

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

WRIT PETITION (WP) NO. 2627/2012

Chunnilal s/o Khushalrao Thakre and ors. ..VS.. Municipal Council Gondia and ors.
WITH

WRIT PETITION (WP) NO. 5861/2011

Kuwarsingh s/o Budhram Singh Bhardwaj and ors. ..VS.. Municipal Council Gondia
WITH

WRIT PETITION (WP) NO. 3821/2019

Omprakash s/o Narbadaprasad Gupta and ors. ..VS.. Municipal Council Gondia and ors.

Office Notes, Office Memoranda of
 Coram, appearances, Court's Orders
 or directions and Registrar's order

Court's or Judge's Order

WP No. 2627/2012

Shri S.M. Patrikar, Advocate for the petitioners
 Shri Anoop Parihar, Advocate for the respondent no. 1
 Miss Trupti H. Udeshi, Assistant Government Pleader for respondent nos. 2 and 3

WP No. 5861/2011

Shri S.M. Patrikar, Advocate for the petitioners
 Shri Anoop Parihar, Advocate for the respondent

WP No. 3821/2019

Shri S.M. Patrikar, Advocate for the petitioners
 Shri S.A. Sahu, Advocate for the respondent no. 1
 Miss Trupti H. Udeshi, Assistant Government Pleader for respondent nos. 2 and 3
 Respondent no. 4 served

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, J.J.

DATED : 26/07/2022

Since the similar reliefs are sought in these writ petitions, they have been heard together especially as in Writ Petition No. 2627/2012, Civil Application (CAW) No. 1472/2022 has been filed for grant of early hearing.

The petitioners in these writ petitions are retired employees of Municipal Council, Gondia. It is their grievance that they have not been paid benefits in accordance with the recommendations of 5th and 6th Pay Commissions by the Municipal Council. As those benefits were not paid despite making a demand, these writ petitions have been filed.

The learned Counsel for the petitioners submitted that the employees similarly placed and engaged with Municipal Council, Tumsar had approached this Court and by the order dated 24.02.2018 in Writ Petition No. 4655/2017 (*Durgadas Jeevanlal Ragde Vs. Municipal Council, Tumsar*) and the order dated 06.02.2020 on Civil Application No. 1604/2018 in Writ Petition No. 4577/2015 (*Municipal Council, Tumsar Vs. Laxmibai Ashok Ragde*) this Court had directed payment of arrears pursuant to the recommendations of the 5th Pay Commission. It was also directed that in so far as arrears as per the recommendations of the 6th Pay Commission were concerned, the same were to be released as and when the Municipal Council decided to pay the same to all its employees. Similar order is sought in these writ petitions.

In the reply filed by the Municipal Council, it has been stated that in so far as the arrears payable under the 5th Pay Commission are concerned the same have been partly released to the petitioners. Depending upon the financial position of the Municipal Council the same would be paid from time to time. In the affidavit filed in Writ Petition No. 3821/2019 it is stated that part of the amount of arrears payable as per the recommendations of 5th Pay Commission had already been paid and for paying the balance amount sometime may be granted. It has been undertaken to pay arrears as per the recommendations of 6th Pay Commission as and when the same would be paid to other employees.

After hearing learned Counsel for the parties and perusing the order passed in Writ Petition No. 4655/2017 as well as the order passed on Civil Application No. 1604/2018 in Writ Petition No. 4577/2015, we find that this Court has directed payment of

arrears of salary as the per recommendations of 6th Pay Commission as and when the same are decided to be paid to similarly situated employees of the Municipal Council. We find that a similar direction can be issued in these writ petitions.

Accordingly, it is directed that in so far as the remaining arrears that are payable to the petitioners as per the recommendations of 5th Pay Commission are concerned, the dues shall be cleared within a period of one year from today ending on 31.07.2023. In so far as arrears admissible pursuant to the recommendations of 6th Pay Commission are concerned the same shall be paid to the petitioners as and when such arrears are paid to other employees of the Municipal Council.

With these directions, the writ petitions as well as Civil Application (CAW) No. 1472/2022 are disposed of. Rule accordingly. No costs.

JUDGE

JUDGE

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