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

9 WRIT PETITION NO.4456 OF 2020

SHIVHARI RAMRAO WANARSE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr A. A. More, Advocate for petitioner;

Mr S. B. Yawalkar, A.G.P. for respondent Nos.1 to 3

**CORAM : RAVINDRA V. GHUGE  
AND  
S. G. MEHARE, JJ.**

**DATE : 20th September, 2021**

**PER COURT:**

1. We have heard Shri. More, the learned advocate representing the petitioner and the learned A.G.P. on behalf of respondent Nos.1, 2 and 3.

2. The learned advocate for the petitioner submits that respondent No.4 is purely a formal party and the issue in this petition is between the petitioner and the Revenue Authorities as regards execution of the Revenue Recovery Certificate (RRC) under the Maharashtra Land Revenue Code, 1966 (MLRC). He, therefore, prays for leave to delete respondent No.4. Leave granted. Deletion be carried out forthwith.

(2)

3. The issue before us is as regards execution of the Revenue Recovery Certificate issued by the competent authority in relation to the gratuity amount, which is payable to the petitioner. Entire gratuity proceeding has culminated into final judgment. The employer of the petitioner has not challenged the judgment of gratuity, which has now attained finality.

4. We find from the record that the Controlling Authority as well as the Appellate Authority under the Payment of Gratuity Act, 1972, have delivered the judgment quantifying the amount of gratuity payable to the petitioner. Since this judgment has attained finality, there is no reason for us to look there beyond.

5. There can be no dispute on the legal issue that once the Revenue Recovery Certificate is issued by the competent authority, the District Collector has to entrust the matter to a responsible revenue officer, who has to ensure the recovery of amount by following the due procedure laid down under the MLRC by treating the amount as arrears of land revenue. Needless to state, the employee's right to gratuity is well recognized and it is the obligation of the employer to make the payment of gratuity, failing which, interest can also be levied.

(3)

6. The learned A.G.P. submits that he would not canvass against the provisions of law and is aware that such amount is treated as arrears of land revenue so as to be recovered under the MLRC. He prays for a reasonable time so as to enable respondent No.2 to initiate effective steps.

7. In view of the above, this writ petition is disposed off with a direction to respondent No.2 to initiate appropriate steps to recover the amount set out in the Revenue Recovery Certificates by following the procedure laid down under the MLRC. The said amount shall be recovered on or before 31.12.2021 and would be disbursed to the petitioner promptly and preferably within 15 days from the date of recovery.

**(S. G. MEHARE, J.)**

**(RAVINDRA V. GHUGE, J.)**

sjk