

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 WRIT PETITION NO.10974 OF 2022

NANDKISHOR SHRIDHAR BHAGWAT
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND ANOTHER

.....
Advocate for Petitioners : Mr. S.N. Menchirel
AGP for Respondent No.1: Mr. S.G. Sangle
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 22nd NOVEMBER, 2022.**

PER COURT :-

1. The grievance of the petitioner is that, the respondent M.S.R.T.C. has not paid the entire amount of gratuity, which was due and payable to him. He concedes that he has not taken recourse to the provisions of the Payment of Gratuity Act, 1972. He has not issued any notice to the employer in Form I under Rule 7(1) of the Payment of Gratuity (Central) Rules, 1972. He concedes that there has been no qualification of the claim for gratuity.

2. When called upon, as to why a portion of his gratuity amount has been withheld, the learned advocate for the petitioner submits that, it is the M.S.R.T.C. which has the best knowledge and he has no knowledge at all, as to why the amount is withheld.

3. We find from the communication dated 16.1.2017, issued by

the M.S.R.T.C. to the petitioner, indicating to him, that an amount of Rs.1,85,438/- is recoverable from him and hence, the remainder gratuity amount has been paid to him.

4. This Court cannot exercise it's writ jurisdiction on disputed questions and more so, when the Payment of Gratuity Act, 1972 is a special Statute, under which the gratuity can be claimed.

5. As such, this petition is disposed off with liberty to avail of a remedy as may be permissible in law.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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