

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4577 OF 2015  
(Smt. Laxmibai Ashok Ragde vs. Municipal Council, Tumsar)

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Office Notes, Office Memoranda of  
Coram, appearances, Court's orders    Court's or Judge's orders  
or directions and Registrar's orders.

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Shri P.V. Thakre, Advocate for petitioner.  
Shri S.P. Palshikar, Advocate for respondent .

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CORAM : SMT. VASANTI A NAIK AND  
KUM. INDIRA JAIN, JJ.

DATED : SEPTEMBER 16, 2016

Heard.

By this writ petition, the petitioner seeks a direction against the respondent Municipal Council to pay her the retiral benefits to the extent of Rs.6,28,590/- towards gratuity, leave encashment, etc. The petitioner also seeks a direction against the respondent Municipal Council to release the benefits of the 6<sup>th</sup> Pay Commission's recommendations within a time frame. The petitioner has sought interest on the delayed payment.

Shri Palshikar, the learned Counsel for the respondent Municipal Council, states that since this Court has granted time of six months to several Municipal Councils to pay the retiral dues of their employees, in the instant case, this Court may grant some time to the respondent Municipal Council to pay the dues to the petitioner. It is stated that though the

dues of the petitioner are admitted, the Municipal Council was not able to pay the same due to great financial crunch. It is stated that the monthly salary of the employees is also not being regularly paid in view of the financial crisis.

In the circumstances of the case and on parity, we partly allow the writ petition by directing the respondent Municipal Council to release the retiral dues to the petitioner as also the amount towards arrears of difference of salary in view of the recommendations of 6<sup>th</sup> Pay Commission in instalments, within a period of six months. We make it clear that in view of the financial stringency, we are not directing the respondent Municipal Council to pay interest on the said amount.

The petitioner is permitted to withdraw the amount of Rs.50,000/- deposited by the respondent Municipal Council in this Court so that the same could be adjusted towards the retiral dues.

Order accordingly. No order as to costs.

JUDGE

JUDGE

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CERTIFICATE

I certify that this order uploaded is a true  
and correct copy of original signed order.

Uploaded by :

Kamal H. Jeswani  
Private Secretary

Uploaded on :

19/9/2016