

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4582 OF 2022
IN WP/14770/2019

THE CHIEF OFFICER, MUNICIPAL COUNCIL, MUKHED
VERSUS
VASANT BALIRAM DAMKONDWAR AND OTHERS

...
Advocate for the Applicant : Shri Kadam Gajanan G.
AGP for Respondent 2/ State : Shri P.K. Lakhotiya
Advocate for Respondent 1/ Original Petitioner : Ms.J.P. Reddy
...

CORAM : RAVINDRA V. GHUGE
&
S.G. DIGE, JJ.

DATE :- 28th March, 2022

Per Court :-

1. We have heard the learned advocates for the respective sides and the learned AGP. We have perused the order passed by this Court on 10.03.2022 in Writ Petition No.14770/2019. Operative part of the order reads as under :-

- “(i) Respondent No.5 is directed to pay the retiral benefits of the petitioner as quantified in prayer clauses B and C in the sum of Rs.4,76,526/- and the further amount if any payable within two (2) weeks from today with interest @ provided under various provisions of law for each of the Heads as claimed in the petition from the date of retirement i.e. 31.03.2008 till payment without fail.*
- (ii) It is made clear that if the amount is not paid as*

directed by this order, this Court will initiate the proceedings under the provisions of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India against respondent No.5.

- (iii) Rule is made absolute in the aforesaid terms.*
- (iv) Parties to act on the authenticated copy of this order.*
- (v) Place the matter on board for "reporting compliance" on 28.03.2022."*

2. Shri Kadam, the learned advocate for the applicant/Municipal Council, informs us that an amount of Rs.4,76,526/- vide the cheque dated 24.03.2022 is being offered to the original petitioner and the interest component, which is likely to be around Rs.5 lacs, would be paid as expeditiously as possible. A request has already been moved to the Director of Municipal Administration, Mumbai for financial assistance of Rs.2.05 crores so as to pay arrears of legal dues of the employees.

3. In view of the above and since the Municipal Council collects taxes and has its own source of earnings, the interest component shall be calculated by the applicant Municipal Council and shall be paid in two equal installments to the original petitioner. The first installment shall be cleared by 05.05.2022 and the second installment would be cleared by 10.06.2022.

4. We make it clear that we will not entertain any

application on behalf of the Municipal Council for further extension of time.

5. This Civil Application is, accordingly, disposed off.

kps (S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)