

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
90 WRIT PETITION NO.13095 OF 2018**

JIJABA BHIKA FULE THROUGH LRS KASABAI JIJABA FULE
AND OTHERS ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

**WITH
90.1 WRIT PETITION NO.13094 OF 2018**

MADHAV YASHWANTA KATHAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

**WITH
90.2 WRIT PETITION NO.13096 OF 2018**

YEDUBA DHRUPATRAO KALAM ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

**WITH
90.3 WRIT PETITION NO.13097 OF 2018**

BHANUDAS RAMRAO MHASKE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

**WITH
90.4 WRIT PETITION NO.13098 OF 2018**

SHRIRANG BHIKA DHEPLE THROUGH LRS SHANTABAI
SHRIRANG DHEPLE AND ORS. ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

90.5 WRIT PETITION NO.13099 OF 2018

DADARAO YASHWANTA NARWADE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

90.6 WRIT PETITION NO.13100 OF 2018

TEJRAO YADAV JADHAV THROUGH LRS SHUBHADRA BAI TEJRAO
JADHAV AND ORS.

..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

90.7 WRIT PETITION NO.13101 OF 2018

VITTHAL DAGADU JUNGAL

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

90.8 WRIT PETITION NO.13102 OF 2018

KASHINATH NARAYAN DHORMARE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

90.9 WRIT PETITION NO.13103 OF 2018

SUDHAKAR MITHARAM FIRKE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

90.10 WRIT PETITION NO.13104 OF 2018

PANDURANG SAMPAT BENDE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

90.11 WRIT PETITION NO.13105 OF 2018

LAXMAN SHRIPAT SABLE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

90.12 WRIT PETITION NO.13106 OF 2018

KRISHNA GOVINDA KAKADE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

90.13 WRIT PETITION NO.13107 OF 2018

MAHADU RAJARAM GAIKWAD THROUGH LRS LAXMIBAI MAHADU
GAIKWAD AND ORS. ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

90.14 WRIT PETITION NO.13108 OF 2018

BHIMRAO DHUPAJI GADEKAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Ashok A. More, Advocate for the Petitioners.

Mr. S. B. Narwade, AGP for Respondents-State.

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

DATED : 02nd DECEMBER, 2019.

PER COURT:-

1. We cannot comprehend the arguments advanced by Mr. More, learned Counsel for the petitioners. Reliance is 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 cases, the Controlling Authority has allowed the application filed by the present petitioner and directed payment towards gratuity with simple interest at the rate of 10% per annum 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 petitioners 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 petitioners have 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 Petitions. The petitioners may take appropriate steps against the said order. In case the petitioners resort 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 Petitions. No cost.

(AVINASH G. GHAROTE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE