



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

905 WRIT PETITION NO. 6770 OF 2023

**TANAJI GANGARAM KANOTE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...
Shri Shinde Ashish B., Advocate for the Petitioners.
Mrs.V.N. Patil Jadhav, AGP for Respondent No.1/State.
Shri R.K. Ingole, Advocate for Respondent Nos.2 and 3.

...

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

DATE :- 20th August, 2024

Per Court :-

1. The Petitioners have put forth prayer clauses B and
C as under:-

- “B) *Kindly Issue writ of Mandamus or any other Writ, order or direction in like nature thereby direct the respondent no.2 and 3 to revise the pay scale of petitioners as per the 7th pay commission and give consequential benefits with interest applicable as per the law and for that purpose issue necessary order.*
- C) *The respondent no.3 may kindly be directed to give the benefits of 7th pay commission to the petitioners from 1st January 2016 as per the Government Resolution dated 02.08.2019 and revise pensionary benefits to the petitioners and for that purpose issue necessary order.”*

2. Shri Ingole, the learned Advocate for the Municipal Corporation, has vehemently opposed this petition and prays that this petition deserves to be dismissed with costs.

3. Shri Ingole further vehemently submits that the financial condition of the Municipal Corporation is weak and there are no funds. The Municipal Corporation will have to generate its own funds. So also, interest component may not be granted. He submits that the Government Resolution dated 02.08.2019, is to be considered in such matters.

4. In the light of his strenuous submissions, we drew his attention to the recent order dated 24.07.2024, passed by this Bench involving the same Municipal Corporation, in Writ Petition No.5408/2024 (***Nitin Shriniwas Tornekar and others vs. The State of Maharashtra and others***). We also drew his attention to the affidavit in reply filed by Janardhan Gulabrao Pakwane, Chief Account Officer of the Municipal Corporation in the matter of Nitin Tornekar (supra).

5. The Municipal Corporation had stated in paragraph 9 of the affidavit in reply, in bold letters, filed in the case of Nitin Tornekar (supra), as under:-

“The payment of arrears requires a policy decision for making the number of installments considering the financial position. The deponent respectfully submits that, after taking a strategic decision regarding the payment of the difference amount of the 7th Pay Commission to the working / retired officers / employees of NWCMC. The difference amount of the 7th pay commission will be released.”

6. The learned Advocate for the Petitioners counters the above reproduced portion by stating that Shri Janardhan Pakwane is a Chief Account Officer and he has received his arrears of 7th Pay Commission in one single installment. Since he was the Chief Account Officer, he ensured that he got his arrears in *lump sum*. As against this, he now states in paragraph No.9 that a strategic decision will be taken to pay the difference of amount to the employees.

7. The learned Advocate for the Corporation submits that it may not be true that Mr. Janardhan Gulabrao Pakwane received the arrears in *lump sum*. He further assures that the arrears are legally payable to the Petitioners and they would be

paid as early as possible.

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

[a] The first equated installment inclusive of 6% interest p.a., shall be paid on or before 15.09.2024 to these Petitioners.

[b] The second equated installment shall be paid on or before 15.10.2024 and the last equated installment would be payable on or before 15.11.2024.

[c] We make it clear that even if one of these directions are not complied with, we would hold the Commissioner of Municipal Corporation and Shri Janardhan Gulabrao Pakwane, responsible.

kps (Y. G. KHOBRADE, J.) (RAVINDRA V. GHUGE, J.)