

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 8450 OF 2016

Laxmanrao Bajirao Kale	...Petitioner
vs.	
State of Maharashtra and Ors.	...Respondents

Mr. Tawshikar Swapnil for the Petitioner.

Mrs. V.N. Patil-Jadhav AGP for the Respondent nos. 1 to 3 State.

MR. S.K. Shinde for respondent nos. 4 and 5.

**CORAM : SHANTANU KEMKAR &
NITIN `W . SAMBRE, JJ.
AUGUST 21, 2017**

PC.:

Feeling aggrieved by the inaction on the part of the respondents, in not making the payment of his post retiral benefits and other dues, the petitioner has approached this court under Article 226 of the Constitution of India.

2. It has been pointed out by the learned counsel for respondent nos. 4 and 5 that the matter relating to petitioner's promotion was pending before this court in WP No. 8326 of 2016 and that he same was decided on 23.1.2017 and the proposal for releasing the fixation of pay of the petitioner has been made to the Education Officer vide communication dated 28.4.2017 on which some queries were made by the Education Officer and that have also been satisfied and the matter is now pending

before the Education Officer for fixation of the petitioner's pay as per his entitlement and for release of the retiral benefits.

3. We find that the petitioner was retired with effect from 30.06.2016 and till date his retiral benefits have not been paid by the respondents. The pendency of promotion matter and re-fixation of pay cannot permit the respondents not to pay the pension as per original pay. In the circumstances, we dispose of this petition by directing the respondents to release the petitioners retiral benefits and other benefits as expeditiously as possible but not later than three months with interest of 9% per annum. The interest from 3 months after the retirement till 31.5.2007 shall be payable by the Management.

4. In case, the State fails to make payment of the arrears as aforesaid, the State shall be liable to pay interest @ 9% p.a. with effect from 1.6.2017 till payment.

5. With the aforesaid directions, writ petition is disposed of.

(NITIN W. SAMBRE, J.)

(SHANTANU S. KEMKAR, J.)