HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 2808/2020

1. Ashok Kumar Gupta S/o Shri Jai Narayan Gupta, Aged About 67 Years, B/c Agarwal, R/o 18/23 Chopasani Housing Board, Jodhpur.
2. Amit S/o Shri Ashok Kumar Gupta, Aged About 29 Years, B/c Agarwal, R/o 18/23 Chopasani Housing Board, Jodhpur. Through Special Power Of Attorney Holder His Father Ashok Kumar Gupta Son Of Shri Jai Narayan Gupta, By Caste Agarwal, Aged About 67 Years, R/o 18/23 Chopasani Housing Board, Jodhpur.

----Petitioners

Versus

1. The General Manager, Bank Of Baroda, Mumbai Zone. 3 Walchand Heera Chand Marg, Ballard Pier, Mumbai (Maharashtra).
2. Zonal Manager, Dena Bank Now Bank Of Baroda, Thane Zonal Office, Pushpa Kiran Building, 1St Floor, Gokul Nagar, Opp. Jari Mari Mandir, Thane (W) 400601 (Maharashtra).
3. The Hon'ble Secretary And Chief Manager, PF/GF And Pension Department, Dena Bank/ Now Bank Of Baroda, Dena Bank Building -3 M 3rd Floor, Opp. Vama Chamber, 17- Horniman Circle, Fort Mumbai- 400023 (Maharashtra).
4. The Branch Manager, Dena Bank Now Bank Of Baroda, Kalamboli Branch, Panvel, New Mumbai (Maharashtra).
5. Controlling Authority Under The Payment Of Gratuity Act, 1972 And Assistant Labour Commissioner Iii, Government Of India, Ministry Of Lab Our And Employment, Office Of The Deputy Chief Lab Our Commissioner (Central), Shram Raksha Bhawan, Shiv Shrusti Marg, Eastern Express Highway, Sion (East) Musmbai 400022 (Maharashtra).

----Respondents

For Petitioner(s) : Mr. Kan Singh Oad

JUSTICE DINESH MEHTA

Judgment

04/03/2020

1. Petitioner has preferred the present writ petition for the following reliefs:

"(a) by an appropriate writ, order or direction, this petition may kindly be allowed with costs and the respondents may kindly be directed to add the names of the petitioners in claim of gratuity on the basis of Form No.2 Nomination to Employee under Clause 25(a) Dena Bank employees Gratuity and duly signed by Late Anita Gupta and certified by the Branch.

(b) by an appropriate writ, order or directions, the respondents may kindly be directed not to make the payment of gratuity to Shri Rajeev Goel (Husband of Late Anita Gupta) on the basis of Succession Certificate.

(c) by an appropriate writ, order or directions, the respondents may kindly be directed to make the payment of gratuity on the basis of nomination to the petitioners 50% to each as they are declared nominee.

(d) Any other appropriate order or direction, which this Hon'ble Court deem just and proper be passed in favour of the petitioners.

(e) Costs of this writ petition may kindly be allowed to the petitioners."

2. In considered opinion of this Court, the reliefs, which have been sought by way of present writ petition, cannot be granted, as the same involve not only determination of disputed questions of facts but also requires issuance of writ to Dena Bank, which is not amenable to writ jurisdiction of this Court.

3. More so, perusal of the order dated 24.07.2019 reveals that the gratuity claim has been settled, in view of succession certificate issued to one Mr. Rajeev Goel, husband of petitioner's daughter – Anita Gupta.

4. No interference is warranted, for the reasons noted above. The writ petition so also the stay application is dismissed.

5. Needless to observe that the petitioner shall be free to take appropriate remedy available under the law.

(DINESH MEHTA),J

338-Ramesh/-

RAJASTHAN HIGH COURT

सत्यमेव जयते