

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2777 OF 2019

Ramesh Sridam Renke	}	Petitioner
Versus		
Municipal Corporation of	}	
Greater Mumbai and Ors.	}	Respondents

Ms. Neeta P. Karnik for the petitioner.

Mr. A. Y. Sakhare, Senior Advocate with
Ms. Rupali Adhate for respondents 1 to 3
(MCGM).

Dr. Pathan K. A., General Manager,
Deonar Abattoir, present in Court.

**CORAM: DIPANKAR DATTA, CJ. &
ABHAY AHUJA, J.**

DATE: DECEMBER 9, 2022

P.C.:

1. Pursuant to the earlier order dated 6th December 2022, Mr. Sakhare, learned senior advocate for the respondents 1 to 3, has obtained instructions from Dr. Pathan, General Manager, Deonar Abattoir, who is present in Court, to submit that a decision has been taken to release all retiral dues to which the petitioner is entitled, viz. (i) Gratuity; (ii) Leave Encashment; and (iii) Pension, within a period of 4 (four) weeks from date. Mr. Sakhare also submits that if the petitioner wishes to commute his pension, he needs to file an application.

2. Ms. Karnik, learned advocate for the petitioner, submits that such an application has been submitted before the Corporation yesterday.

3. In such view of the matter, we direct the respondents 1 to 3 to compute the retiral benefits to which the petitioner is entitled and to release the same as early as possible, but positively by 31st January 2023.

4. Ms. Karnik prays for interest on delayed payment of retiral benefits. According to her, the respondents 1 to 3 have illegally and without authority of law withheld the retiral benefits for the last 14 (fourteen) years and, therefore, the petitioner is entitled to interest.

5. Mr. Sakhare brings to our notice Rules 55A and 55B of the Pension Rules, 1953 of the Municipal Corporation of Greater Mumbai and submits that if at all the petitioner is entitled to interest in terms thereof, the respondents 1 to 3 shall pass appropriate order to that effect. We, therefore, grant liberty to the respondents 1 to 3 to consider the question of grant of interest in accordance with the extant rules.

6. In the event any decision is taken which is not to the satisfaction of the petitioner, he shall be at liberty to pursue his remedies, in accordance with law. All questions are left open.

7. Since we have not expressed any opinion on the rival claims, Writ Petition (A.S.) No. 5816 of 2017, instituted by the respondents 1 to 3 against the order of the appellate authority under section 105B of the Mumbai Municipal

Corporation Act, 1888, shall be decided without being influenced by this order.

8. With the aforesaid directions, the writ petition stands disposed of. No costs.

(ABHAY AHUJA, J.)

(CHIEF JUSTICE)

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