

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1289 OF 2021

IN

WRIT PETITION NO. 494 OF 2009

Shakinabai Ajmuddin Mulani ... Petitioner

Versus

The State of Maharashtra and others ... Respondents

WITH

WRIT PETITION NO. 2689 OF 2009

Shri Vithal Devasthan Trust, Kem & Anr. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

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Ms. Babita Pandey for the Petitioner in WP No. 494 of 2009.

Ms. S.D. Vyas, 'B' Panel Counsel for the State.

Mr. Vaibhav Ugle alongiwth Mr. Vikas Somawanshi for Respondent Nos.2 and 3 in WP No. 494 of 2009 and for the Petitioners in WP No. 2689 of 2009.

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CORAM : S.J. KATHAWALLA AND

MILIND N. JADHAV, JJ.

DATED : OCTOBER 8, 2021.

P.C. :-

Writ Petition No. 494 of 2009 is filed by the Petitioner in the year 2009 impugning the Judgment and Order dated 31st July, 2008 passed by Respondent No. 6 - Divisional Social Welfare Officer, Latur Division, rejecting the Petitioner's claim to

receive salary for the period she was not allowed to sign the muster i.e. from 2nd November, 1998 to 8th July, 2003. The Petitioner has now retired on 31st May, 2021. However, despite being in dire need of money, she has not received her retirement benefits on the ground that Writ Petition No. 494 of 2009 is pending before the Court. In view thereof, pending the hearing and final disposal of Writ Petition No. 494 of 2009 and without prejudice to the rights and contentions of the parties, we pass the following order :

- (i) Respondent Nos.2 and 3 shall send all the necessary papers pertaining to the post retirement benefits which the Petitioner is entitled to for the period 9th July, 2003 upto 31st May, 2021 to the Assistant Commissioner, Solapur within four weeks from today who in turn shall forthwith forward the same to the Accountant General in Mumbai.
- (ii) The Accountant General shall scrutinize the papers and pay the post retirement benefits to the Petitioner for the undisputed period i.e. from 9th July, 2003 upto 31st May, 2021 within a period of six weeks thereafter.
- (iii) Place the above Writ Petitions for directions on 3rd November, 2021.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)