

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2316 OF 2016**

Thane Municipal Transport Undertaking & Anr

..Petitioners

Vs.

Dagadu Anant Lokhande

..Respondent

Mr. Mandar Limaye for the Petitioners

**CORAM : R. M. SAVANT, J.
DATE : 1st OCTOBER, 2016**

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 29-7-2015 passed by the Learned Member of the Industrial Court Thane by which order the application Exhibit U-2 filed by the Respondent herein came to be partly allowed and resultantly the directions as contained in the operative part of the impugned order for payment of difference in the dearness allowance as per the VIth Pay Commission to the Respondent along with his retiral benefits, came to be issued.

2 It seems that the Respondent herein has retired in the year 2014, however, as yet the dearness allowance in terms of the pay scale prescribed by the VIth Pay Commission as also the other retiral benefits have not been paid to him. The justification given by the Petitioner which is a Transport Undertaking

of the Thane Municipal Corporation did not commend acceptance to the Learned Member of the Industrial Court.

3 In my view, having regard to the fact that the Respondent is entitled to the dearness allowance as per the recommendations of the VIth Pay Commission therefore he would be entitled to the difference between the dearness allowance paid to him and the dearness allowance payable as per the recommendations of the VIth Pay Commission as also other retiral benefits. In my view, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]