

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

1026 WRIT PETITION NO.6679 OF 2021

VIJAYKUMAR KANUBA SHELKE AD OTHERS

VERSUS

THE STATE OF MAHARASHTRA AD OTHERS

...

Advocate for Petitioner : Mr. N. L. Jadhav

AGP for Respondents/State: Mr. K. N. Lokhande

Advocate for Respondent No.5: Mr. G. K. Naik - Thigle

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**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 12th October, 2021

PER COURT :

1. The petitioners seek payment of retiral benefits.
2. We have heard Mr. Jadhav, the learned counsel for the petitioners.
3. Mr. Thigle, the learned counsel for the respondent No.5 submits that, the schedule for disbursement of the amount is provided. In view of circular dated 09.06.2016, only 20% of the amount received from the property tax is to be utilized for the pensionary benefits of the retired employees. In view of non- availability of funds, the amount could not be disbursed to the petitioners. If the Government releases the funds in view of the Government Resolution dated 31.08.2009 and Municipal Council Resolution No.12 dated 12.07.2010, the Municipal Council would release the pensionary benefits to the eligible petitioners proportionately. No sooner the grant is received from the Government,

the same would be disbursed to the petitioners proportionately. An amount Rs. 5,33,18,711/- is deficit and the Municipal Council is depended upon the release of various funds from the Government. The petitioners are getting the pension amounts as admissible to them. The question is only of retiral benefits.

4. It is not disputed that, the entire retiral benefit as admissible to the petitioners is not paid. The retiral benefits are not a bounty, but the amount legitimately entitled to by the petitioners. The Municipal Council is the employer of the petitioners. The petitioners have retired long back and are entitled for the retiral benefits. The Municipal Council may have financial difficulties, however, it has also to cater to the payment of retiral benefits to the retirees.

5. The Municipal Council shall endeavour to make the payment of the retiral benefits to the petitioners, as may be admissible to them, preferably within a period of (6) six months.

6. The learned counsel may request the respondent No.2/Municipal Council to expedite the process for disbursement of the amounts.

7. With these observations, the writ petition is disposed of. No costs.

(R. N. LADDHA, J.)

(S. V. GANGAPURWALA, J.)