



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

6 WRIT PETITION NO. 14616 OF 2023

GIRJABAI LINGOJI KAMTHEWAD

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND

WRIT PETITION NO.12773 OF 2023

(Not on the Board. Mentioned. Taken on the Production Board.)

SUMANBAI SURYAKANT BOINWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

AND

WRIT PETITION NO.610 OF 2022

(Not on the Board. Mentioned. Taken on the Production Board.)

VYANKAT NARAYAN BANDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

AND

WRIT PETITION NO.182 OF 2022

(Not on the Board. Mentioned. Taken on the Production Board.)

SARLABAI PRABHAKARRAO JOSHI

VERUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioners : Mr. Vivek V. Bhavthankar
AGP for Respondents 1 and 2/State : Mr. P.K. Lakhotiya
Advocate for Respondent 3/MC : Mr. Angad L. Kanade

...

CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRADE, JJ.

DATE :- 22nd January, 2024

Per Court :-

1. In these matters, Respondent No.3/Municipal Council has taken a stand that because it does not have money, it cannot pay the retiral benefits to the retired employees.

3. In similar circumstances, this Court has passed an order on 02.01.2023 in Writ Petition No.9334/2021 (*Smt.Gangubai Subhash Chavade vs. The State of Maharashtra and others*). It is the same Municipal Council before us today.

4. In view of the above and for the reasons recorded in the detailed order dated 02.01.2023 in Writ Petition No.9334/2021 (supra), **these Writ Petition are disposed off** with the following directions:-

(a) Respondent No.3/ Municipal Council shall forward a request to the State Government within two weeks from today, seeking release of the funds for the purpose of paying the retiral benefits to the Petitioners and all similarly situated employees, who have not preferred any petition in the High Court.

(b) The Government would release the said funds in three installments. The first installment would be delivered to the Municipal Council, on or before 15.03.2024; the second installment would be delivered, on or before 31.05.2024; and the last installment would be delivered, on or before 31.07.2024.

(c) The above stated amounts, which would be demanded by Respondent No.3/ Municipal Council, would include the admissible rate of interest component to be paid to the Petitioners to the extent of the unpaid retiral benefits.

(d) Within ten days of receiving of each of the installments, Respondent No.3 would disburse the amounts to the Petitioners and similarly situated employees, as a part of the first, second and third equated installments.

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