IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 CIVIL APPLICATION NO. 10456 OF 2024
IN/WITH
RAST/26538/2024

NANDED WAGHALA CITY MUNICIPAL CORPORATION
THROUGH ITS MUNICIPAL COMMISSIONER AND ANOTHER
VERSUS
TANAJI GANGARAM KANOTE AND OTHERS

WITH
REVIEW APPLICATION (CIVIL) NO. 223 OF 2024
IN WP/9110/2024

NANDED WAGHALA CITY MUNICIPAL CORPORATION
NANDED AND ANOTHER
VERSUS
NANDKUMAR PRABHAKARRAO KULKARNI AND OTHERS

WITH
REVIEW APPLICATION (CIVIL) NO. 219 OF 2024
IN WP/9264/2024

NANDED WAGHALA CITY MUNICIPAL CORPORATION
NANDED AND ANOTHER
VERSUS
VILAS MADHAVRAO MATPALLEVAR AND OTHERS

WITH
REVIEW APPLICATION (CIVIL) NO. 220 OF 2024
IN WP/8924/2024

NANDED WAGHALA CITY MUNICIPAL CORPORATION
NANDED AND ANOTHER
VERSUS
JAMILODDIN KHALILODDIN AND ANOTHER

WITH

REVIEW APPLICATION (CIVIL) NO. 221 OF 2024
IN WP/9237/2024

NANDED WAGHALA CITY MUNICIPAL CORPORATION
NANDED AND ANOTHER
VERSUS
DAYANAND LOKAJI JONDHALE AND OTHERS

WITH
REVIEW APPLICATION (CIVIL) NO. 222 OF 2024
IN WP/9198/2024

NANDED WAGHALA CITY MUNICIPAL CORPORATION
NANDED AND ANOTHER
VERSUS
DATTARAM JAKOJIRAO PATIL AND OTHERS

WITH
CIVIL APPLICATION NO. 10477 OF 2024
IN/WITH
RAST/26668/2024

NANDED WAGHALA CITY MUNICIPAL CORPORATION
NANDED THROUGH ITS MUNICIPAL COMMISSIONER AND
ANRS
VERSUS
NITIN SHRINIVAS TORNEKAR AND OTHERS
….
Mr R. K. Ingole, Advocate for Applicants in respective Applications/Review Applications
Mr V. M. Kagne, A.G.P. for Respondents/State in respective Application/Review Application
Mr A. B. Shinde, Mr S. B. Patil, Mr G. R. Syed and Ms Priyanka Shinde, Advocates for Respondents/Petitioners in Writ Petitions

AND
905 WRIT PETITION NO. 9811 OF 2024

KISHAN DATTARAM PANCHAL AND OTHERS

VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS
...

WITH
WRIT PETITION NO. 9831 OF 2024

MOHAMMED JAFAR HUSSAIN MOHAMMED KHAJA HUSSAIN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND ANOTHER

WITH
WRIT PETITION NO. 9836 OF 2024

MOHAMMAD IQBAL MOHAMMAD ISMAIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND ANOTHER

WITH
WRIT PETITION NO. 9744 OF 2024

SHAIKH ISMAIL SHAIKH HUSSAIN
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

WITH
WRIT PETITION NO. 9911 OF 2024

RAJKUMAR MANAKCHAND ACHLEEYA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

WITH
WRIT PETITION NO. 9904 OF 2024

SUREST PIRAJI PASHAMWAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

WITH
WRIT PETITION NO. 9897 OF 2024

TAMANA JASPAL SINGH SARDAR SINGH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

WITH
WRIT PETITION NO. 9934 OF 2024

BHAGATSINGH BHUJANGSINGH GADIWALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

WITH
WRIT PETITION NO. 9799 OF 2024

MANNU FULCHAND PARDESHI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

WITH
WRIT PETITION NO. 9874 OF 2024

SUDAS MUNJAJI THORAT AND OTHERS
VERSUS
THE STATE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

WITH
WRIT PETITION NO. 9873 OF 2024

VILAS PUNDLIKRAO BHOSIKAR AND OTHERS

VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

WITH
WRIT PETITION NO. 10266 OF 2024

SARDAR MAHENDRASINGH NANU SINGH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

