



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

WRIT PETITION NO. 7053/2026

(DASHRATH DADAJI TURANKAR **VERSUS** THE APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT 1972 AND DY. CHIEF LABOUR COMMISSIONER (CENTRAL), NAGPUR & OTHERS)
WITH

WRIT PETITION NO. 7054/2026

(SUBHASH BANMALI DEBNATH **VERSUS** THE APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT 1972 AND DY. CHIEF LABOUR COMMISSIONER (CENTRAL), NAGPUR & OTHERS)
WITH

WRIT PETITION NO. 7056/2026

(RAMDAS GOMAJI LANJE **VERSUS** THE APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT 1972 AND DY. CHIEF LABOUR COMMISSIONER (CENTRAL), NAGPUR & OTHERS)
WITH

WRIT PETITION NO. 7057/2026

(DATTU ATMARAM BANDEWAR **VERSUS** THE APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT 1972 AND DY. CHIEF LABOUR COMMISSIONER (CENTRAL), NAGPUR & OTHERS)
WITH

WRIT PETITION NO. 7059/2026

(DEEPAK BENIRAM GANVIR **VERSUS** THE APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT 1972 AND DY. CHIEF LABOUR COMMISSIONER (CENTRAL), NAGPUR & OTHERS)
WITH

WRIT PETITION NO. 7060/2026

(GOSAI BALIRAM ZADE **VERSUS** THE APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT 1972 AND DY. CHIEF LABOUR COMMISSIONER (CENTRAL), NAGPUR & OTHERS)
WITH

WRIT PETITION NO. 7063/2026

(MARTIN SALOMAN THORAT **VERSUS** THE APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT 1972 AND DY. CHIEF LABOUR COMMISSIONER (CENTRAL), NAGPUR & OTHERS)
WITH

WRIT PETITION NO. 7065/2026

(MAHADEO RAVJI WADHAI **VERSUS** THE APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT 1972 AND DY. CHIEF LABOUR COMMISSIONER (CENTRAL), NAGPUR & OTHERS)
WITH

WRIT PETITION NO. 7094/2026

(LAXMAN BALAJI PODE **VERSUS** THE APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT 1972 AND DY. CHIEF LABOUR COMMISSIONER (CENTRAL), NAGPUR & OTHERS)
WITH

WRIT PETITION NO. 7095/2026

(NANAJI RAMU WAGDHARE **VERSUS** THE APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT 1972 AND DY. CHIEF LABOUR COMMISSIONER (CENTRAL), NAGPUR & OTHERS)

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

Court's or Judge's orders

Shri R.R. Prajapati, counsel for the petitioner in all the writ petitions.

CORAM : RAJ D. WAKODE, J.

DATE : SEPTEMBER 15, 2026.

Since the controversy involved in all these petitions is identical, the same are decided by this common order.

2. The present petitions are filed in order to challenge the orders passed by the Appellate Authority for Gratuity Claim and Deputy Chief Labour Commissioner (Central), Nagpur in the appeals, the details of which are as under:-

Writ Petition No.	Date of Order	Appeal Number
7053 of 2026	27.01.2026	PG Appeal No.N/48(103)/2024-PGA
7054 of 2026	18.02.2026	PG Appeal No.N/48(136)/2024-PGA
7056 OF 2026	27.01.2026	PG Appeal No.N/48(97)/2024-PGA
7057 of 2026	11.02.2026	PG Appeal No.N/48(99)/2024-PGA
7059 of 2026	27.01.2026	PG Appeal No.N/48(104)/2024-PGA
7060 of 2026	27.01.2026	PG Appeal No.N/48(101)/2024-PGA
7063 of 2026	18.02.2026	PG Appeal No.N/48(137)/2024-PGA
7065 of 2026	27.01.2026	PG Appeal No.N/48(108)/2024-PGA
7094 of 2026	18.02.2026	PG Appeal No.N/48(128)/2024-PGA
7095 of 2026	27.01.2026	PG Appeal No.N/48(107)/2024-PGA

3. By the aforesaid orders in the respective appeals, the learned Appellate Authority has quashed and set aside the order dated 21.03.2024 passed by the Controlling Authority under the Payment of Gratuity Act, 1972 and Assistant Labour Commissioner (Central) Chandrapur (Maharashtra) in the applications the details of which are as under:-

W.P.Number	Date of Order	Application Number
7053 of 2026	21.03.2024	PG Application No.ALCH-48(90)/2023-PGA
7054 of 2026	21.03.2024	PG Application No.ALCH-48(59)/2023-PGA
7056 OF 2026	21.03.2024	PG Application No.ALCH-48(97)/2023-PGA
7057 of 2026	21.03.2024	PG Application No.ALCH-48(77)/2023-PGA
7059 of 2026	21.03.2024	PG Application No.ALCH-48(91)/2023-PGA
7060 of 2026	21.03.2024	PG Application No.ALCH-48(79)/2023-PGA
7063 of 2026	21.03.2024	PG Application No.ALCH-48(57)/2023-PGA
7065 of 2026	21.03.2024	PG Application No.ALCH-48(95)/2023-PGA
7094 of 2026	21.03.2024	PG Application No.ALCH-48(53)/2023-PGA
7095 of 2026	21.03.2024	PG Application No.ALCH-48(94)/2023-PGA

