan Dhotre,
Age 66 years, Occu. Retired Employee,
r/o same as above.
20. Tukaram s/o Damodhar Sonwane,
Age 61 years, Occu. Retired Employee,
r/o same as above.

21. S.Kamroddin S.Fakroddin,
Age 66 years, Occu. Retired Employee,
r/o same as above.
22. Kishan Rajanna Pinamkar,
Age 63 years, Occu. Retired Employee,
r/o same as above.

...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

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.29,42,855/-. 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.

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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