WITH
WRIT PETITION NO. 9915 OF 2024

RATNAKAR DEVIDASRAO JOSHI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

WITH
WRIT PETITION NO. 10384 OF 2024

DASTGIR MANSURKHAN PATHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

WITH
WRIT PETITION NO. 10273 OF 2024

SHAIKH RAIS PASHA HAMIDODDIN
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

WITH
WRIT PETITION NO. 10343 OF 2024

MADHUKAR TUKARAM PANDIT AND OTHERS
VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

WITH
WRIT PETITION NO. 10500 OF 2024

MD. JEELANI KHAN MD. KHALLIKHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

WITH
WRIT PETITION NO. 10538 OF 2024

GURDEEPSINGH JAIMALSINGH SAHU AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS
….
Mr A. B. Shinde, Mr G. R. Syed, Mr D. K. Thote, Ms Priyanka Shinde, Mrs Vidya Kothule, Ms Risha S. Navatake, Mr R. B. Hake, Advocates for Petitioners in respective Writ Petitions
Mr S. K. Tambe, Addl.G.P. for Respondent No.1/State
Mr R. K. Ingole, Advocate for Respondent /Zilla Parishad, Nanded

CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.

DATE : 26th September, 2024

PER COURT:

1. Civil Application No.10456/2024, in Review Application (St.) No.26538/2024 and Civil Application No.10477/2024, in Review Application (St.) No.26668/2024,

seeking condonation of delay, are allowed by consent of the parties. Delay is condoned. The Review Applications stand registered.

2. All these Review Applications have been preferred by the Nanded-Waghala City Municipal Corporation, Nanded, seeking review of the orders of this Court passed in the respective Writ Petitions, details of which are as under :-

Sr. No.	Writ Petition Nos.	Date of the Order
1.	Writ Petition No.6770/2024	20/08/2024
2.	Writ Petition No.5408/2024	24/04/2024
3.	Writ Petition No.8924/2024	27/08/2024
4.	Writ Petition No.9110/2024	27/08/2024
5.	Writ Petition No.9198/2024	27/08/2024
6.	Writ Petition No.9237/2024	27/08/2024
7.	Writ Petition No.9264/2024	27/08/2024

3. In all the above orders of this Court, which are almost identical, this Court has made similar observations. For the sake of reference, we advert to our first order, dated 20/08/2024, delivered in Writ Petition No.6770/2023 (Tanaji Gangaram Kanote and others Vs. State of Maharashtra and others), which reads as under :-

"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 it's 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."*

4. With reference to Paragraph 7 of the above reproduced order, the learned Advocate for the Corporation has conveyed to us on instructions that, Mr Janardhan Gulabrao Pakwane, Chief Accounts and Finance Officer, Nanded-Waghala City Municipal Corporation, Nanded, has received the arrears of the 7th Pay Commission recommendations difference in wages, from his earlier Employer and not from the Corporation, keeping in view that, he is presently on deputation with the Corporation. The learned Advocates for the Petitioners submit that, since Mr Pakwane has already received his difference salary from his earlier Employer, he has stated in the affidavit-in-reply in the said proceeding, that "*a strategic decision will have to be taken*" to pay the legal dues of the employees. This is borne out from the affidavit set out in Writ Petition No.5408/2024 (Nitin Shrinivas Tornekar and others Vs. State of Maharashtra and others), portion reproduced above.

5. The learned Advocate for the Corporation submits that, he is aware of the law laid down in **Lily Thomas and others Vs. Union of India and others, (2000) 6 Supreme Court Cases 224; S. Madhusudan Reddy Vs. V. Narayana Reddy and others, 2022 LiveLaw (SC) 685 : 2022 SCC Online SC 1034** and **Pancham Lal Pandey Vs. Neeraj Kumar Mishra and others, 2023 SCC Online SC 143 : AIR 2023 SC 948**. Keeping this settled position of law in focus, he submits that the Corporation had approached the Hon'ble Supreme Court for challenging the orders of this Court, review of which, is now sought in these Review Petitions. The Special Leave Petition Nos.21419 to 21425/2024, have been withdrawn by the Corporation, with the prayer to approach the High Court, for filing Review Petitions. The Special Leave Petitions were dismissed as withdrawn with liberty. It is in these circumstances, that these Review Petitions have been filed.

