

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

WRIT PETITION NO.13348 OF 2022

**SULBHA SURESH NAKATE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Advocate for the Petitioner : Shri Jethliya Dhiraj R.
AGP for Respondents 1 to 5/ State : Shri V.M. Kagne

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

DATE :- 10th January, 2023

Per Court :-

1. The petitioner is the widow of the employee, who passed away within a short period after retirement from the Secondary Ashram School, owing to the corona infection. Payment of pensionary benefits was delayed and hence, she demanded 18% interest. The Assistant Commissioner, Social Welfare, Osmanabad, directed respondent No.6/the employer of the petitioner's deceased husband, vide communication dated 28.07.2022, to pay the amount of Rs.5,39,517/- towards 18% interest. The petitioner's representations addressed to respondent No.5/ Assistant Commissioner, Social Welfare, Osmanabad,

more specifically the representation dated 27.06.2022, are pending. The petitioner prays that the representation dated 27.06.2022 may be considered by respondent No.5 and assistance may be rendered for recovering the said amount from respondent No.6.

2. In view of the above, this Writ Petition is disposed off.

3. We direct respondent No.5 to consider the representation of the petitioner dated 27.06.2022 and if a case for delayed payment is made out, the said authority would consider the legally admissible interest component and initiate appropriate steps to ensure that the said amount is recovered from the concerned Educational Institution, to be paid to the petitioner.

4. Needless to state, respondent No.5 would issue notice to respondent No.6 and all the stakeholders, while considering the representation of the petitioner and after giving a reasonable opportunity of hearing to everyone, pass an appropriate order. Let this exercise be completed on or before 31.03.2023.