



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 WRIT PETITION NO. 282 OF 2024

ROHIDAS RAMJI YENGADE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER

...

Advocate for the Petitioner : Mr. Kamble Dinkar G.

AGP for Respondent 1/State : Mr. S.K. Tambe

Advocate for Respondent 2 : Mr. S.N. Janakwade

...

CORAM : RAVINDRA V. GHUGE

&

Y. G. KHOBRAGADE, JJ.

DATE :- 22nd January, 2024

Per Court :-

1. It is undisputed that the Petitioner is entitled for all retiral benefits and there is no legal impediment. Respondent No.2/ Purna Municipal Council has filed an affidavit in reply dated 22.01.2024 conceding at page 18 that the Petitioner has been paid Rs.1,50,000/- (part amount) out of his retiral dues and the Municipal Council is liable to pay him Rs.6,08,278/-. The Petitioner retired on 31.12.2019 and for the last four years, he is awaiting his payments. Only ground put forth by the Municipal

Council is that they do not have sufficient funds.

2. It is unconscionable for the Municipal Council to hold back the payment of retiral benefits of the employee on the ground of lack of funds. After spending a lifetime with the Municipal Council, the employee has to beg for his retiral benefits.

3. In view of the above, **this Writ Petition is disposed off** with the direction to Respondent No.2/Municipal Council as under:-

(a) Interest at the rate of 3% per annum would be computed on the remainder amount of Rs.6,08,278/- from 01.01.2020 till 30.04.2024, if the arrear are paid as per the directions hereinbelow.

b) With the addition of the interest component, the total amount shall be divided in three equal installments and the first installment shall be paid by the Municipal Council to the Petitioner on 21.02.2024, the second installment would be paid on 21.03.2023 and the last installment would be paid on 30.04.2024.

c) If the above schedule is missed by the Municipal Council, the rate of interest would be calculated @ of 7% per

annum from 01.01.2020 and the interest component shall be recovered from the salary of the Chief Officer of the Municipal Council.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)