

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

2. WRIT PETITION NO. 8473 of 2019

Raju S/o Sandu Ghuge

...Petitioners

VERSUS

The State of Maharashtra and others

...Respondents

Mr. Ameya N. Sabnis, Advocate for petitioner

Mr. S.B. Pulkundwar, Asstt. Govt. Pleader for respondent No. 1 to 3.

Mr. A.M. Karad, Advocate for respondent No.4

CORAM : S.V. GANGAPURWALA
AND
AVINASH G. GHAROTE, JJ.

DATE : 9th December, 2019

PER COURT :

1. Heard Mr. Sabnis, learned Counsel for the petitioner and Mr. Karad, learned Advocate for respondent No.4. The petitioner assails the order dated 09.05.2019.

2. The order dated 09.05.2019 is passed by the Tahsildar for execution of the revenue recovery certificate.

3. The revenue recovery certificate is issued pursuant to

the order passed by the Controlling Authority and the Judge, Labour Court under the Payment of Gratuity Act, 1972. The employees of respondent No.4 had moved the authority under the Payment of Gratuity Act for recovery of the amount of the gratuity. In the said proceedings, the Controlling Authority and the Judge, Labour Court passed the order directing the petitioner to pay the amount. Pursuant to the said order, revenue recovery certificate is issued and same is implemented.

4. Mr. Karad, the learned Counsel for respondent No.4 submitted that respondent No.4 has moved the Controlling Authority and the Judge, Labour Court for setting aside the order passed exparte. The said proceedings are pending.

5. The amount of gratuity is payable to the retired employees. Moreover, recovery certificate is pursuant to the orders passed by the Controlling Authority and the Judge, Labour Court. Unless respondent No. 4 is successful in getting order passed by the Controlling Authority and the Judge, Labour Court set aside, the further proceedings cannot be said to be erroneous.

6. Respondent No.4 is at liberty to avail the remedy as is available and permissible in law for setting aside the order of the Controlling Authority and the Judge, Labour Court.

7. Mr. Karad, the learned Counsel submits that at very low price, the land of respondent No.4 is sold.

8. The petitioner and respondent No.4 may agitate this aspect in the appropriate proceedings. In that event, all the contentions of the parties are kept open.

9. With these observations, the Writ Petition is disposed of.
No costs.

(AVINASH G. GHAROTE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

Madkar