6. The submissions of the learned Advocate for the Corporation, in support of these Review Petitions, are as under :-

(a) The Finance Department has issued a Notification dated 30/01/2019, by which, an amendment is introduced to the Maharashtra Civil Services (Revised Pay) Rules, 2019 (for short 'the Rules 2019').

(b) In Clause 14 of the said Notification, it is provided as under :-

> *"**14. Mode of payment of arrears of pay.** (1) The arrears of pay entitled to Government servant on account of revision of pay under these Rules, for the period from the 1 day of January 2016 to the 31 day of December 2018 (both inclusive) shall be credited to the General Provident Fund (GPF) or Applicable Pension Scheme, as the case may be, in five equal installments over the next five years from financial year 2019- 2020; subject to the following conditions,-*
>
> > *(a) withdrawal of amount of arrears paid in General Provident Fund (GPF) in installments shall not be permitted for the period of two years from the date of its deposit;*
> >
> > *(b) if a Government servant ceases to be in Government service due to retirement, or any other reason after crediting one or more installments in his account, remaining installments shall be paid to the Government servant in cash, on specified date for depositing installment.*

(2) In case of Government servant to whom the "Applicable Pension Scheme" is applicable, the Government may issue separate orders in respect arrears to be credited in their Applicable Pension Scheme.

Explanation. For the purposes of this section, the expression "Applicable Pension Scheme" means the Pension Scheme or Schemes applicable to the Government servants to whom the 'General Provident Fund Scheme' is not applicable."

(c) Under Rule 14 of the 2019 Rules, the difference of the salary as per the 7th Pay Commission recommendations are not to be paid directly to the employees. They would be deposited in their General Provident Fund in five yearly installments and each of the installments would not be touched for a period of two years from the date of deposit.

(d) Regular payment of salaries as per the 7th Pay Commission recommendations have been paid to the employees from 2021.

(e) Some of the employees have superannuated and their dues will be directly deposited in their accounts.

(f) The Finance Department of the State of Maharashtra issued yet another Government Circular, titled as "Maharashtra Civil Services (Revised Pay) Rules, 2019", by which, the 7th Pay Commission recommendations have been accepted.

(g) The Corporation passed a Resolution on 11/09/2019, bearing Resolution No.33, vide which, the recommendations of the 7th Pay Commission have been accepted and made applicable from 01/01/2016. Vide the said Resolution, the Corporation resolved that, the difference in the payments, meaning the difference in the rates payable under the 6th Pay Commission recommendations and the 7th Pay Commission recommendations, shall be paid to the employees in equated installments, along with their monthly salaries. This Resolution is undisturbed and has neither been suspended by the Commissioner, nor has it suffered any order, by which, it can be said to be kept in abeyance.

(h) The Corporation forwarded the Resolution on 15/11/2019 and after queries from the State Government, the revised proposal was forwarded, on 27/08/2020.

(i) The Government granted it’s approval on 23/12/2020.

(j) The expenditure of the Corporation on the salaries of it’s employees has crossed 35%, and it is a mandate of the State Government that, such expenditure should be kept below 35%. By absorbing the payment of difference of the 7th Pay Commission recommendations, the same should not increase beyond 35%.

(k) After this Court passed it’s order on 24/07/2024, in Writ Petition No.5408/2024, the Corporation constituted a Committee on 03/09/2024 and the Committee is now going to work for three months to take a decision, as to how the grievance of the employees, who are legally entitled to the payment of difference of pay-scale, should be dealt with.

(l) At page 192 of the Review Application (St.) No.26538/2024, the Corporation has placed before us the grants received under the 14th Finance Commission and the 15th Finance Commission, with the note that, these grants are used for solid waste management, repayment of loan, payment of electricity charges, operation and maintenance of water treatment plant and sewerage treatment plant. There is no mention of granting amounts to the employees.

