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

18 WRIT PETITION NO.12152 OF 2023

**MOHINIRAJ KANTRAO PATHAK AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Mr I. D. Maniyar, Advocate for Petitioners;
Mr P. S. Patil, A.G.P. for Respondents/State
Mr H. P. Jadhav, Advocate for Respondents/Zilla Parishad, Beed

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

DATE : 23rd October, 2023

PER COURT:

1. The only issue raised in this Writ Petition is, that the pension amount of these Petitioners (32), who are all senior citizens, has been stopped from December 2022 on the ground that Respondent/ Zilla Parishad, Beed does not have adequate funds.

2. The learned Advocate for the Zilla Parishad, who is addressing us through the Video Conferencing mode, submits that the Zilla Parishad does not have enough funds for paying pension to these Petitioners.

3. It is settled law that the rights of the senior citizens or rightful claims towards pension/pensionary benefits/gratuity, are unfettered rights and not a bounty.

4. **This Writ Petition is, therefore, partly allowed** with a direction that the Zilla Parishad would ensure that the outstanding pension amount of all these Petitioners, from December 2022, till September 2023, shall be paid in three equated monthly installments. The first installment shall be paid, on or before 09/11/2023. The second installment shall be paid on or before 31/12/2023 and the third installment shall be paid on or before 29/02/2024.

5. Besides the above directions, regular pension shall be commenced, and it shall be ensured that the pension payable for October 2023 onwards, shall be credited into the respective Bank Accounts of all these Petitioners, on or before 09/11/2023. Needless to state, the admissible interest shall be calculated on the unpaid amounts of pension of these Petitioners and the same shall be paid to these Petitioners through three equated monthly installments.

(3)

6. If our above directions are not complied with, we would consider the conduct of the Zilla Parishad as an aggravated contempt and we would hold the Chief Executive Officer of the Zilla Parishad, responsible.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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