

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1471/2016

(Seva Nivrutta Karmachari Sangh Nagar Parishad, Anjangaon Surji vs. The State of
 Maharashtra and others)

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

Court's or Judge's order

Ms. Ashwini Athalye, Advocate for the petitioner
 Mr. Kaustubh Deogade, Advocate for respondent 2-A

**CORAM : SMT. VASANTI A NAIK &
 MRS.SWAPNA JOSHI, JJ.**

DATED : 28th July, 2016

Heard.

In the instant Writ Petition that is filed by the *Karmachari Sangh*-Association of which, 44 retired employees are the members, two prayers are made. By the first prayer, the petitioner-Association has sought a direction against the respondent no.3-Regional Director of Municipal Administration, Amravati Division, Amravati, to release the due amount of pension of the members of the petitioner-Association, for the months of October to December 2015 with interest at the rate of 10 per cent, *per annum*. By the second prayer, the petitioner-Association seeks a direction against the respondent nos. 3 to release the pension of the members of the petitioner-Association, in the first week of every month.

The cause for filing the Writ Petition as far as the first prayer is concerned, would not survive as the respondents have released the pension amount for the period from October to December 2015. As far as the second prayer is concerned, we are not inclined to issue a direction to the respondent no.3 to release the pension to the members of the petitioner-Association in the first week of every month. It would not be proper on the part of this Court to issue the direction as sought in prayer clause (ii) as the Municipal Council receives the funds for payment of pension and salaries of employees, from the Government. The Municipal Council are in a position to pay the salary and pension to the employees and the retired employees respectively only after they receive the funds from the Government. Hence, at the most, a direction could be issued to the respondent-Municipal Council to release the salary and pension to its employees as soon as it is received from the State Government.

It is stated on behalf of the respondent no.2-A i.e. Municipal Council, Anjangaon-surji that the Municipal Council has short of funds as the arrears of salary as well as pensionary benefits are liable to be paid to several employees. It is stated that the members of the petitioner-Association are not the only employees to which the pension is liable to be paid. It is stated that the salary of

several employees cannot be regularly paid. It is stated the respondent no.2A would pay the arrears of pensionary benefits to the petitioner-Association within a period of one year.

Since we had directed the other Municipal Councils, in several similar matters, to pay the arrears of pensionary benefits to their employees, within a period of six months, on parity, we are not inclined to grant a year's time to the respondent no.2-A to release the arrears of pensionary benefits to the members of the petitioner-Association. In the circumstances of the case, we dispose of the Writ Petition with a direction to the respondent no.2A to pay the arrears of pensionary benefits to the petitioner-Association, within a period of six months and continue to pay the regular pensionary benefits as and when the funds for payment of pensionary benefits and salary, are released by the State Government.

Order accordingly. No costs.

JUDGE

JUDGE

sahare

C E R T I F I C A T E

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order.”

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