

Digitally signed
by
HUSENBASHA
RAHAMAN
NADAF
Date: 2024.10.15
16:35:31 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2872 OF 2024

Pandurang Shivalingappa ThengePetitioner

V/S

The Chief Executive Officer, And 2 Ors.Respondents

Mr. Sanjiv Sawant a/w Mr. Abhishek Matkar and Malhar Bageshwar for the Petitioner.

Mr. Akshay S. Karlekar i/b Shree Law Associates for Respondent Nos. 1 to 3.

**CORAM : RAVINDRA V. GHUGE &
M.M. SATHAYE, JJ.**

DATE : 10th OCTOBER, 2024

P.C.:

1. Vide Order dated 13th December, 2023 passed by this Court (Coram: A.S. Chandurkar and Firdosh P. Pooniwalla, JJ.), the MIDC was called upon to make a statement as to when the retirement benefits would be released.

2. Having heard the learned Advocates for the respective sides and having perused the order dated 13th December, 2023, the learned Advocate for MIDC is instructed to submit that according to the MIDC, whatever are the monetary dues payable to the Petitioner, are part of the amount which is invested by way of fixed deposit receipt (FDR) in a nationalised bank. The said

Husen

amount can be released from the FDR and can be paid to the Petitioner within 7 days.

3. We make it clear that the interest that has accrued on the said amount which was invested in FDR, would also be payable to the Petitioner towards interest component. The statement of the MIDC that the gratuity amount has been paid to the Petitioner long ago and it is only the employer's provident fund contribution, medical leave encashment and leave encashment, that are to be paid, is recorded. If the Petitioner is eligible for ACPS benefits, the same would also be considered by the MIDC, while calculating the dues to be paid.

4. We, therefore, clarify that if this total amount along with simple interest @ 6% per annum, is less than the amount invested in the FDR, the said amount would be paid to satisfy the claim of the Petitioner. If there is any amount more than the amount invested in the FDR, which would include the simple interest as noted above, the said amount (remainder amount) would be paid to the Petitioner, on or before 30 November, 2024.

Husen

5. With the above directions, **this Writ Petition is disposed off in the above terms.**

(M.M. SATHAYE, J.) (RAVINDRA V. GHUGE, J.)