

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**  
**NAGPUR BENCH, AT NAGPUR.**

**WRIT PETITION NO. 599 OF 2017**

(The Managing Director, Maharashtra State Co-operative Tribunal Development Corporation Ltd.,  
Nashik and others ..vs.. Shri Purushottam Asaram Raut)

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

**CORAM : Z.A. HAQ, J.**

**DATED : 31-01-2017**

Heard Shri P.D. Meghe, Advocate for the  
petitioners.

The petitioners/employer take exception to the  
orders by the subordinate authorities concurrently  
holding that the employer is liable to pay Rs.1,80,000/-  
to the respondent/employee towards interest on the  
amount of gratuity.

The contention of the employer is that the  
employee had filed complaint under Section 28 of the  
Maharashtra Recognition of Trade Unions and  
Prevention of Unfair Labour Practices Act, 1971  
challenging the dismissal order, the complaint is  
dismissed on 26-07-2012 and the order dismissing the  
employee is upheld. Immediately after dismissal of the  
above complaint, the employee approached the  
controlling authority under the Payment of Gratuity Act  
with the grievance that the amount of gratuity receivable

by him is not paid by the employer and after the claim of the respondent/ employee for the amount of gratuity is upheld by the authority, the amount of Rs.1,80,000/- is deposited and therefore, the liability of paying interest on the amount of Rs.1,80,000/- could not have been saddled upon the employer. Alternatively, it is submitted that the amount of gratuity receivable by the employee is Rs.94,500/- and not Rs.1,80,000/- and therefore, the liability to pay interest would be of Rs.94,500/-

The petitioners have not been able to point out any provision which enables them to withhold the amount of gratuity payable to the employee on the ground that the employee was dismissed and the dismissal order was adjudged before the Court. There is no explanation why the amount of gratuity was not immediately deposited simultaneously alongwith issuance of the dismissal order.

As far as alternate submission made on behalf of the petitioners is concerned, it cannot be considered as the petitioners have accepted the liability of paying Rs.1,80,000/- towards gratuity. Having accepted the liability to the extent of Rs.1,80,000/-, it is not open for the petitioners to contend that the amount of gratuity payable to the respondent/employee comes to Rs.94,500/- only.

In view of the above, I do not find any substance in the petition. I see no reason to interfere with the impugned order.

The petition is dismissed. No costs.

**JUDGE**

*adgokar*