



- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 WRIT PETITION NO. 1511 OF 2021

MANOHAR DURGAJI KAMLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH IT'S SECRETARY AND
OTHERS

Mr.Vivek Bhavthankar, Advocate for the Petitioners.
Mr.V.M.Kagne, AGP for Respondent Nos. 1 to 3.
Mrs.S.N.Devmane h/f Ms.Shital Salunke, Advocate for Respondent
No.4.

(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRADE, JJ.)

DATE : JULY 12, 2024

PER COURT :

1. This Petition is covered by the order delivered by this Court on 13.11.2013, in **WP No.2259/2013 (Ashok s/o Pandharinath Bokan and Others Vs. The State of Maharashtra and Others)**. The Petitioners in this Petition pray for a similar order.

2. The learned advocate representing the same Municipal Council submits, on the basis of the reply filed, that the amounts could not be paid due to paucity of funds. Covid-19 pandemic further

worsened the financial condition of the Municipal Council, which is praying for release of the funds to the Government.

3. The learned AGP strenuously submits that due to the mismanagement of such Municipal Councils, recovery of taxes is lagging and such Municipal Councils squander away the available funds and then seek financial assistance from the Government.

4. The learned advocate for the Municipal Council submits that partial payments of amounts have been made to the petitioners and similarly situated employees, to the extent of the arrears of difference in salaries in the light of the 7th Pay Commissions Recommendations.

5. In similar circumstances, this Court has delivered an order on 13th November, 2013 in ***Writ Petition No.2259 of 2013 (Ashok s/o Pandharinath Boker and others Vs. The State of Maharashtra and others)***. This Court has concluded in paragraph Nos.5 and 6, which read thus:-

“5 Learned Counsel appearing for Respondent-Municipal Council, on instructions, states that the amount due to the petitioners, as per the statements produced in the Court, would be disbursed to them, as expeditiously as possible,

preferably within six months from today.

6 The statement made on behalf of Respondent No.4- Municipal Council is accepted and Respondent No.4 is directed to disburse the amount, as specified in the statements tendered in the Court today, to the respective petitioners, within a period of six months from today. Petitioners are also entitled to claim interest from the date on which the amount was due i.e. period beyond six months, as specified under Rule 129B of Maharashtra Civil Services (Pension) Rules, 1982. The amount of interest shall be calculated from the date on which the amount became due till the date of payment, at the rate applicable to General Provident Fund Deposits, at the relevant time. The amount due shall be paid together with interest within the time stipulated above.”

6. Considering that the only issue is as regards the paucity of funds, in our view, this cannot be a ground for delaying or withholding payments of retiral monetary benefits of the petitioners. Delay in such payments entails admissible rates of interest as is prescribed by law.

7. In view of the above, these **Writ Petitions are disposed off** with the following directions :-

a) Respondent No.3 shall forward a request to the State Government within two weeks from today, seeking release of the funds for the purpose of paying the retiral benefits to the petitioners and all similarly situated employees, who have not preferred any petition in the High Court.

b) The Government would release the said funds in three installments. The first installment would be delivered to the Municipal Council, on or before 31st August, 2024; the second installment would be delivered, on or before 31st October, 2024; and the last installment would be delivered, on or before 31st December, 2024.

c) The above stated amounts, which would be demanded by respondent No.3, would include the admissible rate of interest component to be paid to the petitioners to the extent of the unpaid retiral benefits.

d) Within ten days of receiving each of the installments, respondent No.3 would disburse the amounts to the petitioners and

similarly situated employees, as a part of the first, second and third equated installments.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)