

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 5126 OF 2022**

Mangesh Jairam Tayade
and another

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Ms. Sunita G. Sonawane, Advocate for the Petitioners.
Mr. S. B. Yawalkar, AGP for Respondents-State.

**CORAM : RAVINDRA V. GHUGE &
 ANIL L. PANSARE, JJ.
DATED : 13th JULY, 2022.**

PER COURT:-

1. The petitioners are within the definition of workmen under Section 2 (s) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'said Act'). The employer of the petitioners is an industry under Section 2 (j) of the said Act.

2. The petitioners claim amount of gratuity, provident fund and interest as set out in prayer clause (B). However, till today, the petitioners have not raised a claim in Form (I) as prescribed under the PGA 1972 so as to enable the competent authority which is known as the controlling authority i.e. the Labour Court which can decide disputed questions by permitting the parties to lead evidence and

quantify the amount of gratuity as well as penalty and interest as well.

3. The petitioners are claiming payment of provident fund amount. They could as well approach the provident fund authorities under the Employees' Provident Funds And Miscellaneous Provisions Act, 1952.

4. The learned advocate for the petitioners submits that the petitioners' pending representations may be considered by the management.

5. In view of the above, this petition is disposed off. We grant liberty to the petitioners to avail of the remedy under the Payment of Gratuity Act, 1972 and approach the provident fund authorities for the clearance of their provident fund accumulations. If the petitioners are not interested in approaching these authorities, they are at liberty to approach the management and pray for considering their representations dated 03.12.2021 and 04.01.2022.

6. A copy of this order shall be placed before the management by the petitioners.

(ANIL L. PANSARE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

RS.B.