

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

WRIT PETITION 1168 OF 2022

Nandkishor Vasant Hande,
 aged about 59 yrs, Occ Retire,
 R/o. Plot No. 291, Ward No. 3,
 Near Vitthal Temple, Dhawnewadi,
 Dhamangaon Railway,
 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. Rath, 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 31.5.2021, 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 charts which are marked Exhibit A & Exhibit B fairly acknowledging that the petitioner is entitled to receive the amount of Rs. 13,91,878/-/- (Rupees Thirteen Lakhs Ninety One Thousand Eight Hundred Seventy Eight). The Petitioner 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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