

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

WRIT PETITION NO. 9466 OF 2016

Eknath Malharrao Randive

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Kingaonkar, Advocate h/f Shri S. S. Jadhavar, Advocate for the Petitioner.

Shri S. W. Mundhe, A.G.P. for the Respondent No. 1.

Shri K. N. Lokhande, Advocate for the Respondent No. 2.

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

DATE : 04TH SEPTEMBER, 2017.

FINAL ORDER :

. Mr.Jadhavar, learned counsel for the petitioner states that the petitioner is entitled for the sum of Rs. 7,75,707/- towards the retiral benefits as detailed in paragraph No. 5 of the Writ Petition, but the same is yet not paid. Even some of the persons who are retired after the petitioner's retirement, are paid the said amount with back wages. The respondents have discriminated against the petitioner and they have adopted the other policy. The petitioner is entitled for commutation of the pension too.

2. Mr. Lokhande, learned counsel appearing for respondent No. 2 submits that the respondent No. 2 is not in a position to pay the amount to all superannuated persons. On 5th December, 2015, a policy decision has been taken not to pay the commutation of pension amount to anyone, and as far as 6th Pay Commission arrears are concerned, there was discussion between Kamgar Union and Municipal Corporation whereby it has been agreed that the said amount would be paid in 24 installments, and four installments thereof are already paid to the concerned employees.

3. Considering the above, we proceed to pass the following order :

O R D E R

(1) The respondent – Municipal Corporation shall pay the admissible amount of gratuity and arrears of D.A. amount to the petitioner within four months from today. If the said amount is not paid within four months from today, then the Municipal Corporation will be liable to pay the interest on the said amount @6% per annum.

(2) The arrears of 6th Pay Commission shall be paid to the petitioner regularly in installments to the petitioner.

(3) As far as commutation of pension amount is concerned, the petitioner shall make representation to the Municipal Corporation and the Municipal Corporation shall consider the same on its own merits within a period of two months from today.

(4) The Writ Petition is disposed of in above terms. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Sept. 17