



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2234 OF 2024

Madhukar Nagnathrao Ozalwar.

VERSUS

The State Of Maharashtra

Mr. D. G. Kamble, Advocate for the Petitioner

Ms. Neha Kamble, AGP for the Respondent/State

Mr. S. N. Janakwade, Advocate for Respondent No.2.

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 1st April, 2024

PER COURT :-

1. The Petitioner has superannuated on 31st December, 2020 and has preferred this Petition on 8th December, 2023. The regular pension is being paid to him.

2. The Petitioner has put forth prayer clauses 'C' and 'D' 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 alongwith 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 31st December, 2020.

(b) The entire retiral benefits inclusive of interest shall

be quantified and paid to the Petitioner in four equated monthly installments, payable from 5th May, 2024 and thereafter, on or before the 5th day of the succeeding months viz. June, July and August, 2024.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

ssp