IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 931 OF 2013

Ananda M. Rao ...Petitioner.
vs.
The State of Maharashtra and ors. ...Respondents.

Ms. Karuna Yadav I/by N.B.Ganguli for the petitioner.
Ms. Geeta R.Shastri, AGP. for Respondent Nos. 1 to 3.
Ms. Savita Ganoo I/by Prabhanjan Gujar for Respondent No.4.
Mr.Anil D.Yadav for Respondent No.5.
Ms.S.V. Bharucha for Respondent Nos. 6 to 8.

CORAM : R.M. BORDE AND V.L. ACHLIYA, JJ.
DATE : 30th JANUARY 2019.

JUDGMENT : (Per R. M. Borde, J.)

1. Heard.

2. Rule. With the consent of the parties the petition is taken up for final disposal at the admission stage.

3. The instant petition is presented by the employee of respondent No.4 seeking a direction to respondent Nos.2 and 3 to enforce the recovery in pursuance of the revenue recovery certificate dated 23.7.2014 under the

provisions of the Payment of Gratuity Act read with Rule 9 of Payment of Gratuity (Maharashtra) Rules and to direct respondent Nos. 1 to 3 to recover the amount thereunder with interest at 18% per annum within the prescribed time framed. It has been brought to our notice that two revenue recovery certificates have been issued for an amount of Rs.12,84,555/- and Rs.3,03, 549/- together with interest at 6% per annum in respect of the first recovery certificate commencing from 26.12.2003 till the date of recovery so also claiming interest at the rate of 10% per annum in respect of the second recovery certificate commencing from 1.9.2002 till the date of realization.

4. The counsel appearing for respondent No.4 on instructions inform that a sum of Rs.35,00,000/- has already been deposited with the Tahsildar, Mumbai towards the revenue recovery. It would be open for the petitioner to withdraw the amount considering his entitlement from the office of the Tahsildar, Mumbai The balance amount, if any, after disbursement of amount due to petitioner as well as the expenses incurred by the revenue department for enforcement of recovery, shall be permitted to be withdrawn by respondent No.4. It is informed that, for enforcing the recovery under the revenue recovery certificates the assets of respondent No.4 were attached. The attachment made for the purpose of enforcing

revenue recovery certificates, in view of the satisfaction of the liability, shall be deemed to have been revoked.

5. In the event, the Regional Provident Fund Commissioner, stakes any claim against employer it would be permissible for the concerned authority to take steps as permissible by law. The direction in respect of withdrawal of attachment made for purposes of enforcing recovery under revenue recovery certificates shall be limited to the subject matter of instant petition.

6. It would be open for the petitioner to avail the remedies available under law for claiming additional benefits towards interest as deemed appropriate and the instant order is restricted only so far as enforcement of the revenue recovery certificates.

7. In view of the directions as above, writ petition is disposed off.

(V. L. ACHLIYA, J.) **(R.M.BORDE, J.)**