

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

61 WRIT PETITION NO.9334 OF 2021

Smt Gangubai Subhash Chavade.

... Petitioner

Versus

1. The State of Maharashtra.
2. The Collector, District Administrative Officer,
Collector Office, Nanded.
3. The Chief Officer,
Municipal Council, Mukhed, Dist. Nanded. ... Respondents

...
Advocate for Petitioner : Mr. V. V. Bhavthankar.
AGP for Respondent Nos.1 & 2 : Mr. P. S. Patil.
Advocate for Respondent No.3 : Mr. G. G. Kadam.

...

AND

62 WRIT PETITION NO.9350 OF 2021

Shankar Gundappa Gorlawad.

... Petitioner

Versus

1. The State of Maharashtra.
2. The Collector, Nanded.
3. The Chief Officer,
Municipal Council, Mukhed, Dist. Nanded. ... Respondents

...
Advocate for Petitioner : Mr. V. V. Bhavthankar.
AGP for Respondent Nos.1 & 2 : Mr. S. G. Karlekar.
Advocate for Respondent No.3 : Mr. G. G. Kadam.

...

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

DATE : 02nd January, 2023.

Per Court:

1. These are two petitions in which the petitioners are praying for payment of their retiral benefits as set out in their respective prayer clauses.

2. The learned advocate representing the same Municipal Council submits, on the basis of the reply filed, that the amounts could not be paid due to paucity of funds. Covid-19 pandemic further worsened the financial condition of the Municipal Council. They are praying for release of the funds to the Government.

3. The learned AGP strenuously submits that due to the mismanagement of such Municipal Councils, recovery of taxes is lagging and such Municipal Councils squander away the available funds and then seek financial assistance from the Government.

4. The learned advocate for the Municipal Council submits that partial payments of amounts have been made to the petitioners and similarly situated employees, to the extent of the arrears of difference in the light of the 7th Pay Commissions Recommendations.

5. In similar circumstances, this Court has delivered an order on 13th November, 2013 in *Writ Petition No.2259 of 2013 (Ashok s/o Pandharinath Bokan and others Vs. The State of Maharashtra and*

others). This Court has concluded in paragraph Nos.5 and 6, which read thus:-

“5 Learned Counsel appearing for Respondent-Municipal Council, on instructions, states that the amount due to the petitioners, as per the statements produced in the Court, would be disbursed to them, as expeditiously as possible, preferably within six months from today.

6 The statement made on behalf of Respondent No.4-Municipal Council is accepted and Respondent No.4 is directed to disburse the amount, as specified in the statements tendered in the Court today, to the respective petitioners, within a period of six months from today. Petitioners are also entitled to claim interest from the date on which the amount was due i.e. period beyond six months, as specified under Rule 129B of Maharashtra Civil Services (Pension) Rules, 1982. The amount of interest shall be calculated from the date on which the amount became due till the date of payment, at the rate applicable to General Provident Fund Deposits, at the relevant time. The amount due shall be paid together with interest within the time stipulated above.”

6. Considering that the only issue is as regards the paucity of funds, in our view, this cannot be a ground for delaying or withholding payments of retiral monetary benefits of the petitioners. Delay in such payments entails admissible rate of interest as is prescribed by law.

7. In view of the above, these petitions are disposed off with the following directions:-

- a) Respondent No.3 shall forward a request to the State Government within two weeks from today, seeking a release of the funds for the purpose of paying the retiral benefits to the petitioners and all similarly situated employees, who have not preferred any petition in the High Court.
- b) The Government would release the said funds in three installments. The first installment would be delivered to the Municipal Council, on or before 28th February, 2023; the second installment would be delivered, on or before 30th April, 2023; and the last installment would be delivered, on or before 30th June, 2023.
- c) The above stated amounts, which would be demanded by respondent No.3, would include the admissible rate of interest component to be paid to the petitioners to the extent of the unpaid retiral benefits.
- d) Within ten days of receiving of each of the installments, respondent No.3 would disburse the amounts to the

petitioners and similarly situated employees, as a part of
the first, second and third equated installments.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]