



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3799 OF 2024

ASHOK GOVINDRAO KHEDKAR AND OTHERS

VS

STATE OF MAHARASHTRA, MINISTRY OF COOPERATION, MUMBAI
 THR. SECRETARY AND OTHERS

Office Notes, Office Memoranda of
 Coram, appearances, Court's Orders
 or directions and Registrar's order

Court's or Judge's Order

Mr. Dr. R.S. Sundaram, counsel for petitioners.
 Mr. D.P. Thakre, Addl. G.P for respondent/State.
 Ms K.K. Pathak, counsel for respondent No.3.

CORAM : ANIL S. KILOR and RAJNISH R. VYAS, JJ.
DATE : 10/12/2025.

1. Heard learned counsels for respective parties.
2. The prayer in this writ petition is to direct the respondents, more specifically State of Maharashtra, to pay the amount of interest due and payable at the rate of 12% per annum within a period of three months from the date of the order of this Court. The facts of the case summarized as under:-

All the petitioners are retired personnel from respondent Nos. 2 and 3 Banks. These petitioners had filed Writ Petition No. 5339 of 2007 and writ petition No. 5235 of 2011 along with other connected writ petitions, raising their grievance regarding dearness allowance, gratuity, leave encashment, etc., from the Respondent-Bank. These issues were settled between the management and the employees of the erstwhile bank vide Deed of Settlement dated 26/02/2007.

3. The aforesaid two petitions, along with other connected matters, were decided by this Court vide its order dated 15/03/2012. The relevant portion of which is reproduced below :

“Having regard to the undisputed liability, we consider it appropriate to direct the Wardha Zilla Sahakari Krushi Gramin Bahuuddeshiya Vikas Bank Limited and the Yavatmal Zilla Sahakari Krushi Gramin Bahuuddeshiya Vikas Bank Limited to make the payment of Dearness Allowance to their employees for the period from 01.10.2001 and onwards within a period of 12 months from today”

4. Learned counsel for the petitioners state that in view of the order dated 15/03/2012, the amount was required to be paid within 12 months from 15/03/2012; however, the respondents have paid the amount in the year 2023. He submits that due to this delay, the petitioners are entitled to claim interest.

5. By inviting our attention to the order passed on 16/10/2023 passed in Writ Petition No. 12186 of 2023 decided by Principal Seat at Bombay, learned counsel submits that this Court had directed that interest @ 6% per annum be paid to the petitioners therein on the amount due from the dates stipulated in the order. The petitioners therefore submit that they are entitled for similar relief.

6. Per contra, learned AGP and learned counsel for the respondent No.3 opposed the present petition.

7. Be that as it may, we have gone through the record of the case and have also considered the arguments advanced by the respective counsel. It is an undisputed fact that vide order dated 15/03/2012, the amount was directed to be paid to the petitioners within 12 months, but the payment was actually made in the year 2023. It is also admitted that while deciding Writ Petition No. 12186 of 2023 at Principal Seat at

Bombay vide order dated 16/10/2023, this Court had directed the respondent Bank to pay interest @ 6% per annum on the said amount

8. It is necessary to note that in one of the connected matters i.e. *Satara District Agricultural Rural and Multipurpose Development Co-operative Bank Ltd. Satara through its Liquidator and another Vs Ramchandra Krishna Phalke and others etc. reported in Civil Appeal Nos. ____ of 2025 (arising out of SLP (C) Nos. 6136-6144 of 2024) decided on 23/04/2025* , the Hon'ble Apex Court observed in paragraph 8 as under :-

“8. Thus, from the overall picture which emerges, in our considered opinion, the cause of justice would be served by awarding interest to the respondents for the time period i.e., three years prior to the actual payment made by the appellants to the respondents. The same be paid after proper accounting being done by the custodian of the appellants from the corpus available to it within a period of three months from today. The rate of interest is maintained as per the impugned judgment passed by the High Court i.e., @ 6% p.a. However, we make it clear that if there is any delay in payment, the rate of interest will stand modified to @ 9% p.a.”

9. The aforesaid judgment was rightly relied upon by Mr. R. S. Sundaram, learned counsel for the petitioners. In view thereof, we allow the present writ petition with the following directions:

- a] The writ petition is **allowed**.
- b] The concerned respondents are directed to pay interest at the rate of Rs. 6% per annum to the petitioners for the period of three years prior to the actual payment made to them, after proper calculation. The said exercise shall be completed within three months from the production of this order.

c] However, if there is any delay in payment, the rate of interest shall stand enhanced to 9% per annum

10. The writ petition is **disposed of** accordingly.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)