4. The petitioners were employed with the Western Coal Fields Limited (WCL) as Blasting Crewman at Hindustan Lalpeth Sub Area; Senior E.P. Electrician at Hindustan Lalpeth Sub Area; Welder at Hindustan Lalpeth Sub Area; Dumper Operator at Durgapur Sub Area; E.P. Fitter at Durgapur Sub Area; Haulage Khalasi at Hindustan Lalpeth Sub Area; Mechanic Fitter at Durgapur Sub Area; Pump Khalasi at Hindustan Lalpeth Sub Area; Electrician at Hindustan Lalpeth Sub Area and Excavation Fitter at Durgapur Sub Area respectively. They superannuated from service on 30.04/2017; 30.06.2017; 31.05.2017; 30.04.2017; 31.01.2017; 31.07.2017; 31.07.2017; 31.05.2017; 31.01.2018 and 30.06.2017 respectively. Upon their superannuation, gratuity of Rs.10,00,000/- was paid to them. The petitioners filed an application under Section 7(4) of the Payment of Gratuity Act, 1972 (hereinafter referred to as "the Act") before the Controlling Authority under the said Act claiming that they were entitled to receive amount of Rs.17,89,004/-; Rs.16,68,445/-; Rs.12,54,217/-; Rs.14,38,239/-; Rs.13,08,474/-; Rs.19,75,479/-; Rs.13,62,626; Rs.13,90,748/-; Rs.15,19,145/- and Rs.15,41,427/- respectively towards gratuity and that the respondent/WCL had wrongly paid gratuity of Rs.10,00,000/- only on the ground that the said amount was the upper ceiling limit for payment of gratuity. The claim of the petitioners is based on the notification dated 29.03.2018 issued by the Government of India in exercise of powers under Section 1(2) of the Payment of Gratuity (Amendment) Act, 2018, by virtue of which, the ceiling limit for gratuity was enhanced from Rs.10,00,000/- to Rs.20,00,000/- and on the basis of wage revision of Executives and Non-unionized Supervisors, which

was brought into force from 01.01.2017, by which upper limit of gratuity payable was enhanced to Rs.20,00,000/-. The Controlling Authority allowed the applications filed by the petitioners *vide* order dated 21.03.2024 placing reliance on the aforesaid wage revision by holding that the distinction made by the respondent/WCL between the Executives and Non-executive employees was unjustified since the Act does not make such distinction.

5. Being aggrieved by the aforesaid order, the respondent/WCL preferred appeals before the Appellate Authority, which came to be allowed. The Appellate Authority has held that the benefit of wage revision between the Executives and Non-unionized Supervisors/Employees cannot be extended to the petitioners, who admittedly do not fall within the said category of employees. As regards amendment to the Payment of Gratuity Act, it is found that the amended provision has come into force w.e.f. 29.03.2018 and the petitioners/employees had superannuated from service prior to the commencement of the said Act.

6. The learned counsel for the petitioners contends that the learned Appellate Authority has erred in not extending the benefit of wage revision settlement as also the amended provisions of the Payment of Gratuity Act to the petitioners/employees. He contends that the Payment of Gratuity Act is a beneficial legislation, provisions whereof were rightly appreciated by the learned Controlling Authority. The learned counsel contends that the learned Appellate Authority has erred in reversing the decisions by the learned Controlling Authority.

7. The contention with respect to extending benefit of the enhanced ceiling limit under the Payment of Gratuity Act cannot be accepted in view of the fact that the amended provision has come into force w.e.f. 29.03.2018 and the petitioners/employees have retired from service prior to the said date. The amended provision does not have retrospective effect. The petitioners only have right to receive gratuity at the rate prevailing on the date of their superannuation.

8. As regards the wage settlement, it must be stated that different wage settlements can be made between the employer and different categories of employees. The benefit of wage settlement between a particular category of employees cannot be extended to the employees falling under some other category. The petitioners, who do not fall within the category of Executives and Non-unionized Supervisors, cannot claim benefit of wage settlement arrived at between the respondent/WCL and the employees falling under the said category. The learned Controlling Authority has committed a serious error in extending the benefit of the wage settlement of Executives and Non-unionized Supervisors to the petitioners, who admittedly do not fall within the said category. The said issue is covered against the petitioners by the judgment dated 07.04.2026, passed by this Court in Writ Petition No.7364 of 2024 and other connected petitions decided at its Nagpur Bench.

9. In view of the aforesaid, no case for interference is made out. The writ Petitions are dismissed with no order as to costs.

(RAJ D. WAKODE, J.)

APTE