

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

WRIT PETITION NO.1675 OF 2017

Syed Rafiuddin s/o. Abdul Gafoor
and others

..Petitioners

Vs.

The State of Maharashtra
and ors.

..Respondents

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Mr.M.S.Choudhary, Advocate for petitioners

Mr.P.N.Kutti, AGP for respondent nos.1 to 3

Mr.P.V.Barde, Advocate for respondent no.4

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**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : MAY 03, 2017

PER COURT :

Heard. The learned Counsel for the petitioners submit that though the petitioners retired from service of respondent no.4 long back and though they are entitled for pensionary and retiral benefits, till date, same is not paid to them even after several requests to respondent no.4. The learned counsel further submit that on

delayed payment by respondent no.4, this Court may order payment of interest at the rate of 18 per cent per annum.

2. Learned Counsel appearing for respondent no.4 invited our attention to the order passed by the Division Bench of this Court in Writ Petition No.1470/2014 and connected writ petition thereto in case of Somkant Hari Dixit Vs. The State of Maharashtra and others, and submits that, in similar fact situation, the said order is passed. Therefore, this Court may pass appropriate orders, keeping in view the said order passed in afore mentioned writ petition.

3. We have heard the Counsel appearing for the parties. There is no dispute that the petitioners stood retired from the service of respondent no.4, and till date, respondent no.4 has not paid the retiral benefits to the petitioners.

4. The Apex Court time and again has laid down that pension is not a bounty but the hard earned money and the property of the employee. The retiral benefits are normally to be paid within six (6) months of the retirement of an employee. Considering the submission of the learned Counsel for Respondent about weak financial condition of the Municipal Council, it would be inappropriate to grant interest amount at the higher rate. However, in token of having deprived of the use and enjoyment of the said amount for a long time, we award interest at the rate of 6% p.a.

5. In light of that, we pass the following order :

a) The respondent - Municipal Council shall pay the amount due and payable to the petitioners towards difference in 6th Pay Commission and admissible retiral benefits within three (3) months. The respondent - Municipal Council shall

pay interest at the rate of 6% p.a. on the amount of retiral benefits to be calculated after the lapse of six (6) months after the date of retirement till the amount is paid by the Municipal Council. The said amount of interest be paid expeditiously, preferably within four (4) months.

b) The Writ Petition stands disposed of on above terms. No costs.

[SANGITRAO S. PATIL, J.] [S.V. GANGAPURWALA, J.]

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