



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2948 OF 2024  
IN WP/11408/2023

THE CHIEF OFFICER RAHATA MUNICIPAL COUNCIL  
**VERSUS**  
NANASAHEB ABAJI BOTHE AND OTHER

Mr. S. S. Chapalgaonkar, Advocate for the Applicant  
Mr. R. K. Ingole, AGP for Respondent Nos. 5 to 7  
Mr. Mukul Kulkarni, Advocate h/f Mr. Parag Barde, Advocate for the  
Petition in Writ Petition

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

**DATE : 19<sup>th</sup> April, 2024**

**PER COURT :-**

1. By this Civil Application, the Rahata Municipal Council prays for extension of time by two years to pay the retiral benefits of the employees in terms of the order of this Court dated 13<sup>th</sup> September, 2023.

2. On 5<sup>th</sup> April, 2024, we had passed an order. Today, the Applicant submits that an amount of Rs.1,08,00,000/- has been received by the Municipal Council. A chart of the eligible employees with details as regards unpaid dues (4 pages), is placed before us. The same is marked as 'X-1' for identification.

3. In view of the above, the learned Advocate submits that the Municipal Council be given at least two years time to make the payments of the outstanding amounts. There is a strong objection by the original claimants on the ground that they have superannuated more than three years ago. They are still waiting for the payment of the retiral benefits. Seeking one year or two years time is a very long period for a retired employee who has no source of income, except the pension.

4. Considering the list 'X-1', it is obvious that there are at least 35 such employees who have superannuated and are waiting for their retiral benefits. All these employees mentioned in 'X-1' are mostly in class-IV and some are in class-III category.

5. A question crops up before us. Whether this Court should only cater to the reliefs sought by the Petitioners or look at the issue with a broader perspective. If we grant the disbursement of the entire amount presently deposited with the CO, to the Petitioners, because they are before us, the possibility cannot be ruled out that those who are not before us, may not get their dues. This is a Court of equity and the equities have to be balanced. Therefore, we are treating these Petitioners at par with all those 35 employees who have superannuated and only some of whom are before us. It would be appropriate and judicious to grant the monetary benefits to all these employees, notwithstanding that

many of them have not approached this Court.

6. In view of the above, **this Civil Application is disposed off** with the following directions:

(a) The amount of Rs.1,08,00,000/-, shall be equally disbursed to the Petitioners as well as all other workers who have superannuated and are waiting for their retiral benefits, within 15 days from today.

(b) The remainder amounts along with accrued interest shall be paid by the Municipal Council to all the employees in the list 'X-1', in three (3) equated installments. The first installment to all these employees would be payable on 15<sup>th</sup> June, 2024. The remainder two (2) installments shall be paid by the Municipal Council to each of the said workers on or before the 15<sup>th</sup> day of August and October, 2024.

7. The directions issued in paragraph 4 of the order dated 5<sup>th</sup> April, 2024 by which the lien of the Petitioners and similarly situated employees was maintained on the funds which the State Government would allocate to the Rahata Municipal Council, shall continue until all the dues are paid.

( R. M. JOSHI, J. )

( RAVINDRA V. GHUGE, J. )

ssp