

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No. 1853/2018

Manik Tulshiram Mudhane

...Petitioner

Versus

The State of Maharashtra and ors.

...Respondents

WITH

Writ Petition No. 1854/2018

Shrawan Vitthal Chirde

...Petitioner

Versus

The State of Maharashtra and ors.

...Respondents

WITH

Writ Petition No. 1855/2018

Dilip Pandurang Joshi

...Petitioner

Versus

The State of Maharashtra and ors.

...Respondents

WITH

Writ Petition No. 2598/2018

Pandit Pandurang Lohikar

...Petitioner

Versus

The State of Maharashtra and ors.

...Respondents

WITH

Writ Petition No. 2602/2018

Mohammed Mobinur Rehaman Abdul Wahab ...Petitioner

Versus

The State of Maharashtra and ors. ...Respondents

Shri M. Ateeque, Advocate for the Petitioners in all Petitions

Shri Amit Madiwale, AGP for the Respondent Nos. 1 to 3 - State in all Petitions

Shri P.P. Deshmukh, Advocate for Respondent No. 4 in all Petitions

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 18 FEBRUARY 2021

P.C.:

Heard learned Counsel for the parties.

2. Writ Petition Nos. 1854/2018, 1855/2018, 2598/2018 and 2602/2018 are not on Board. Taken on Board, by way of praecipe.

3. These five Petitions are filed by the employees of the Respondent – Municipal Council, Digras. They have sought direction to the Respondent-Municipal Council in respect of payment of interest on belated payment of computation of pension. The Respondent No. 4 has filed pursis dated 18.02.2021 which reads as under.

“1. That 10 petitioner(Retired Employees) had filed total 10 Writ Petitions raising a common grievance about the non-grant of interest on delayed payment of commutation of pension, by the Municipal council Digras. That, out of 10 Writ Petitions, 5 Writ Petitions were decided by the common judgment by the Division bench of this Hon’ble court by its common Judgment dated 03.04.2020.

2. That the issue involved in Writ Petition No. 1853/2018, 1854/2018, 1855/2018, 2598/2018 and 2602/2018 is identical and the very same and these 5 petitions can be disposed off in view of the common judgment dated 03.04.2020 passed by the Division Bench of this Hon'ble court in Writ Petition No.1852/2018 and 4 connected Writ Petitions."

In view of this consensus, Writ Petitions are disposed of in the light of the decision dated 03 April 2020 rendered in Writ Petition No. 1852/2018 and other connected matters. Directions as given in the said judgment in paragraph No. 15, will be order in these Petitions as well. Para 15 reads thus:

"15. Herein the substantial grievance of all petitioners has already been redressed. All retiral benefits were paid to petitioners. There was no specific direction in earlier round of litigation to pay interest on delayed payment of commutation of pension. The respondent Municipal Council was in financial crisis still they paid interest of 10 months i.e. from the order of this Court. Several disputed questions are involved about individual compliances made by petitioners and their eligibility for commutation as per rules. We note that already entire arrears and all retiral benefits were given and contempt proceedings are disposed of, hence, there is no propriety in examining factual aspects in writ jurisdiction. We are not inclined to go in factual disputed questions, hence, we leave the issue open. Petitioners may approach Civil Court if so advised to establish their individual entitlement. As regards to other reliefs claimed they are in general nature, for which we do not feel it relevant to issue any general guidelines. With this, all Writ Petitions stand dismissed. No cost."

4. Writ Petitions are disposed of in terms of the above directions.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]