

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4999 OF 2018

Tejrao Sakharam Mirge.

Petitioner

Versus

The State of Maharashtra and others.

Respondents

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Mr. A.A. More, Advocate for the petitioner.

Mr. S.P. Tiwari, A.G.P. for the State/respondent Nos.1 to 3.

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CORAM : **S.V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATE : 25 November 2019.

ORDER :-

. We cannot comprehend the arguments advanced by Mr. More, learned Counsel for the petitioner. Reliance placed on Section 8 seeking directions against the Collector to pay interest at the rate of 15% per annum cannot be *de hors* the certificate issued by the Controlling Authority. In the present case, the Controlling Authority has allowed the application filed by the present petitioner and directed payment of an amount of Rs.3,65,360/- towards gratuity with simple interest at the rate of 10% per annum from 20.01.2011 till realization. The certificate issued by the Competent Authority also directs payment of interest at the rate of Rs.10% per annum.

2. Reliance is placed by the petitioner on notification dated 1st December 1987 to the effect that interest on delayed payment of gratuity is at the rate of 15% per annum.

3. The Collector can only execute the certificate. When the certificate specifically prescribes interest at the rate of Rs. 10% per annum and that too under the orders of Controlling Authority, unless the said certificate or the order of Controlling Authority under the Payment of Gratuity Act and Judge, Labour Court is modified, it would not be within the province of the Collector to recover the amount with interest at the rate of 15% per annum.

4. The petitioner has remedy of appeal under the provisions of Payment of Gratuity Act to challenge the order passed by the Controlling Authority and Judge, Labour Court.

5. In light of the above, we dispose of the Writ Petition. The petitioner may take appropriate steps against the said order. In case the petitioner resorts to further proceeding against the said order, all contentions of the

parties are kept open. The Authority may consider the time spent in prosecuting the present Writ Petition.

6. No cost.

(AVINASH G. GHAROTE, J.)

(S.V. GANGAPURWALA, J.)

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