(m) The Corporation has issued an order dated 20/12/2014, with regard to the 6th Pay Commission recommendations, wherein the Corporation has resolved as under :-

> “नांदेड वाघाळा शहर महानगरपालिका सर्वसाधारण सभेने दिनांक 18.08.2009 रोजी संमत केलेला ठराव क्र. 54 अन्वये राज्य शासकीय कर्मचा-यांप्रमाणेच नांदेड वाघाळा शहर महानगरपालिकेतील सेवा निवृत्त/ कार्यरत अधिकारी/कर्मचारी/ कामगार यांना दिनांक 01.01.2016 पासून सहावा वेतन आयोग लागू करण्यास मान्यता दिल्या प्रमाणे कार्यालयीन आदेश क्र. मनपा साप्रवि/5/2010 दिनांक 02.04.2010 नुसार सुधारीत वेतनश्रेणी मध्ये दिनांक 01 जानेवारी 2006 पासून वेतन निश्चिती करुन सुधारीत वेतनश्रेणी प्रत्यक्ष 01 मे 2010 पासुन वेतनात समाविष्ठ करुन देण्यात आला आहे.

सहावा वेतन आयोगातील सुधारीत वेतनश्रेणी मुळे दिनांक 01 जानेवारी 2006 पासून अनुज्ञेय होणारी फरकाची रक्कम 01 एप्रिल 2012 नंतर महापालिकेच्या आर्थिक परिस्थितीनुसार फरकाची रक्कम अदा करण्यात बाबत कार्यवाही करण्यात येईल असे संदर्भीय क्र. 5 अन्वये आदेशात नमुद केल्यानुसार सहाव्या वेतन आयोगाची फरकाची अंदाजीत देय असलेली रक्कम रुपये 29,11,50,066/- महापालिकेस एक रक्कमी अदा करणे शक्य नसल्यामुळे 5 व्या आयोगाची फरकाची रक्कम अदा करण्यात आली होती त्याच धर्तीवर सहाव्या वेतन धारक कुंटूक निवृत्त वेतन धारक कर्मचा-यांना व अधिका-याना समाविष्ठ करून 52 महिन्यात सदरील रक्कम अदा करणे बाबत मान्यता प्रदान करण्यात येते. यावर लागणारा खर्च अंदाज पत्रकातील संबधित शिर्षकातून करण्यात यावा.
(मा. आयुक्त यांचे मान्यतेने)”

(n) With regard to the 6th Pay Commission recommendations, all arrears have been paid to the employees in equated 52 installments along with their monthly salaries.

7. We have considered the strenuous submissions of the learned Advocates for the Petitioners in the respective Review Applications.

8. It is an admitted position that the 7th Pay Commission was made applicable on 01/01/2016. As on date, the said recommendations are applicable for another 15 months, out of the

120 months coverage. As yet, not a penny has been paid by the Corporation to any of the Original Petitioners, until this Court passed the above orders, and only in the cases wherein the Hon'ble Supreme Court dismissed the Special Leave Petitions, that, one installment has been paid by the Corporation to only 7 workers, who were in the first Petition [Writ Petition No.5408/2024 (Nitin Shrinivas Tornekar and others Vs. State of Maharashtra and others)].

9. In catena of judgments, the Hon'ble Supreme Court has concluded that the employees, who are legally entitled to the payments of the Pay Commission recommendations, cannot be deprived of such payments. So also, the Corporation itself passed the Resolution No.33, dated 11/09/2019, by which, it is agreed to pay the difference of the salary in equated monthly installments to the employees along with their monthly salaries. Though this Resolution was accepted on 11/09/2019, not a single penny was paid to the Original Petitioners, as well as the Petitioners in the Writ Petitions, which are being heard by the consent of the parties along with these Review Applications. At the cost of repetition,

the Corporation has deposited one installment in the Salary Accounts of the 7 workers after this Court passed it's order, dated 24/07/2024, in Writ Petition No.5408/2024

10. Though Rule 14 of the Rules 2019, indicates that the installment should be deposited in the General Provident Fund of the employees in 5 years and the employees would not be permitted to withdraw the said amounts for two years, we are of the view that Rule 14 (1)(a) does not stand the test of reason and logic and clearly appears to be arbitrary. When the difference in the pay-scale is a property of the employees, and when they have an executable right, not only to receive the said money, but even to utilize it, clause (a) under Rule 14(1), prohibiting the use of said amount for the two years, after it is deposited in the General Provident Fund, when the employee has a right to withdraw the portion of the General Provident Fund, is arbitrary and unsustainable.

