



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

WRIT PETITION NO. 5923 OF 2024

(Madhukar Suryabhan Datir and ors Vs. The State of Maharashtra and anr)
AND

WRIT PETITION NO. 2264 OF 2024

(Mohd. Sharif Raza Mohd. Isshak and ors Vs. The State of Maharashtra and anr)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.M. Vaishnav, Advocate for petitioners.
Mr. A.V. Palshikar, AGP for respondent No. 1/State.
Mr. J.B. Kasat, Advocate for respondent No. 2.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATED : 10-03-2025

By consent of the parties, the petitions are heard finally.

2. On 31.1.2025 we had recorded the following position:

“1. There is no dispute that the petitioners are entitled to the amounts on account of gratuity, leave encashment and arrears of salary on account of application of the 7th Pay Commission. The only reason for this non-payment as has been stated by Mr. Kasat, learned counsel for the respondent no.2, is that on account of lack of funds, the payments are being made in phase wise manner”.

3. Today, Mr. Kasat, the learned Counsel for respondent No. 2 has tendered across the bar additional affidavit on behalf of respondent No. 2 that the arrears of 7th Pay Commission would be payable to the employees in yearly installment of 5 yrs and the gratuity would be paid within 2 yrs from 25 to 27 in six installments and leave encashment would be paid in the year 2028 into two installments.

4. We find that the petitioners have superannuated in 2017 to 2020 and it is four years down the line, that they have not received the retiral benefits such as gratuity, PF and leave encashment, which they are entitled to receive as a matter of right. We therefore, dispose off the petition by directing respondent No. 2 to pay the aforesaid retiral benefits to the petitioners, within six months from today.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

Belkhede