IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1140 OF 2018

Subhash Mahadev Naik … Petitioner

V/s.

Sindhudurg Zilla Parishad And Anr … Respondents

Mr. Vachaspati Kulanand Lakheda, Advocate for Petitioner.
Mr. Shridhar Patil, Advocate for Respondents – Sindhudurg Zilla Parishad.
Mr. Vijay Killedar (VC), Amicus Curiae a/w Mr. Shivraj Jagdale.
Dr. Apoorva Basur, (VC) Chief Executive Officer, Sindhudurg Zilla Parishad,
Mr. Jayprakash Parab, (VC) Deputy Chief Executive Officer (G.A.D) and
Mr. Abhijeet Pisal, (VC) Chief Accountant/Finance Officer, Sindhudurg Zilla Parishad appeared through video conferencing

CORAM : RAJESH S. PATIL &
ABHAY J. MANTRI, JJ.

DATED : OCTOBER 6, 2026

P.C.:

1. Heard.

IRESH MASHAL

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2. Rule. By consent of the counsels, matter is taken up for final hearing.

3. After this matter was argued for some time today and exhaustively on the last occasion, the counsel for the parties have not disputed the legal position.

4. In view of the same, the Writ Petition stands allowed and

Rule is made absolute in terms of prayer clauses (a) and (b), which read as under:

> *"a) That this Hon'ble court may be please to issue a writ of prohibition and certiorari or any other appropriate writ or order or direction be issued by this Hon'ble court against the Respondents to release the gratuity and pension of the Petitioner, after examining the legality and/or validity of the impugned order dtd 30/6/99 passed by the respondents to quash and set aside the said impugned order.*
>
> *b) That this Hon'ble Court may be pleased to issue a writ of prohibition and certiorari or any operative writ order or direction directing the Respondents to pay the gratuity and pension to the petitioner as per the Maharashtra Zilla Parishad (Payment of contribution towards pension, gratuity and other benefits Rule 1971 And the Rights of Persons with disabilities Act 2016 (49 of 2016)".*

5. Learned counsel Mr. Patil appearing for the ZP has handed over the calculation of the amount payable to the Petitioner. According to his calculation, the total amount payable to the Petitioner would be Rs.30,96,585/-, which will also include gratuity amount.

6. The Chief Executive Officer (for short 'CEO') and the Chief Accounts Officer of Zilla Parishad, Sindhudurg have attended these

proceedings through VC, and they have agreed to the fact that an amount of Rs.30,96,585/- is payable to the Petitioner.

7. The provisions of Section 133 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 was referred to. The said section reads as under:

> *"133. General charges to be defrayed*
> *Every Zilla Parishad shall, from the district fund at its disposal, pay-*
> *(a) the monthly honoraria to the presiding authorities provided by sections 46, 69 and 84 [5][and the amount of sumptuary allowance placed at the disposal of the President under section 46A];*
> *(b) the travelling and other allowances of Councillors, Members of any Panchayat Samiti or Committee and of the officers holding posts under, and the servants of the Zilla Parishad;*
> *(c) the salaries and allowances of the officers and servants of Class III service and Class IV service working under the Zilla Parishad;*
> *(d) pensions (including contributions towards pensions) and other retiring allowances, gratuities or compassionate allowances payable to officers and servants and their families as provided by or under this Act;*
> *(e) the cost of acquisition of land and establishment of markets;*
> *(f) the cost of performance of agency functions entrusted*

to it;

[(g) the cost of performance of the duties and functions as are entrusted to the Zilla Parishad by or under any other law for the time being in force.]"

[Emphasis supplied]

8. The CEO, after verifying from her staff, admits that as of date an amount of Rs.30,96,585 /- is available with the office of Zilla Parishad in the District Fund. Hence, steps can be taken to pay this amount directly in the bank account of the Petitioner.

9. The submission made by the CEO of the ZP is accepted as an undertaking given to this Court.

10. Mr. Lakheda appearing for the Petitioner undertakes that by tomorrow the bank account details of the Petitioner would be submitted to the Sindhudurg Zilla Parishad office and also to Advocate appearing for the Zilla Parishad, Mr. Shridhar Patil.

11. We expect that the Sindhudurg Zilla Parishad will take necessary steps and will transfer the amount of Rs.30,96,585/- in the bank account of the Petitioner within a period of 10 days from today.

12. Learned counsel for the Petitioner submits that the Petitioner will attend the office of Sindhudurg Zilla Parishad **tomorrow** morning at **11:00 AM** in order to complete all the formalities to

receive the retiral benefits amount.

13. This Court appreciates the positive steps taken by the CEO, Dr. Apoorva Basur, Chief Executive Officer of Sindhudurg Zilla Parishad, in the present proceedings. So also, this Court admires the efforts taken by the learned Amicus Curiae, Mr. Vijay Killedar for assisting this Court in disposal of the present Writ Petition.

14. Let this petition come under the caption of "compliance" on **19 October 2026**.

(ABHAY J. MANTRI, J.) **(RAJESH S. PATIL, J.)**