

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION (WP) NO. 3626/2021

1. Shri Shankar S/o Mahadevrao Aswar
aged about 67 years, Occu-Retired,
R/o. Guljarpura, Anajangaon Surji,
Anjangaon, Dist-Amravati
- PETITIONER

// VERSUS //

1. State of Maharashtra,
through its Secretary
Urban Development Department
Mantralaya, Mumbai-30
2. State of Maharashtra,
through its Director,
Nagar Parishad Sanchanaayalaya,
3rd Floor, Sir Ponchkhanwala Marg,
Varali Mumbai- 400032.
3. Municipal Council, Aanjagaon Surji,
through its Chief Officer,
Municipal Council Officer,
Anjajangaon Surji,
District – Amravati.
4. The Regional Director of Municipal
Administration, Amravati Division,
Amravati.
5. The Collector, Amravati,
Tah. and Dist- Amravati
- RESPONDENT(S)

Shri Gajanan N. Shinde, Advocate for the petitioner
Ms. Kalyani R. Deshpande, AGP for respondent nos. 1, 2, 4 & 5/State
Shri K. P. Mahalle, Advocate for respondent no. 3

**CORAM : A. S. CHANDURKAR AND
PUSHPA V. GANEDIWALA, JJ.**

DATED : 31/01/2022

ORAL JUDGMENT : (PER:- A. S. CHANDURKAR, J.)

Rule. Rule made returnable forthwith. Heard the learned counsel for the parties.

2. The petitioner was serving as a Peon at Municipal Council, Anjangaon Surji, District Amravati. He subsequently discharged the duties as a Driver and thereafter retired from service from 26.12.2011. Since the petitioner has not been paid arrears of leave encashment and arrears of pension as per recommendations of the 6th Pay Commission, he made various representations to the Municipal Council. Since his efforts were not successful, the petitioner has approached this Court seeking release of aforesaid monetary benefits.

3. The learned counsel for respondent No. 3 submits that now the Municipal Council, Anjangaon Surji, has passed resolution dated 06.08.2016 for releasing the arrears of salary w.e.f. 01.01.2006, in terms of the 6th Pay Commission pay scales and, but due to paucity of funds the Municipal Council has decided to release the arrears of pension/salary in installments.

4. We have gone through Government Resolution dated

06.08.2016. It does not prescribe any time period within which the arrears of pension/salary would be released. But, the fact remains that the Municipal Council has already resolved to release the arrears of pension/salary. We are of the view that now it is time that same is done and completed by the Municipal Council at the earliest.

5. Accordingly, we direct the Municipal Council, Anjangaon Surji to release the arrears of pension and leave encashment due and payable to the petitioner in terms of 6th Pay Commission within a period of one year starting from 01.02.2022.

6. Needless to state that the Municipal Council shall take into account any payment made earlier to the petitioner in the aforesaid context.

7. Rule is made absolute in the aforesaid terms. No costs.

JUDGE

JUDGE

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