

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12365 OF 2015

**(Nagar Parishad Vahan Chalak Karmachari Sanghatna
through its Secretary Vs. The State of Maharashtra and
others)**

Mr. Mayur G. Deokate, Advocate for the petitioner
Mrs. M.A. Deshpande, Additional Govt. Pleader for
respondent Nos.1 to 4/State
Mr. H.K. Munde, Advocate for respondent No.5

**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATE : 26th NOVEMBER, 2018

ORDER :

Mr. Deokate, learned counsel for the petitioner submits that the members of the petitioner Union, who are in service of respondent No.5 – Municipal Council, are not paid regular salary, nor the arrears as per the 6th Pay Commission recommendations have been paid to the serving members or retired members. The retiral benefits are also not paid.

2. Mr. Munde, learned counsel for respondent No.5 – Municipal Council submits that regular salary

is paid to the serving employees of the Council regularly. As far as the arrears of the 6th Pay Commission recommendations are concerned, because of the financial constraints, the Council is not in a position to pay the same. This fact has been observed by this Court in the order dated 10th March, 2016 passed in Writ Petition No.110 of 2016 and other connected writ petitions.

3. Earlier also, the orders are passed against the respondent Council for payment of the arrears of salary.

4. Considering the order dated 10th March, 2016, passed in Writ Petition No. 110 of 2016 and other writ petitions and also considering the ground of financial constraints put forth, we direct respondent No.5 Municipal Council to pay the arrears of salary as per 6th Pay Commission recommendations to the members of the petitioner Union expeditiously and preferably within a period of six months. If the amount of arrears of salary is not paid within six months, then the Municipal Council – respondent No.5 shall pay the interest on the said amount at the rate of 6% per annum (simple interest) from the date of entitlement of the members of

the petitioner Union till the date of actual payment of the amount.

5. With the above directions, the Writ Petition is disposed of. No costs.

[R.G. AVACHAT]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

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