

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

WRIT PETITION NO. 14169 OF 2019

Vasant Nivrutti Waghmare

.. Petitioner

Versus

The State of Maharashtra and Another

.. Respondents

Mr. Pavan P. Uttarwar, Advocate for Petitioner.

Mrs. P. V. Diggikar, AGP for Respondent-State.

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

DATED : 26th NOVEMBER, 2019.

PER COURT:-

1. We have heard Mr. Uttarwar, learned counsel for the petitioner. The learned counsel submits that the payment of gratuity cannot be withheld, nor denied except under the circumstance as detailed in sub-section 6 of section 4 of the Payment of Gratuity Act. The respondents have recovered the amount from the gratuity.

2. The proposition that amount of the gratuity can be denied only if the circumstances detailed in sub-section 6 of section 4 of the Payment of Gratuity Act are satisfied need not be debated. The same is the settled proposition of law.

3. The petitioner had earlier approached the Permanent Lok Adalat. Paragraph no. 10 of the order of the Permanent Lok Adalat reads thus :

As how much amount is due against applicant is to be decided by a full place trial before a competent court. So opportunity is given to the applicant to approach before competent court to settle his dispute. Hence we pass following award.

4. The petitioner had earlier filed Writ Petition and in the said Writ Petition Contempt Petition was filed bearing Contempt Petition No. 871 of 2018. The same is disposed of with liberty to the petitioner to raise a challenge to an order of gratuity payment dated 30.01.2018 by availing appropriate remedies under the law.

5. In view of the aforesaid order, judicial propriety would not permit this Court to exercise its jurisdiction. The petitioner may approach the authority under the Payment of Gratuity Act and can raise all these aspects before the said authority. The authority naturally is bound to consider the position of law as decided by the Courts.

6. The writ petition is disposed of with liberty to the petitioner to avail the said remedy. All contentions are kept open. The authority

where proceeding would be filed, shall consider the time spent in prosecuting remedies before the Permanent Lok Adalat and this Court.

No costs.

(AVINASH G. GHAROTE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.