



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

142 WRIT PETITION NO. 4065 OF 2024

**BABASAHEB TRIMBAK HINGE DIED
THROUGH LR SANTOSH BABASAHEB HINGE
VERSUS
STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER**

AND

143 WRIT PETITION NO. 4083 OF 2024

**SUBHASH GAJESING TUSAMKAR AND OTHERS
VERSUS
STATE OF MAHARASHTRA THR ITS ADDL. CHIEF SECRETARY AND ANR**

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Advocate for the Petitioners : Mr. Kawre A.D.
AGP for Respondents/State : Mr. N.S. Tekale
Advocate for R/2 : Mr. Y.V. Kakde

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**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.**

DATE : 19th June, 2024

PC. :-

1. In both these matters, it is an admitted position that the Municipal Council, Paithan has not paid the legal dues of the Petitioners including the gratuity amount, only on account of paucity of funds.
2. In several such matters, we have issued directions for clearing the payments in three equated monthly installments. It is undisputed that all these Petitioners are entitled for their retiral benefits including the gratuity and an

interest of 10 % per annum on the gratuity as is granted under the provisions of the Payment of Gratuity Act.

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

(a) Respondent No.2/ Municipal Council shall clear the retiral benefits of the Petitioners in three equated monthly installments.

(b) The first installment shall be paid to these Petitioners, including the widow, on or before 31.07.2024. The second and the third installments shall be paid, on or before 31.08.2024 and 30.09.2024.

(c) Interest on the unpaid gratuity amounts shall be computed at the rate of 10% per annum and 6% per annum on the rest of the amount. The interest component shall be added while calculating the retiral benefits and would be a part of the three equated installments.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]