

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9136 OF 2022

RAJENDRAPRASAD REVANNA NAPURI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...
Advocate for the Petitioner : Shri Kanawade Ajay T.
AGP for the Respondents/State : Shri S.G. Sangle
...

CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.

DATE :- 14th September, 2022

Per Court :-

1. The petitioner has put forth prayer clauses B and C
as under :-

- “B. By issuing appropriate writ, order or directions, in the like nature, this Hon’ble Court may pleased to direct the respondent No.5 and 6 to pay the petitioner balance amount of Rs.4,00,000/- towards gratuity and dearness allowance difference arrears of Rs.68,02,109/- as per the 6th and 7th pay commission.
- C. To direct the respondent No.5 and 6 to consider and decide the representation filed by the petitioner thereby requesting to arrears of salary, pending hearing and final disposal of the present petition.”

2. The contention is that the petitioner approached the Charity Commissioner.

3. We fail to understand as to how the Charity Commissioner would get jurisdiction to decide the claim for gratuity and difference in dearness allowance in the light of the sixth and seventh pay commission recommendations. The petitioner has not approached the Education Officer or the controlling authority under the Payment of Gratuity Act, 1972 or even the University by raising any grievance. The petitioner could approach the Grievance Redressal Committee or even the controlling authority under the Payment of Gratuity Act or the Education Officer, with regard to the calculations in the light of the sixth and seventh pay commission recommendations. Such disputed issues cannot be entertained in this petition.

4. In view of the above, this Writ Petition is disposed off.

5. Needless to state, the petitioner is at liberty to avail of the remedy as may be permissible in law.