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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO.3215/2016

IN

WRIT PETITION NO.2139/1997

The Divisional Controller,
MSRTC, Jalgaon.

...Applicant..

Versus

Pandurang Trimbak Dusane.

...Respondents...

.....

Shri M.D. Shinde, Advocate h/f Shri M.K. Goyanka,
Advocate for applicant.

Shri V.Y. Patil, Advocate for respondent.

.....

CORAM: RAVINDRA V. GHUGE, J.

DATE: 22.03.2016

ORDER :

1] I have heard the learned Advocates for the applicant and the non-applicant.

2] There is no dispute that the non-applicant - employee was Assistant Artisan Mechanic and not Assistant Artisan-A. This error has crept into paragraph nos.9 and 20 of the judgment dated 2.7.2015 of this Court. As such in both these paragraphs wherever the words "Assistant

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Artisan-A" appear, the alphabet "A" shall stand replaced by the word "Mechanic".

3] Learned Advocate for the applicant submits that a statement was made out of inadvertence that gratuity has not been paid to the non-applicant in paragraph no.20. He submits that the gratuity has already been paid to the non-applicant in 2001. Learned Advocate for the non-applicant submits that he is not able to recollect that the gratuity has been paid to him, but fairly states that he does not have the intention of claiming the same gratuity twice.

4] In the light of the above, this application is allowed. Paragraph no.9 shall stand corrected by deleting the alphabet "A" and shall be replaced by the word "Mechanic".

5] Paragraph no.20 of the said judgment dated 2.7.2015 shall read as under:-

"20] Needless to state, the Respondent shall be entitled to such service benefits as may be available to him having worked as an Assistant Artisan - Mechanic. Since he has put in about 10 years in service, he shall be entitled for

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gratuity. In case the gratuity is not paid till today, the same shall be payable with interest at the rate of 6% p.a. with effect from June, 2001. Said amount shall be paid within TWELVE WEEKS from today if already not paid."

6] The judgment dated 2.7.2015 be corrected accordingly and corrected copy be issued.

(RAVINDRA V. GHUGE, J.)