

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.W. NO.1331/2019
IN
WRIT PETITION NO.911/2017

The Municipal Council, Achalpur
..Vs..
Jagannath V. Tathod

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.Y. Deopujari, Advocate for the petitioner.
Shri R.R. Gour, Advocate for the respondent.

CORAM : Z.A. HAQ, J.
DATED : 20.6.2019.

The dispute in this petition is whether the respondent / employee is entitled for gratuity as per the provisions of the Payment of Gratuity Act, 1972. According to the petitioner / employer, gratuity is paid to the respondent / employee calculating it as per the provisions of the Maharashtra Civil Services Rules which are applicable and govern the service conditions of the respondent / employee. The respondent / employee relies on the provisions of Section 4(5) of the Payment of Gratuity Act, 1972 and claims higher amount as per the Payment of Gratuity Act, 1972.

Learned Advocate for the petitioner has submitted that the amount of gratuity receivable by the respondent / employee as per the provisions of the Maharashtra Civil Services Rules has been paid to the

respondent / employee.

In the above facts, I am not inclined to grant the prayer for early hearing. The civil application is **dismissed**. No costs.

JUDGE

Tambaskar.