

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12526 OF 2018
(The Maharashtra Electricity Distribution Co.Ltd., and another Vs.
Bansilal Sitaram Khairnar)

Mr.A.S.Bajaj, Advocate for the petitioners.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 18/03/2019

PER COURT :

1. The petitioners are aggrieved by the judgment dated 09/06/2016 delivered by the Controlling Authority under the Payment of Gratuity Act, 1972 by which the Application (PGA) No.15/2014 filed by the respondent / applicant, praying for interest on delayed payment of gratuity, has been allowed. The petitioners are also aggrieved by the judgment dated 18/04/2018 delivered by the Industrial Court, Dhule, which is the Appellate Authority by which, Misc.Application (PGA) No.1/2017 seeking condonation of delay in approaching the Appellate Authority, has been rejected.

2. Mr.Bajaj, learned Advocate for the petitioners has strenuously criticized the impugned judgments. Contention is that the company did not have any intention of depriving the employee of the gratuity

amount. There was no intention to delay the payment. It is only on account of administrative exigencies that there was a delay in making the payment of gratuity.

3. He further submits that a similar delay occurred in approaching the Appellate Authority for challenging the judgment of the Controlling Authority. He submits that the amount directed by the Controlling Authority was not deposited before the Appellate Authority. The Industrial Court has erroneously concluded that the delay cannot be condoned. If a sufficient cause can be shown for seeking condonation of delay upto 60 days, beyond the period of limitation of 60 days, under Section 7(7) of the Act, the Industrial Court should have considered the reasons cited for seeking condonation.

4. Notwithstanding the strenuous submissions of Mr.Bajaj, the issue involved is no longer *res-integra*. In the matter of Chandrabhaga Machindra Dudhade Vs. Mahatma Phule Krushi Vidyapeeth [2016(6) ALL MR 357], this Court has concluded that delayed payment of gratuity would attract interest as the Law mandates that the gratuity becomes payable 30 days after the severing of employer - employee relationship and the employer is

under an obligation to make the payment with promptitude. This Court has also concluded in Nanded Zilla Dekhreh Sahakari Sanstha Maryadit Vs. Narhar Pralhadrao Kulkarni and another [2017(2) Bom.C.R.142] that the Gratuity Act does not permit condonation of delay beyond 60 days, over and above the limitation period of 60 days.

5. Considering the crystallized position in law, this petition, being devoid of merit, is therefore, dismissed.

(Ravindra V.Ghuge, J.)