

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

906 WRIT PETITION NO.14499 OF 2023

**RAGHUNATH TUKARAM PUJARI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY PRINCIPAL SECRETARY AND ANOTHER**

...

**AND
907 WRIT PETITION NO.14513 OF 2023**

**NATHRAO BABURO CHAVAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY PRINCIPAL SECRETARY AND ANOTHER**

...

Advocate for the Petitioners : Shri Kamble Dinkar G.
AGP for Respondent 1/State : Shri P.S. Patil and Shri P.K.
Lakhotiya
Advocate for Respondent 2 : Shri S.N. Janakwade

...

**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 29th November, 2023

Per Court :-

1. The Petitioners in these petitions are similarly situated. The Petitioner in the first Writ Petition No.14499/2023 has superannuated on 30.06.2015, whereas, the Petitioner in the second Writ Petition No.14513/2023 has superannuated on

30.06.2010. Both the Petitioners make the statement that the regular pension is being paid to them.

2. The Petitioners have put forth identical prayers. In Writ Petition No.14499/2023, prayer clauses C and D read as under:-

- “C) *This Hon’ble Court may be pleased to issue writ of mandamus and/or by any other writ, order or directions in the nature of mandamus, thereby directing the respondent no.1 and 2 to take necessary action and pay all the amounts of retirement/ pensionary benefits along with amount arrears due to pay fixation in the revised pay scale, to the petitioner within a month from the passing of the order by this Hon’ble High Court or the said amount may kindly be directed to be deposited in this Hon’ble High Court.*
- D) *The compound interest on the delayed payment of retirement/ pensionary benefits may be pleased be directed to be paid as per the rules.”*

3. The only issue raised in these petitions is that the Municipal Council is not paying the retirement and pensionary benefits of the Petitioners.

4. The learned Advocate for the Municipal Council submits that there is no reason to withhold such payments, save and except that the Municipal Council is facing financial difficulties.

5. In similar set of facts as regards the same Municipal Council, this Court has passed several orders. One such order dated 18.04.2023 passed in Writ Petition No.4313/2023 (*Anusaya Umaji Mahajan vs. The State of Maharashtra and others*), is cited. In the said matter, we granted four equated monthly installments to the Municipal Council to clear the dues of the Petitioner.

6. In view of the above, **these Writ Petitions are partly allowed** with the following directions:-

(a) The Respondent/ Municipal Council shall calculate the interest component as is statutorily provided with regard to the amounts not paid to the Petitioners ever since their retirement on 30.06.2015 and 30.06.2010, respectively.

(b) The entire retiral benefits inclusive of interest shall be quantified and paid to the Petitioners in four equated monthly installments, payable on or before 05.01.2024 and thereafter, on or before the 05th day of the succeeding months viz. February, March and April, 2024.