

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO.7610 OF 2022

UTTAM REVNATH PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY
AND OTHERS

.....
Advocate for Petitioner : Mr. Kulkarni Girish N. (Mardikar)
AGP for Respondent No.1: Mr. S.K. Tambe
Advocate for Respondents 2 and 3: Mr. S.B. Pulkundwar
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 24th NOVEMBER, 2022.**

PER COURT :-

1. This matter was heard for some time. The affidavit in reply has been filed by respondent Nos. 2 and 3.
2. The earlier petition No. 14011 of 2021, filed by the present petitioner, having prayed for several reliefs, *inter alia*, the relief of payment of gratuity, was not considered by this court for the reason that the petition was disposed off, directing the employer to decide the representation of the petitioner. As such, there was no adjudication of the writ petition and this Court did not even touch the merits of the claim of the petitioner.
3. The learned advocate for the petitioner submits that a deficit amount of gratuity has been paid to him and the affidavit in reply

indicates that some amount has been withheld for the reasons set out in the affidavit. He, therefore, desires to invoke Rule 7(1) of the Payment of Gratuity (Central) Rules, 1972, for putting forth the claim towards the unpaid gratuity amount. The petitioner would also move an application for condonation of delay; if at all, the matter has to be taken to the Controlling Authority in Form N, under Rule 10(i) of the 1972 Rules.

4. If the petitioner moves an application in Form I to the employer, the said application would be considered on its own merits and disposal of the earlier writ petition No. 14011 of 2021 and the present writ petition, would not be an impediment.

5. This petition is, therefore, disposed off, as withdrawn, with liberty, as is prayed for.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

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