

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

CIVIL APPLICATION NO.12084 OF 2019
IN
WRIT PETITION NO.7618 OF 2009

THE DIVISIONAL CONTROLLER, MAHARASHTRA STATE ROAD
TRANSPORT CORPORATION, OSMANABAD
VERSUS
SOMNATH DADARAO DAKE

...
Advocate for the Applicant : Shri Dipesh Pande h/f Shri Bagul D.S.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 11th October, 2019

Per Court:

1 The learned advocate for the applicant/ petitioner submits that though there is nothing wrong with the order dated 25.07.2019 passed by this Court while disposing off Writ Petition No.7618/2019, the interest at the rate of 3% per annum was awarded believing the statement of the employee that the retiral and pensionary benefits were not paid. He submits that the retiral and pensionary benefits were already disbursed to the employee. The learned advocate tenders an apology that the date on which such retiral benefits have been paid is not mentioned in the memo of the civil application. He, however, shuffles through his file and submits that the date of payment is 13.12.2016.

2 I find from paragraph 8 of the judgment delivered by this Court on 25.07.2019 that the interest was to be granted if the retiral and pensionary benefits were not paid to the original complainant/ employee. Paragraph 8 is, therefore, self explanatory and takes care of the situation wherein, such disbursement has already been made. Naturally, the applicant/ corporation is not required to pay any interest as the benefits were extended almost two and half years prior to the date of the payment.

3 In view of the above, this Civil Application is disposed off.

kps

(RAVINDRA V. GHUGE, J.)