

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6408 OF 2017

Ramesh Shrinivasrao Pandit

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Pratap G. Rodge, Advocate for Petitioner.

Shri A. V. Deshmukh, A.G.P. for Respondent No. 1.

Shri Parag Vijay Barde, Advocate for Respondent No. 2.

Respondent No. 3 served.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVAL, JJ.

DATE : **20th March, 2018**

PER COURT :

1. Heard.

2. The learned Counsel for the petitioner submit that though the petitioner retired from service of respondent no.2 long back and though he is entitled for pensionary and retiral benefits, till date, same is not paid to him even after several requests to respondent no.2. The learned counsel further submits that on delayed payment by respondent no.2, this Court may order payment of interest at the rate of 18 per cent per annum.

3. Learned Counsel appearing for respondent no.2 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.

4. We have heard the Counsel appearing for the parties. There is no dispute that the petitioner stood retired from the service of respondent no.2, and till date, respondent no.2 has not paid the retiral benefits to the petitioner.

5. 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 advocate 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.

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

a) The Respondent Municipal Council shall pay the amount due and payable to the petitioner 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

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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