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

**CIVIL APPLICATION NO.12163 OF 2017
IN
WRIT PETITION NO.8450 OF 2016**

Laxmanrao Bajirao Kale

..APPLICANT

VERSUS

The State of Mah. & ors.

..RESPONDENTS

Mr (Dr.) Swapnil D. Tawshikar, Advocate for applicant;
Mrs V.N. Patil-Jadhav , A.G.P. for respondents no.1 to 3

**CORAM : SUNIL P. DESHMUKH &
NITIN W. SAMBRE, JJ.**

DATE : 24th November, 2017

ORAL ORDER:

This Court, while adjudicating the claim of the applicant *qua* his entitlement to retiral benefits, made observations in paragraphs no.3 and 4 of order dated 21st August, 2017 reading, thus :-

“ 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 latter than three months with interest of 9% per annum. The interest from 3 months

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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. ”

2. Referring to prayers as made in the petition, clarification is sought by the applicant of order dated 21st August, 2017 to mean it that arrears of difference of higher pay-scale are to be granted with effect from 15th June, 1999 and his entitlement for interest thereon from the same date. In addition, prayer is also made that difference of his salary for the post of Headmaster be worked out and paid from 1st July, 2015 along with interest thereon from said date. A separate *pursis* to above effect has been filed which is taken on record and marked 'X' for the purpose of identification.

3. If aforesaid prayer for clarification is considered in the background of the issue decided by this Court on 21st August, 2017, it would be appropriate to clarify that this Court has not precluded the applicant to approach the competent authority for arrears and interest from the dates as is sought through present application for clarification and *pursis* filed.

4. With liberty to applicant to make appropriate representation to above effect before the competent authority, in our opinion, the present civil application does not call for any

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further orders.

5. Civil application stands accordingly disposed of in above terms.

(NITIN W. SAMBRE, J.)

(SUNIL P. DESHMUKH, J.)

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