

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

WRIT PETITION NO. 9548 OF 2016

Vishnu s/o. Shriniwasrao Khalilkar .. Petitioner

Versus

The State of Maharashtra & Anr. .. Respondents

**WITH
WRIT PETITION NO.9555 OF 2016**

Bandopant s/o. Kishanrao Pathak .. Petitioner

Versus

The State of Maharashtra & Anr. .. Respondents

Miss A.S. Jadhav h/f. Mr.P.R. Katneshwarkar, Advocate for the petitioners.

Mr.V.S. Badakh, AGP for respondent/State.

Mr.S.V. Munde, Advocate for respondent No.2.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 30.08.2018

P.C. :-

1. Learned Counsel for the petitioners submits that the petitioners have been paid retiral benefits and the pension amount after much delay. The respondent is duty bound to pay the retiral benefits and pension within six months from the date of retirement. As the amount of

pension is not paid within the stipulated period, the petitioners are entitled to interest at the rate of 9% p.a.

2. Mr. Munde, learned Counsel submits that the financial condition of respondent No.2 is weak. Because of financial stringency the amount of pension could not be paid earlier. Even this Court had issued directions to the State to release the funds to the Municipal Council to make payment of retiral benefit and that amount was to be adjusted subsequently. In view of that interest may not be saddled against respondent No.2.

3. The retiral benefits and pension are not bounty but hard earned income of a person who has honourably retired on attaining the age of superannuation. The fact is that the delay has occurred in payment of retiral benefit and pension to the petitioners.

4. Considering the plea taken by respondent No.2

about weak financial condition and it appears to be so, we would balance the equities. Respondent No.2 shall pay interest to the petitioner at the rate of 6% p.a. (simple interest). Same shall be calculated and paid after lapse of six months from the date of superannuation till the amount is paid to the petitioners. The amount of interest shall be paid within a period of six months.

5. The writ petitions are accordingly disposed of.
No costs.

[S.M.GAVHANE, J.]

[S.V.GANGAPURWALA, J.]