

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

WRIT PETITION NO. 76 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Devai Silu Chavan

WITH

WRIT PETITION NO. 77 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Sidram Devappa Kamble

WITH

WRIT PETITION NO. 78 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Jayadabi Sikandhar Nadaf

WITH

WRIT PETITION NO. 79 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Madhu Babu Pol

WITH

WRIT PETITION NO. 80 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Meharun Kondilal Nadaf

**WITH
WRIT PETITION NO. 81 OF 2018**

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Anusaya Maruti Jadhav

**WITH
WRIT PETITION NO. 82 OF 2018**

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Savitra Prabhu Kamble

**WITH
WRIT PETITION NO. 83 OF 2018**

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Malappa Andappa Mehatre

**WITH
WRIT PETITION NO. 84 OF 2018**

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Mainabai Dagdu Mali

**WITH
WRIT PETITION NO. 85 OF 2018**

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Kamalbai Vanappa Pujari

**WITH
WRIT PETITION NO. 86 OF 2018**

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar
VERSUS

Kalidas Siddheshvar Gujare

WITH
WRIT PETITION NO. 87 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar
VERSUS

Mallappa Balappa Sherikar

WITH
WRIT PETITION NO. 88 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar
VERSUS

Shantabai Ankush Jadhav

WITH
WRIT PETITION NO. 89 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar
VERSUS

Janabai Subhash Dorle

WITH
WRIT PETITION NO. 90 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar
VERSUS

Shivamma Gena Bansode

WITH
WRIT PETITION NO. 91 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar
VERSUS

Govind Devram Vagaja

**WITH
WRIT PETITION NO. 92 OF 2018**

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS
Shantabai Dagadu Mavalane

**WITH
WRIT PETITION NO. 93 OF 2018**

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS
Kantabai Babasaheb Agalave

**WITH
WRIT PETITION NO. 94 OF 2018**

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS
Mangal Kailash Gujare

**WITH
WRIT PETITION NO. 95 OF 2018**

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS
Vanappa Malappa Pujari

**WITH
WRIT PETITION NO. 96 OF 2018**

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS
Gangabai Laxman Bandgar

WITH

WRIT PETITION NO. 97 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Rukhmini Sadashiv Bhandare

WITH

WRIT PETITION NO. 98 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Nagnath Bhanudas Jadhav

WITH

WRIT PETITION NO. 99 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Devgana Kundlik Kamble

WITH

WRIT PETITION NO. 100 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Jainabi Badsaha Nadaf

WITH

WRIT PETITION NO. 101 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Rukhmini Namdeo Kadam

WITH

WRIT PETITION NO. 102 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Haribhau Pandharinath Jadhav

WITH

WRIT PETITION NO. 103 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Vijaykumar Vitthal Gurav

WITH

WRIT PETITION NO. 104 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Mahabubi Bashir Nadaf

WITH

WRIT PETITION NO. 105 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Bismilla Gani Nadaf

WITH

WRIT PETITION NO. 106 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Narayan Ramchandra Shinde

WITH

WRIT PETITION NO. 107 OF 2018

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Sitabai Sarjerao Dethe

**WITH
WRIT PETITION NO. 108 OF 2018**

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar
VERSUS
Sumanbai Ramchandra Shende

**WITH
WRIT PETITION NO. 109 OF 2018**

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar
VERSUS
Suman Shankar Veer

**WITH
WRIT PETITION NO. 110 OF 2018**

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar
VERSUS
Popat Narayan Sawant

**WITH
WRIT PETITION NO. 111 OF 2018**

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar
VERSUS
Babasaheb Dattatraya Aaglave

**WITH
WRIT PETITION NO. 112 OF 2018**

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar
VERSUS
Salima Sikandar Nadaf

**WITH
WRIT PETITION NO. 113 OF 2018**

(Not on the Board)

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Sitaram Ambadas Jatkar

WITH

WRIT PETITION NO. 114 OF 2018

(Not on the Board)

