

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

945 WRIT PETITION NO.13291 OF 2021
RADHAKISHAN BAPURAO PURI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Jadhav N.L.
AGP for Respondent Nos. 1 to 4 : Mrs. M.A. Deshpande

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961 WRIT PETITION NO.9349 OF 2019
DNYANESHWAR RAMBHAU SONAVANE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Jadhav N.L.
AGP for Respondent Nos. 1 to 5 : Mr. S.B. Yawalkar
Advocate for Respondent No. 6 : Mr. Girish K. Thigle (Naik)

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WRIT PETITION NO. 13593 OF 2021
SHANTABAI SAKHARAM KALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Jadhav N.L.
AGP for Respondent Nos. 1 & 4 : Mr. S.B. Yawalkar
Advocate for Respondent No. 5 : Mr. V.A. Mundhe h/f Mr. S.S. Thombre

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CORAM : **MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : **24.08.2022.**

PER COURT : (PER : SANDEEP V. MARNE, J)

We have heard both the sides.

2. By the present petitions, the petitioners are seeking direction for payment of various amounts towards arrears of implementation of pay commission recommendations, time bound promotion, pensionary benefits, etc.

3. Learned advocate appearing for the petitioners has invited our attention to the order dated 05.08.2022 passed by this Court in Contempt Petition No. 386/2022 filed by Vijaykumar Kanuba Shelke and others, which reads thus :

“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.”

He submits that order dated 05.08.2022 operates in *rem* and would cover petitioners as well. He, therefore, submits that no separate orders are required to be passed in the present petitions.

4. We find that in para No. 5 of the order dated 05.08.2022 this Court has directed that the statements made on behalf of the Municipal Council and as recorded by this Court have been directed to be applied to all similarly situated employees. Therefore, nothing remains to be decided in the present petitions. We therefore, dispose of the writ petitions.

(SANDEEP V. MARNE J.)

mkd/-

(MANGESH S. PATIL, J.)