

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 239 OF 2017
IN
WRIT PETITION NO. 11892 OF 2015

Rajaram Satwaji Kamble and others .. **Petitioners**

Versus

The State of Maharashtra and another .. **Respondents**

Shri Dinkar G. Kamble, Advocate for the Petitioners.
Mrs. M. A. Deshpande, Addl. G. P. for Respondent / State.
Shri Suresh N. Rodge, Advocate for Respondent No. 2.

CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE : 25th April, 2018

PER COURT :

1. On 28th March, 2018, we had passed the following order-

'ORDER:

1. *Respondent No. 2 – Hemant Maruti Kirulkar has filed affidavit stating that as per order dt. 28.02.2018, the respondent No. 2 has paid Rs. 10.00 lakhs in toto to the petitioners and the amount is also transferred in the name of petitioners on 22.03.2018.*
2. *The Statement made by respondent No. 2 is accepted.*

3. *It is submitted that, regular pension is being paid to the petitioners. Now the balance amount to be paid to the petitioners in total is about 24,79,977/-.*

4. *We place the matter after four weeks to test the bonafides of the respondents with regard to payment of arrears to the petitioners.*

5. *Stand over to 25.04.2018.*

2. Now, the learned counsel for respondent submits that in the month of April further payment has been made as detailed in the affidavit. The arrears are still to be paid. The regular pension is being paid to the petitioners.

3. The amount due and payable by the respondent to the petitioners is regarding arrears of retiral benefits. Retiral benefit is not a bounty but the amount which the petitioners are entitled to as of right. The reason is given by the respondent of facing financial stringencies.

4. Considering that regular pension is being paid and some amount towards arrears of retiral benefits is also paid, we grant some time to the respondent to pay the amount.

5. The respondent shall pay the entire arrears of retiral benefits to the petitioner within six (6) months. The same shall be paid in three (3) equal installments of two (2) months, thereby paying the entire amount within six (6) months.

6. If the terms are not abided, the petitioners are at liberty to file fresh contempts.

7. With these directions, the contempt petition is disposed of.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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