



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3482 OF 2019

Dilip s/o Ramchandra Warekar, Akhada Ward, Pandharkawada, Dist. Yavatmal

-VS-

State of Maharashtra, Thr. Secretary, Dept. of Urban Development, Mantralay, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri Shashikant B. Bangde, Advocate h/f Shri R. M. Ahirrao, Advocate for petitioner.

Shri Nitin Autkar, Assistant Government Pleader for respondent Nos.1 to 3.

Shri A. J. Pathak, Advocate for respondent No.4.

CORAM : NITIN W. SAMBRE AND MRS VRUSHALI V. JOSHI, JJ.

DATE : January 10, 2025

P. C.

1. Heard.

2. The petition can be partly allowed having regard to the facts and circumstances which are narrated herein below.

3. The petitioner, who was appointed as Supply Clerk on 01/07/1976 with the respondent No.4-Municipal Council, Pandharkawada, voluntarily retired on 29/02/2012. The respondent No.4 as such was duty bound to release the pensionary benefits and regular pension of the petitioner. However, failure of the respondent No.4 to do so prompted the petitioner to file Writ Petition No.4027/2005 which came to be allowed on 15/10/2016 and also the order dated 27/06/2005 passed by the respondent No.2 for recovery of excess amount paid to the petitioner was set aside.

4. The fact remains that there is a delay on the part of the respondents in releasing the amount of gratuity and other pensionary benefits for a period from 01/03/2012 to 31/08/2018. The petitioner in prayer clause has

specifically prayed that he is entitled for an interest at the rate of 10% per annum on the delayed payment of gratuity, pension commutation and pension difference which were paid belatedly.

5. There is no appealing reason though the counsel for the respondents have tried to urge that the earlier orders passed against the petitioners on 19/10/1982, 27/06/2005 and 15/10/2016 took certain time to process the case of the petitioner for release of the pensionary benefits.

6. In any case, pension and gratuity is a right of the petitioner and post voluntary retirement, he is entitled for the same in accordance with law which is denied by the respondents for no good reason.

7. That being so, we allow the petition by directing the respondent Nos.1 to 4 to pay the interest at the rate of 6% per annum to the petitioner on the delayed payment of gratuity, pension commutation and pension difference with effect from 01/03/2012 to 31/08/2018 as expeditiously as possible and in any case within a period of three months from the date of production of this order before the relevant Authority.

8. The writ petition is disposed of accordingly. No order as to costs.

(Mrs Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)