

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9973 OF 2015

SHRIDHAR NAIK KALIYA

PETITIONER

VERSUS

THE PRESIDENT AND ANOTHER

RESPONDENTS

Ms.V.S.Choudhari, Advocate for the petitioner.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 05/10/2015

PER COURT :

1. The petitioner had preferred an application Misc.PGA Appl. No.2/2012 under the Payment of Gratuity Act, 1972 before the Labour Court, which is the Controlling Authority.

2. By the order dated 09/12/2013, the application has been rejected on the ground of delay of 4 years and 8 months.

3. Inadvertently, the petitioner has preferred Revision (ULP) No.3/2014 u/s 44 of The MRTU and PULP Act, 1971 before the Industrial Court. By the impugned order dated 10/02/2015, the Revision Petition has been rejected on the ground that the same is not maintainable as the petitioner can prefer an appeal u/s 7(7) of

the Payment of Gratuity Act.

4. I do not find any error committed by the Industrial Court in passing the impugned order. The Industrial Court has rightly observed that the petitioner has a remedy in the form of an appeal u/s 7(7) of The Payment of Gratuity Act.

5. In the light of the above, this petition is disposed of with the observation that the petitioner can avail of the remedy u/s 7(7) of The P.G.Act, 1972. Delay, if any, can be considered by the Appellate Court in the light of the above facts.

(RAVINDRA V. GHUGE, J.)