

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO.51 OF 2019
IN WP/12441/2018

RATANSINGH DIPLAL JARWAL
VERSUS
AURANGABAD DISTRICT COOPERATIVE MILK
PRODUCERS UNION LIMITED AURANGABAD

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Advocate for Applicant : Shri Dixit V.J. Sr. Adv.
i/b Smt. Sonpethkar S.M.

Advocate for Respondent : Shri Nagargoje R.T.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 10, 2019

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PER COURT :-

1. I have considered the submissions of the learned Sr. Advocate on behalf of the applicant and the respondent. I find that the issue is purely as regards calculations of the retiral benefits considering the service period of the employee from 14.2.1991 till 31.3.2016.

2. An amount of Rs.1,74,870/- has already been paid by the establishment to the employee towards his retiral benefits and the Bank pass book of the employee shown to the Court by him indicates the deposit of the said amount in his account.

3. Shri Nagargoje submits that an amount towards gratuity (Rs.1,03,597/-) and towards GSLI (Rs.7235/-), which is a total of

Rs.1,10,832/-) for the service period 1.2.1991 till 23.5.2007 has already been paid to Ratansingh in 2008. The amount of loan towards the credit society for an amount of Rs.59,782/- has been adjusted from the said amount.

4. The petitioner has tendered a calculation chart dated 5.4.2019, claiming an amount of Rs.18,00,179/- from the establishment. I find that the said chart need not be relied upon for the reason that the establishment is not denying the payment of gratuity, leave encashment and such benefits which are payable at it's end. So far as P.F. and monthly pension is concerned, the said employee will have to approach the Provident Fund Office at Aurangabad under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

5. In view of the above, this review application is disposed off with consent, with the following understanding between the parties:-

(a) On 14.4.2019, the employee Ratansingh, accompanied by Smt. S.M. Sonpethkar, learned Advocate would appear before the Administrative Officer Shri Khindkar at 3.00 P.M.

(b) Shri Khindkar would explain the calculations made as per Rules to Advocate Smt. Sonpethkar and the petitioner.

(c) Any unpaid amounts, to which the petitioner is legally entitled to, shall be calculated by the establishment and the said amount can be paid within eight weeks.

(d) In so far as the claims towards the P.F. and pension are concerned, the employee is at liberty to approach the competent P.F. authority at Aurangabad along with a copy of this order, obtained as a print out from the official Website of the Bombay High Court, for appropriate action at the hands of the P.F. authority.

(e) Needless to state, the service period of the employee would be considered to mean from 14.1.1991 till 31.3.2016.

6. In the event the employee Ratansingh has any grievance about the unpaid amounts, he would be at liberty to take recourse to an appropriate legal remedy as may be permissible in law.

(RAVINDRA V. GHUGE, J.)

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