

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

946 CIVIL APPLICATION NO.12204 OF 2023
IN WP/8695/2022

THE CHIEF OFFICER RAHATA MUNICIPAL COUNCIL
VERSUS
BHAUSAHEB NIVRUTTI GADEKAR AND OTHERS

AND
CA/12221/2023 IN WP/8698/2022

THE CHIEF OFFICER RAHATA MUNICIPAL COUNCIL
VERSUS
SUMAN VASANT BARVE AND OTHERS

AND
CA/12220/2023 IN WP/8696/2022

THE CHIEF OFFICER RAHATA MUNICIPAL COUNCIL
VERSUS
BALASAHEB TRIMBAK SALUNKE AND OTHERS

AND
CA/12219/2023 IN WP/8697/2022

THE CHIEF OFFICER RAHATA MUNICIPAL COUNCIL
VERSUS
BARKU PARAJI GADEKAR AND OTHERS

AND
CA/12218/2023 IN WP/8700/2022

THE CHIEF OFFICER RAHATA MUNICIPAL COUNCIL
VERSUS
DEVARAM SOPAN BANKAR AND OTHERS

AND
CA/12217/2023 IN WP/8701/2022

(2)

THE CHIEF OFFICER RAHATA MUNICIPAL COUNCIL
VERSUS
RAVINDRA RAMCHANDRA ZODAGE AND OTHERS

AND
CA/12216/2023 IN WP/8699/2022

THE CHIEF OFFICER RAHATA MUNICIPAL COUNCIL
VERSUS
DNYANESHWAR YASHWANT GADEKAR AND OTHERS

AND
CA/12215/2023 IN WP/8709/2022

THE CHIEF OFFICER RAHATA MUNICIPAL COUNCIL
VERSUS
BHAUSAHEB BABURAO BANKAR AND OTHERS

AND
CA/12214/2023 IN WP/8705/2022

THE CHIEF OFFICER RAHATA MUNICIPAL COUNCIL
VERSUS
MANDABAI RAMESH BHALERAU AND OTHERS

AND
CA/12213/2023 IN WP/8702/2022

THE CHIEF OFFICER RAHATA MUNICIPAL COUNCIL
VERSUS
SUSHILA KUSHINATH NIKALE AND OTHERS

AND
CA/12212/2023 IN WP/8703/2022

THE CHIEF OFFICER RAHATA MUNICIPAL COUNCIL
VERSUS
RANGNATH DADA SADAFAL AND OTHERS

AND
CA/12211/2023 IN WP/8704/2022

(3)

THE CHIEF OFFICER RAHATA MUNICIPAL COUNCIL
VERSUS
BHIMRAJ KONDAJI CHAVAN AND OTHERS

AND

CA/12210/2023 IN WP/8711/2022

THE CHIEF OFFICER RAHATA MUNICIPAL COUNCIL
VERSUS
NANA MOGAL WAGHMARE AND OTHERS

AND

CA/12208/2023 IN WP/8710/2022

THE CHIEF OFFICER RAHATA MUNICIPAL COUNCIL
VERSUS
BHAUSAHEB BHANUDAS AAMKAR AND OTHERS

AND

CA/12207/2023 IN WP/8708/2022

THE CHIEF OFFICER RAHATA MUNICIPAL COUNCIL
VERSUS
SUMAN BHAUSAHEB MAHANKALE AND OTHERS

AND

CA/12206/2023 IN WP/8707/2022

THE CHIEF OFFICER RAHATA MUNICIPAL COUNCIL
VERSUS
ASHA JAYWANT BARDE AND OTHERS

AND

CA/12205/2023 IN WP/8706/2022

THE CHIEF OFFICER RAHATA MUNICIPAL COUNCIL
VERSUS
ANNASAHEB DADA KARDAK AND OTHERS

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Mr Avinash Patil, Advocate h/f Mr Shailesh S. Chapalgaonkar,
Advocate for Applicant;

(4)

Mr P. V. Barde, Advocate for Respondents/Petitioners in Writ
Petitions

Mr P. K. Lakhotiya, A.G.P. for Respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRADE, JJ.**

DATE : 3rd November, 2023

PER COURT:

1. The Applicant is the Municipal Council, Rahata, which prays for two years time to implement the order of this Court, dated 17/10/2022, passed in the respective Writ Petitions. One year has already passed by.

2. It is undisputed that the amounts due and payable to these Petitioners in the Writ Petitions, are to be paid by the Municipal Council. The Municipal Council itself has calculated the outstanding retiral/pensionary benefits payable to these original Petitioners. The only ground put forth by the Municipal Council is that, it has a financial crunch.

3. The amounts due and payable to these Petitioners are towards statutory benefits. Statutorily, interest is leviable and they are entitled even for the interest. When the Petitioners

(5)

approached this Court seeking a direction to the Municipal Council, they had already retired and the retiral benefits payable to them include the A.C.P.S. benefits, Gratuity, leave encashment and other benefits. The original Petitioners before us have superannuated between 2015 to 2020.

4. In view of the above and considering the strenuous submissions of the learned Advocate for the Municipal Council, we deem it appropriate to dispose of all these Civil Applications. Accordingly, **all these Civil Applications are disposed off**, with the following directions :-

(a) Considering that, these original Petitioners are without their retiral benefits for about 3 to 8 years, and since the Diwali festival is round the corner, we direct that all their legal dues along with admissible statutory interest components, would be payable by the Municipal Council to these Petitioners, in six monthly installments, as per the amounts calculated as mentioned in the respective Civil Applications (which are without interest), by adding the interest components as permissible under the Statute.

(6)

(b) The first installment shall be paid to the Petitioners, on or before 10/11/2023.

(c) All the remaining five installments shall be paid to these Petitioners on the 10th day of each month, beginning from December 2023 and ending on 10th April 2024.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk