

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3657 OF 2019

SHANTABAI KERBAJI YEWALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
WITH

WRIT PETITION NO.7052 OF 2019

SHAHAJADBI W/O KHURSHID ALAM MEHBOOB ALAM
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Dinkar Kamble, Advocate for the petitioners.
Mr. A.S. Shinde, A.G.P. for respondent No. 1.
Mr. S.N. Janakwade, Advocate for respondent No. 2.

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CORAM : **C.V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.**

DATE : **4 JULY 2022**

ORDER :

By this petition, under Article 226 of the Constitution of India, the petitioners are seeking a direction to respondent No.2, to pay the amount of pensionary / retirement benefits alongwith arrears on account of pay fixation in the revised pay-scale to the petitioners, who are the ex-employees of second respondent Municipal Council.

2. We have heard learned Counsel for the parties.

3. Learned Counsel for the petitioners has submitted that although the petitioners have retired since long, their pensionary / retirement benefits and arrears of salary are not paid by the Municipal Council although it is the statutory responsibility of the respondent Municipal Council. Learned Counsel for the petitioners has brought to our notice the order dated 10 March 2022 in Writ Petition No. 14770 of 2019 (***Vasant Baliram Damkondwar vs State of Maharashtra and others***), in which this Court had directed to pay the arrears and the outstanding amount to the petitioner therein.

3. Learned Counsel for the respondent – Municipal Council, referring to the affidavit-in-reply, has submitted that the Municipal Council has computed the arrears of about 82 ex-employees of the Council as on 1 August 2019 (at page 42 of the compilation). It is submitted that partial amount has been paid to the petitioners and others and the balance amount payable is Rs 1,33,98,916/- as on 1 August 2019. It is submitted that on account of Covid-19 situation, the revenue of the Municipal Council has suffered and on account of the financial condition of the Municipal Council, the dues could not be paid immediately. He, however, submitted that a proposal is moved to the State Government and as and when the funds will be received, the petitioners and other employees would be paid the arrears. Learned Counsel for the

respondent – Municipal Counsel states that on 28 February 2022 an amount of Rs. 20,000/- each has been paid to the petitioners and other employees.

4. We have considered the submissions made. Perusal of the affidavit-in-reply alongwith the statement of outstanding dues clearly goes to show that there are arrears of payment of pensionary and other benefits. The statement shows that the petitioners although have retired way back in the year 2008-2009 to 2018, including one employee Lata Mhaske who has retired as far back as on 1 July 1989, are still claiming to be without the monetary/pensionary/retirement benefits and the arrears of salary. The liability has been admitted by the respondent – Municipal Council. In such circumstances, we pass the following order.

ORDER

- (i) Writ petition is allowed.
- (ii) Respondent No.2 – Municipal Council is directed to pay the monetary benefits payable to the petitioners in accordance with law, within a period of three months from today.
- (iii) Writ petition is disposed of accordingly with no order as to costs.

SANDIPKUMAR C. MORE, J.

C.V. BHADANG, J.

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