



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

6 CIVIL APPLICATION NO. 3569 OF 2024
IN RAST/10433/2024

NIVRUTI YASHWANTRAO GAWANDE

VERSUS

THE STATE OF MAHARASHTRA THROUGH PRINCIPALE SECRETARY
URBAN DEVELOPMENT DEPARTMENT

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Ms. Suchita S. Upadhyay, Advocate for Applicant.

Mr. K. N. Lokhande, AGP for Respondent No.1 – State.

Mr. Vaibhav Deshmukh h/f Mr. S. S. Tope, Advocate for Respondent Nos.2 to 4.

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CORAM : MANGESH S. PATIL AND
SHAILESH P BRAHME, JJ.

DATE : 15 JULY 2024

ORDER :-

This is an application seeking condonation of delay in filing review application in respect of the order passed by us in petitioner's Contempt Petition No.167 of 2023 dated 07.02.2024.

2. We have heard both the sides.

3. It transpires that the petitioners, who are two in numbers, stated to be superannuated employees of the respondent - Municipal Corporation, had approached this Court in Writ Petition No.4951 of 2022 aggrieved by the fact that in spite of they having retired were not being paid retiral

benefits and had submitted respective representations on 13.08.2021 and 20.09.2021, this Court by order dated 18.07.2022 directed the respondent No.2 Corporation to take decision on those two representations on or before 15.10.2022 on its own merits. The contempt proceedings was filed *inter alia* on the ground that in spite of the directions of this Court, representations were not decided as directed.

4. Since the issue was apparently pertaining to retiral benefits, on the date on which we had passed the order, sought to be reviewed, a statement was made on behalf of the respondent - Corporation together with a chart demonstrating the monetary benefits extended to both the petitioners and the contempt proceeding was closed.

5. Learned Advocate for the petitioners now submits that a specific request of the petitioners to grant interest as laid down under the provisions of Rule 129-A of the Maharashtra Civil Services (Pension) Rules, 1982 for the delayed payment has not been considered by the Corporation.

6. Considering the fact that this Court had ordered the Commissioner to decide the representations of the petitioners and particularly, when there was not even a whisper about any direction to make payment, even if the petitioners have certain rights to claim interest for the delayed payment under the provisions of Rule 129-A of the Maharashtra Civil Services

(Pension) Rules, 1982, it would be apposite for them to resort to the appropriate remedies as are available to them in law.

7. When the contempt proceedings, may be on a statement being made on behalf of the Corporation, was disposed of, for the reasons mentioned in the order sought to be reviewed, we had not decided any right *inter se* between the parties. Consequently, there is no question of undertaking any review. The application is disposed of.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

scm