IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 WRIT PETITION NO.3731 OF 2023

AVINASH SHANTARAM PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS
…

AND
913 WRIT PETITION NO.3754 OF 2023

BALWANT BHIVSAN MALI
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS
…

AND
914 WRIT PETITION NO.3762 OF 2023

PRADIP BABURAO PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS
…

AND
915 WRIT PETITION NO.3764 OF 2023

RAJENDRA DANGAL PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS
…

Advocate for the Petitioners : Shri Shah Mohit S.
AGP for Respondent 1/State : Shri S.K. Tambe
Advocate for Respondents 2 and 3 : Shri Amol Sawant
...

CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.

DATE :- 06th April, 2023

Per Court :-

1. In all these petitions, we had passed an order on 03.04.2023, which reads as under:-

> *"1. All these Petitioners are identically placed. Their legal dues post retirement are admitted by the Corporation. These amounts are not disbursed since the Corporation claims to have paucity of funds.*
> *2. We are inclined to grant six equated monthly installments to the Corporation.*
> *3. The Municipal Corporation Dhule has a Panel of lawyers. Shri. Sawant, the learned Advocate is on the Panel. He informs us that he cannot appear without a notice. We, however, requested him to assist us and cause his appearance, since a short issue is involved.*
> *4. At his request, stand over to 06/04/2023 in the 'passing orders' category."*

2. The learned Advocate for the Municipal Corporation, Shri Sawant has fairly stated that the dues of the Petitioners and similarly situated employees, in all 1464 retired employees, are Rs.21,16,83,541/- as on on 27.01.2023. He submits that the Municipal Corporation suffers financial stringency and does not have the resources to pay these amounts

immediately. He prays for installments of at least twelve months.

3. The learned Advocate for the Petitioners submits that these Petitioners have superannuated in between 2017 and 2019. Following are the details of these four Petitioners:-

Sr. No.	WP Nos.	Appointed on	Retired on	Entitled to receive (Rs)
1	WP 3731/2023	22.02.1990	31.10.2017	1398811/-
2	WP 3754/2023	04.09.1986	31.03.2019	1684076/-
3	WP 3762/2023	16.01.1991	31.05.2017	1274594/-
4	WP 3764/2023	06.03.1992	30.09.2018	1626103/-

4. Considering the calculations made by the Additional Commissioner at page 22 of the petition paper book, we find that there are 1464 retired employees as like these Petitioners. All of them are waiting for the payment of their retiral dues. Each one of them is entitled for statutory interest amount on the unpaid retiral benefits, especially gratuity and difference of pay scales.

5. In view of the above, **these Writ Petitions are disposed off** with the following directions:-

(a) The Respondent/ Municipal Corporation shall ensure that these Petitioners and the remaining 1460 similarly situated employees as well as those employees, who may have retired after 27.01.2023 till today, shall be paid their retiral dues in nine equated monthly installments. Each of such equated monthly installments shall be paid on or before 15th day of each month beginning from the month of May, 2023. The last installment shall be paid on or before 15.01.2024.

(b) Needless to state, all employees, who may retire after passing of this order, would also be treated equally at par with these Petitioners and they would also be entitled for payment of such retiral benefits.

(c) It goes without saying that the Municipal Corporation is at liberty to recalculate the total amount to be paid to each retired employee, which would also include the leave encashment amount.

kps **(SANJAY A. DESHMUKH, J.)** **(RAVINDRA V. GHUGE, J.)**