



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

905 WRIT PETITION NO. 1523 OF 2024

KATHALU RAMA MAKASARE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS  
SECRETARY AND ANOTHER

...

Advocate for the Petitioner : Mr. Dinkar G. Kamble

AGP for Respondent 1/State : Mr. S.K. Tambe

Advocate for Respondent 2 : Mr. S.N. Janakwade

...

CORAM : RAVINDRA V. GHUGE

&

Y. G. KHOBRAGADE, JJ.

DATE :- 09<sup>th</sup> February, 2024

Per Court :-

1. The Petitioner has superannuated on 30.09.2022.

The Petitioner makes a statement that the regular pension is being paid to him.

2. The Petitioner has put forth prayer clauses C and D, which read as under:-

“C) *This Hon’ble Court may be pleased to issue writ of mandamus and/or by any other writ, order or directions in the nature of mandamus, thereby directing the respondents no.1 and 2 to take necessary action and pay all the amounts of retirement/ pensionary benefits along with amount arrears due to pay fixation in the revised pay scale, to the petitioner within a month from the passing of the order by this*

*Hon'ble High Court or the said amount may kindly be directed to be deposited in this Hon'ble High Court.*

*D) The compound interest on the delayed payment of retirement/ pensionary benefits may be pleased be directed to be paid as per the rules.”*

3. The only issue raised in this petition is that the Municipal Council is not paying the retirement and pensionary benefits of the Petitioner.

4. The learned Advocate for Respondent No.2/ Municipal Council submits that there is no reason to withhold such payments, save and except that the Municipal Council is facing financial difficulties.

5. In similar set of facts, this Court has passed several orders. One such order dated 18.04.2023 passed in Writ Petition No.4313/2023 (*Anusaya Umaji Mahajan vs. The State of Maharashtra and others*), is cited. In the said matter, we granted four equated monthly installments to the Municipal Council to clear the dues of the Petitioner.

6. In view of the above, **this Writ Petition is partly allowed** with the following directions:-

(a) The Respondent/ Municipal Council shall calculate the interest component as is statutorily provided with regard to

the amounts not paid to the Petitioner ever since his retirement on 30.09.2022.

(b) The entire retiral benefits inclusive of interest shall be quantified and paid to the Petitioner in four equated monthly installments, payable on or before 15.03.2024 and thereafter, on or before the 15th day of the succeeding months viz. April, May and June, 2024.

*kps*

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)