11. The learned Advocate for the Corporation clarifies that, such embargo is not imposed on those employees, who have

retired from service. This is clarified in the further circular dated 20/02/2019. Be that as it may, if an employee can withdraw a portion of the General Provident Fund, there is no wisdom in introducing a clause that, after the installment is deposited in the General Provident Fund, the in-service candidates would not touch the amount for two years. Moreover, the Corporation itself resolved to deposit the amounts in the Accounts of the employees in equated monthly installments along with their monthly salaries. However, in how many monthly installments would the said amount be paid, is a matter of circumspection, surmises and conjectures. The learned Advocate for the Corporation is quick in pointing out that, insofar as the 6th Pay Commission recommendations were concerned, the difference amounts were paid in 52 equated monthly installments. Why the same principle is not made applicable for payment of 7th pay Commission arrears, is anybody's guess.

12. In the **State of Andhra Pradesh and Another Vs. Smt. Dinavahi Lakshmi Kameswari, [2021 AIR SC 2669]**, the Hon'ble Supreme Court concluded that, when the Government

delays the payment of salaries and pension, the interest for the delayed period is logical. The High Court of Andhra Pradesh granted 12% interest as against the 6% granted by the Government of Andhra Pradesh. The Hon'ble Supreme Court reduced the rate of interest to 6% p.a.

13. The Corporation has boldly taken a stand before us that, they were to deposit five equated yearly installments of the arrears from 2020 on-wards, after the State Government approved such payment. Pitted against the Resolution No.33 of the Corporation, dated 11/09/2019, the Petitioners submit that, they would have appreciated if the Corporation had deposited the said installments in their General Provident Fund, with the leave to withdraw the amounts, as and when required, if not paid through their salary Accounts, in 52 equated monthly installments, as like the formula applied while paying the arrears of 6th Pay Commission recommendations. It is an admitted position that the Corporation did not deposit a single installment in the General Provident Fund of the employees from December 2020. Had that been done, four installments would have deposited by now, and

only one installment would have remained. By not depositing a single installment, four installments have accumulated on the head of the Corporation and the 5th installment would be due in December 2025.

14. It is also an admitted position that, Class-I Officers on deputation with the Corporation have already received their arrears, since the Government cleared them and the Corporation disbursed the amounts to them. This creates a dichotomy, by which, the Officers from the Class-I category, whose salary scales are more than four times of the Class-IV employees, have received all their arrears and the Class-IV employees, who are hand to mouth, have not received a single installment.

15. The learned Advocate appearing on behalf of the Original Petitioner, as well as on behalf of the Petitioners in the Petitions, which are on board, submit that, they are more interested in receiving their original dues, and not in exerting pressure on the Corporation. If the Corporation is not able to comply with the directions of this Court, it ends up in facing contempt proceedings. They jointly suggest that, four yearly

installments, which were to be paid to the Petitioners between 2020 to 2024, keeping in view Rule 14 of the 2019 Rules, be deposited in their General Provident Fund. To the extent of the retired employees, they be paid in their Accounts in five equated monthly installments along with 6% interest, as granted by the Hon’ble Supreme Court in the **State of Andhra Pradesh and Anr. (supra).**

16. The learned Advocates suggest as under :

(a) The first installment along with interest, be paid before Diwali 2024, on or before 21/10/2024.

(b) The second, third and the fourth equated installments, along with interest, be paid with 90 days intervals, following the first installment.

(c) The last (fifth) installment be paid without interest, since it would be payable only in December 2025, on or before 01/12/2025.

17. We find that the learned Advocates for the Petitioners have put forth a fair proposal. The orders under review, stand modified accordingly and **all these Review Petitions stand disposed off,** in terms of the above time schedule.

18. Consequentially, **all the Writ Petitions** on the cause list today, concerning the Petitioners, who are identically placed, **stand disposed off,** with the same directions.

19. Insofar as the in-service employees are concerned, the installments would be paid as per the time schedule set out above and such amounts, with interest, would be deposited in the General Provident Fund of the Petitioners/in-service employees.

20. Insofar as Gratuity component is concerned, which is calculated on the basis of the 7^{th} Pay Commission recommendations, the said belated payment will carry 12% interest, in the light of the Notification dated 05/10/1999, issued by the Government of India, applicable under the payment of Gratuity.

21. This would also apply to the difference in the commutation amount, as per the statutorily payable interest and also to the leave encashment.

(Y. G. KHOBRAGADE, J.) **(RAVINDRA V. GHUGE, J.)**

sjk