

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONT. PETITION NO.386 OF 2022
IN WP/6679/2021

VIJAYKUMAR KANUBA SHELKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA SONIA SETHI THROUGH ITS
SECRETARY AND OTHERS

Mr.N.L.Jadhav, Advocate for the petitioners.
Mr.S.K.Tambe, AGP for the respondent/State.
Mr.G.K.Naik Thigale, Advocate for respondent No.6

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : AUGUST 5, 2022

PER COURT :

1. The order dated 12/10/2021 passed by this Court and more particularly paragraph Nos. 4, 5 and 6 read as under :-

"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."

2. Some amounts have been paid to the petitioners by the Municipal Council. An assurance is given on instructions from Mr.Umesh G. Dudhal, Deputy C.O., Nagar Parishad that an amount of Rs.1,00,000/- per petitioner would be paid within 2 days. It was suggested that further payments would be in terms of 50,000/- per month. Since we found that the payment of monthly installments @ 50,000/- was not reasonable taking into account our earlier directions that the said authority has stated that Rs.75,000/ per month per petitioner would be paid. The petitioners pray that there be an outer limit, within which the entire amounts would be cleared.

3. We find that the outer limit of 28.02.2023 would a sufficient duration, which would actually amount to granting 12 months beyond the original time line that was allocated to the Municipal Council.

4. In view of the above, this petition is disposed off with the

following observations :-

[a] An amount of Rs.1,00,000/- per petitioner would be paid within 3 (three) days from today as per the statement recorded.

[b] An amount of Rs.75,000/- per month per petitioner would be paid as per the statement recorded.

[c] In any case, the total amounts shall be cleared till 28.02.2023.

5. To do complete justice, we observe that the above recorded statements would apply to all similarly situated employees of the Municipal Council, Beed and they shall also be treated equally. In short, let others who have not approached this Court, be not compelled to come to the Court for similar reliefs.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)