

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

WRIT PETITION NO. 2144 OF 2018

**SYED KHALID SYED YASUF
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. Patni Pramod F.

AGP for Respondent No. 1 : Mr. P. G. Borade

Advocate for Respondent No. 2 : Mr. S. S. Shete

Respondent No. 3 - served

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**CORAM: S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATE: 20th NOVEMBER, 2019

PER COURT:

1. Mr. Patni, learned counsel for the petitioner submits that retiral benefits are not paid in *toto* by the respondents. The petitioner has retired in the year - 2016. The gratuity amount is paid only to the extent of Rs.2,30,000/-. The amount towards gratuity to the extent of Rs.1,00,000/- is unpaid, no amount is paid towards the leave encashment.

2. The affidavit is filed by the Municipal Council to the effect that because of the

unavailability of the funds the amount is not paid.

3. Pension is not a bounty nor the Municipal Council does any charity by paying the retiral benefits. The retiral benefits is a hard earned income of the person who has rendered his service with the institution.

4. It is more than three years the petitioner has retired. The respondents have not paid the retiral benefits.

5. In the light of that, we pass the following order.

6. The respondents shall pay the total amount of gratuity to the petitioner as he is entitled to within a period of three (03) months from today. The amount already paid for gratuity shall be adjusted. As far as other retiral benefits are concerned, the Municipal Council shall endeavour to pay the same to the petitioner within a period of six (06) months. The retiral benefits that would be paid by the respondents shall carry

interest at the rate of 6% per annum. The amount shall be paid alongwith accrued interest.

7. Writ Petition stands disposed of accordingly.

No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]

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