

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION 1660 OF 2020

Sanjay Madhukarrao Chatare,
 aged about 59 yrs, Occ. Retire,
 R/o. Plot No. 37, Ashish Colony,
 Dhamangaon Railay,
 District Amravati 444 709

.....PETITIONER

..V E R S U S..

1. State of Maharashtra through its
 Secretary, Urban Development Department,
 Mumbai 400 032

2. Municipal Council, Dhamangaon Railway,
 through its Chief Officer,
 Dhamangaon Railway,
 District Amravati 444 709

..RESPONDENTS

 Mr. Alok Daga, counsel for petitioner.
 Mr. N.S. Rao, AG.P. for respondent 1/State.
 Mr. M.G. Rathi, counsel for respondent 2.

CORAM:- ROHIT B. DEO & Y.G. KHOBRAGADE, JJ.
DATE : 03.02.2023

JUDGMENT (Per: Rohit B. Deo, J.)

Rule. Rule made returnable forthwith. Heard finally
 with consent of the parties.

2. The petition, who superannuated from services of
 respondent 2 – Municipal Council, Dhamangaon Railway on

30.4.2019, is aggrieved by the failure of respondent 2 – Municipal Council to pay the retiral benefits along with the interest.

3. The learned counsel for respondent 2 Mr. M.G. Rathi fairly does not join issues with the submission and has placed on record a chart which is marked Exhibit A fairly acknowledging that the petitioner is entitled to receive the amount of Rs. 9,31,060/- (Rupees Nine Lakhs Thirty One Thousand Sixty). However, the submission is that due to financial constraints, the Municipal Council shall be in a position to pay the said amount within four months.

4. The learned counsel for the petitioner Mr. Alok Daga invites our attention to the order dated 10.4.2013 in Writ Petition 6119/2012 in which the very said Municipal Council was directed to pay the retiral dues along with interest in accordance with the provisions of Maharashtra Civil Services (Pension) Rules, 1982.

5. We therefore, allow the petition and direct respondent 2 – Municipal Council to pay the retiral dues of the petitioner within four months along with interest in accordance with the applicable statutory provisions.

6. The petition is disposed of.

(Y.G. Khobragade, J.)

(Rohit B. Deo, J.)

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