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Gunabai Khandu Aware

WITH

WRIT PETITION NO. 115 OF 2018

(Not on the Board)

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Gautam Namdev Bansode

WITH

WRIT PETITION NO. 116 OF 2018

(Not on the Board)

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Shiva Sambha Mali

WITH

WRIT PETITION NO. 117 OF 2018

(Not on the Board)

Mahatma Phule Krishi Vidyapeeth Rahuri Through Its Registrar

VERSUS

Kerba Mahadev Kamble

...
Mr.Shelke Avishkar S., Advocate for the petitioner.
Mr.Barde Parag Vijay with Mr.G.K.Madgekar, Advocate for the
respondents.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 11th October, 2019

Per Court:

1 In all these Writ Petitions, the petitioner/ Agricultural University has challenged the judgments dated 13.05.2015 delivered by the Controlling Authority and dated 30.09.2015 delivered by the Appellate Authority under the Payment of Gratuity Act, 1972.

2 The learned advocate for the petitioner/ university has strenuously criticized the impugned judgments. He submits that all the respondents were daily wagers and would not be entitled for gratuity amounts. After working for different periods beyond five years, they were not in employment since 2001. They raised their claims for gratuity on 14.07.2011 before the Controlling Authority. The Controlling Authority had allowed their claims by the impugned judgments and had granted interest even on the period of delay of 10 years. The learned advocate hastens to add that the said error was subsequently cured by the Appellate Authority, which was the Industrial Court in view of the change in jurisdiction under the Act and the interest for the period of delay was

denied to the respondents.

3 The learned advocate has drawn my attention to the sixteen grounds formulated in the memo of petition.

4 The learned advocate for the respondents submits that the thrust of the petitioner's case is based on two grounds. Firstly that, these respondents are daily wagers and therefore, are not entitled to any gratuity. Secondly, they had raised their claims for gratuity after about ten years.

5 With respect to the first ground, the learned advocate for the respondents relies upon the judgment delivered by this Court in the matter of *Chandrabhaga Machindra Dudhade vs. Mahatma Phule Krushi Vidyapeeth, 2016 (6) ALL MR 357*, by which, this Court has crystallized the law that a daily wager, subject to the scheme of the Payment of Gratuity Act, 1972, would be entitled for gratuity as the Act does not specifically deprive a daily wager from receiving gratuity amounts.

6 However, I find from the record that the Industrial Court, which was the Appellate Authority under the Payment of Gratuity Act, 1972, has rectified the error committed by the Controlling Authority, which had granted interest on the gratuity amounts even for the period of delay. The Appellate Court has, therefore, deprived the respondents of the interest component for the period of delay.

7 The claims for gratuity were lodged on 14.07.2011. The petitioner/ university has deposited the gratuity amounts before the Controlling Authority on 30.06.2015 while approaching the Appellate Authority and the interest component was not deposited. The amounts of gratuity have already been withdrawn by the respondents.

8 In view of the above, these Writ Petitions being devoid of merit are, therefore, dismissed.

9 In view of the above, the petitioner/ university, by deleting the period from 2001 to 14.07.2011, which is the period of delay in raising the claim, shall calculate the interest component as granted by the Appellate Authority from 14.07.2011 till the amount was deposited before the Controlling Authority and then deposit the said amount before the Industrial Court at Ahmednagar with a specific chart mentioning the amount to be received by each respondent, within a period of 12 weeks from today. The respondents shall withdraw the interest amount as per the chart that would be tendered by the petitioner/ university before the Industrial Court.

10 Insofar as Writ Petition No.76/2018 is concerned, the respondent/ original claimant (Devai Silu Chavan) has passed away. On the oral request of the learned advocate for the petitioner, the legal heirs of the deceased respondent are taken on record. Addition be carried out forthwith. Shri Barde, learned advocate, has caused an appearance on

behalf of the legal heirs with his Vakalatnama. The widow of the deceased shall receive the amount.

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(RAVINDRA V. GHUGE, J.)