

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.185 OF 2016
IN
WRIT PETITION NO.4302 OF 2005

Shivaji S/o Darappa More,
Age-70 years, Occu-Nil,
R/o Hipparga Rava, Tq. Tuljapur,
Dist.Osmanabad

PETITIONER

VERSUS

1. Navneet S/o Sumitrao Bhanap,
Age-57 years, Occu-Service,
Presently working as Divisional
Controller, MSRTC, Osmanabad Division,
Osmanabad.
Having office at Main Bus Stand,
Osmanabad, Tq. and Dist.
Osmanabad.

2. Mr.S.B.Padwal,
Age-Major, Occu-Service,
Presently working as Depot Manager,
Bhoom Depot of MSRTC Bhoom,
Having Office at Bus Stand,
Bhoom, Tq. Bhoom, Dist.Osmanabad

RESPONDENTS

Mr.G.N.Kulkarni (Mardikar), Advocate for the petitioner.
Mr.A.B.Dhongade, Advocate for the respondents .

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 23/03/2016

PER COURT :

1. Respondent Nos. 1 and 2 have filed an affidavit in reply dtd.
23/03/2016 through Sandip Baburao Padwal who is the Depot

Manager of the MSRTC Bhoom Depot, Osmanabad Division, Dist.Osmanabad. A chart is submitted indicating that the petitioner has been paid his gratuity for the period 03/01/1979 till 31/12/1995 and for the period 01/01/2002 upto 31/12/2004. It is clarified that the petitioner has not been paid his gratuity for the period 01/01/1996 till 31/12/2001 since he was absent for these entire 6 years. He was not present even for a single day. Similarly, he had worked for 182 days in the year 2005 and for 34 days in between 1/1/2006 to 28/02/2006. His date of leaving service is 28/02/2006.

2. Mr.Dhongade. learned Advocate for the respondents further submits that the following documents will have to be filed by the petitioner and his pension papers can be processed and cleared forthwith :-

- [a] 4 photographs
- [b] Bank pass book
- [c] His Income Tax PAN Card copy.
- [d] Copy of his Aadhar Card.
- [e] Copy of his Wife's Aadhar Card.
- [f] Details of family members.
- [g] Bonafide / school certificate with regard to children below 25 years.

3. He further submits that the petitioner can personally file these

documents alongwith a list of document to the Administrative Section of Osmanabad MSRTC Division in the Establishment Department and obtain an acknowledgment to same. Alternatively, he can also submit these documents through registered post envelope.

4. Mr.Kulkarni submits that a time frame may be imposed on the respondents after the submission of these documents for clearing his pension. Mr.Dhongade submits that after the papers are deposited with the Department, they would be forwarded to the appropriate Pension Office within 4 (four) weeks therefrom. Thereafter the Pension Department would take a decision and release the pension of the petitioner.

5. I have considered the submissions of the learned Advocates.

6. Section 2(b) defines “completed year of service”. Section 2(c) defines “continuous service” as understood u/s 2-A. Section 2-A(1) defines continuous service to include even absence from duty without leave. However, Section 2-A, 2(a)(ii) mandates an employee to put in at least 240 days in a calendar year to be entitled for gratuity for a particular period.

7. In the light of these provisions, I do not find that the respondents have violated the Payment of Gratuity Act and the order of this Court dated 06/08/2015 with regard to the non-payment of gratuity for the years noted above.

8. Mr.Kulkarni, learned Advocate for the petitioner submits that he is satisfied with the statement made by the respondents with regard to his pensionary benefits. He would submit all the documents as stated above within 2 (two) weeks from today. He, therefore, submits that this petition can be disposed of by recording the statement of the petitioner as well as the respondents, as above

9. In the light of the above, the petitioner shall furnish all the necessary documents, as required, within 2 (two) weeks from today. After receipt of the documents, the respondents would forward the same to the concerned Pension Department within 4 (four) weeks.

10. This contempt petition is, therefore, disposed of.

(RAVINDRA V. GHUGE, J.)