

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

919 WRIT PETITION NO.6562 OF 2020

AMBADAS SAINAJI JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. A.A. More, Advocate for the petitioner.
Mr. S.R. Yadav, A.G.P. for respondent Nos. 1 to 3.

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CORAM : **RAVINDRA V. GHUGE &
AVINASH G. GHAROTE, JJ.**

DATE : 23-06-2021.

ORDER :

1. We have heard Shri More, the learned Advocate on behalf of the petitioner and the learned A.G.P. on behalf of respondent Nos. 1, 2 and 3. With their assistance we have perused the petition paper book.

2. There is no dispute that the judgment of the Controlling Authority delivered under the Payment of Gratuity Act 1972 has to be implemented after a recovery certificate is issued. It is equally undisputed that the Controlling Authority has delivered its judgment on 30-11-2017 and the petitioner has acquired the recovery certificate dated 03-05-2019. In these circumstances, it is the right of the petitioner to get his gratuity amount recovered and it would be a legal obligation on the part of respondent Nos.3 and 2 to ensure the execution of the recovery certificate.

3. In view of the above, this petition is disposed off by directing respondent Nos. 3 and 2 to get the recovery certificate dated 03-05-2019 executed by following the procedure as is laid down in law. The said exercise shall be completed on or before 31st December 2021. In the event respondent Nos.3 and 2 find any hurdle in execution of the recovery certificate, they are at liberty to approach this Court by filing an application with due notice to the petitioner, well in advance and should not wait till the period granted by us has expired.

(AVINASH G. GHAROTE)

(RAVINDRA V. GHUGE, J.)

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