

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

911 WRIT PETITION NO.3036 OF 2020

**AUCHITRAO BHIKA GORADE
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS**

...

Advocate for the Petitioner : Shri More Ashok A.
AGP for the Respondents/ State : Shri S.B. Yawalkar

...

AND

912 WRIT PETITION NO.3037 OF 2020

**SHRIRAM BHAVRAO KHAIRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for the Petitioner : Shri More Ashok A.
AGP for the Respondents/ State : Shri P.S.Patil

...

AND

913 WRIT PETITION NO.3038 OF 2020

**GULABRAO BHIMRAO KALE
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS**

...

Advocate for the Petitioner : Shri More Ashok A.
AGP for the Respondents/ State : Shri S.G. Sangle

...

AND

914 WRIT PETITION NO.4366 OF 2020

**KISAN NARAYAN DUTONDE
VERSUS**

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Shri More Ashok A.
AGP for the Respondents/ State : Shri S.G. Sangle

...

AND

915 WRIT PETITION NO.4372 OF 2020

SUBHASH MURLIDHAR NAGARE

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

Advocate for the Petitioner : Shri More Ashok A.
AGP for the Respondents/ State : Shri S.G. Sangle

...

AND

916 WRIT PETITION NO.4373 OF 2020

LAXMAN YEDUBA JADHAV

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Shri More Ashok A.
AGP for the Respondents/ State : Shri S.G. Sangle

...

AND

917 WRIT PETITION NO.4374 OF 2020

SAHEBRAO BHIMRAO DALVI

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

Advocate for the Petitioner : Shri More Ashok A.
AGP for the Respondents/ State : Shri S.G. Sangle

...

AND
918 WRIT PETITION NO.4375 OF 2020

SHENPHAD BALA DEOKAR
VERSUS
THE STATE OF MAHARASHTR AND OTHERS

...
Advocate for the Petitioner : Shri More Ashok A.
AGP for the Respondents/ State : Shri S.G. Sangle

AND
919 WRIT PETITION NO.4387 OF 2020

KADUBA SHENFADU GUND
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS

...
Advocate for the Petitioner : Shri More Ashok A.
AGP for the Respondents/ State : Shri S.G. Sangle

AND
920 WRIT PETITION NO.4457 OF 2020

DEOLAL DAGDU BRAMHANE
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS

...
Advocate for the Petitioner : Shri More Ashok A.
AGP for the Respondents/ State : Shri S.G. Sangle

AND
921 WRIT PETITION NO.4458 OF 2020

NANDKISHOR BHAVANI MIRKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

Advocate for the Petitioner : Shri More Ashok A.
AGP for the Respondents/ State : Shri S.G. Sangle

...

AND

922 WRIT PETITION NO.4460 OF 2020

DIGAMBAR SHANKARRAO KULKARNI
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS

...

Advocate for the Petitioner : Shri More Ashok A.
AGP for the Respondents/ State : Shri S.G. Sangle

...

AND

923 WRIT PETITION NO.4462 OF 2020

DEORAO BHAGAJI BALANDE
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS

...

Advocate for the Petitioner : Shri More Ashok A.
AGP for the Respondents/ State : Shri S.G. Sangle

...

AND

924 WRIT PETITION NO.7145 OF 2020

RAMESH RATANLAL JAISWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Shri More Ashok A.
AGP for the Respondents/ State : Shri S.G. Sangle

...

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

DATE :- 20th August, 2021

Per Court :-

1. We have heard Shri More, the learned advocate representing the petitioners and the learned AGPs on behalf of respondent Nos.1, 2 and 3 in the respective petitions.

2. The learned advocate for the petitioner submits that respondent No.4 is purely a formal party and the issue in these petitions is between the petitioners 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.

3. The issue before us is as regards execution of the Revenue Recovery Certificate issued by the competent authority in relation to the gratuity amounts, which is payable to the petitioners. Entire gratuity proceedings have culminated into final judgment. The employer of the petitioners 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 respective judgments quantifying the amount of gratuity payable to the petitioners. Since these judgments have 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 amounts by following the due procedure laid down under the MLRC by treating the amounts 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.

6. The learned AGPs appearing in the respective petitions submit that they would not canvass against the provisions of law and are aware that such amounts are treated as arrears of land revenue so as to be recovered under the MLRC. They pray for a reasonable time so as to enable respondent No.2 to initiate effective steps.

7. In view of the above, all these Writ Petitions are disposed off with a direction to respondent No.2 to initiate

appropriate steps to recover the amounts set out in the Revenue Recovery Certificates by following the procedure laid down under the MLRC. The said amounts shall be recovered on or before 31.12.2021 and would be disbursed to the petitioners promptly and preferably within 15 days from the date of recovery.

kps

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)