

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2675 OF 2021

Ayesha Babu Khan

...Petitioner

Vs.

The State of Maharashtra through Principal
Secretary & Ors.

...Respondents

Mr. S. G. Kudle for the Petitioner.

Mr. Himanshu Takke, Assistant Government Pleader for Respondent No.1 -
State.

Ms. Anupama Shah for Respondent No.2.

**CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ.**

DATED : 14 DECEMBER 2022.

P. C. :

After the Petitioner superannuated from service of Respondent No.2, she has executed a receipt acknowledging receipt of amount of Rs.10,82,234/- by way of gratuity payable to her, wherein she has said that no further amount of gratuity is payable to her by Respondent No.2.

2. In the petition, the Petitioner has come up with the following prayers:

"a) That this Hon'ble Court be pleased to issue appropriate writs, orders and directions directing the Respondent Nos.1 and 3 to hold necessary enquiry against the office bearers of the

Respondent No.2 including the enquiry as regards to the amounts due and payable by the Respondent No.2 to the Petitioner on account of her salary, promotion, gratuity, arrears as per 6th pay commission and 7th pay commission etc. along with interest and subject to outcome of such enquiry, they be directed to take necessary steps for making the payment to the Petitioner along with interest on such terms as this Hon'ble Court may deem fit and proper.

b) That this Hon'ble Court be pleased to issue appropriate writs, orders and directions directing the Respondents No.2 after the outcome of such enquiry the Respondent No.2 may be directed to pay Compensation for the mental harassment caused to the Petitioner."

3. In respect of prayer clause, the contention of Mr. Kudle is that the financial benefit to which the Petitioner is entitled in view of 6th and 7th pay commission should be paid to her by directing enquiry against the conduct/failure of Respondent No.2.

4. Once the Petitioner has superannuated in 2020, she having received amount of gratuity without any protest, least that was expected of the Petitioner was to canvass her grievance well within time on the implementation of 6th and 7th pay commission, which she has failed to do.

5. Apart from above whether the Petitioner is entitled for any benefits as has been claimed cannot be inferred from the pleadings in the petition. That being so the petition stands dismissed. However, this does not preclude the Petitioner from canvassing her grievance by taking out proceedings before the Civil Court or any other appropriate authority and

the said proceedings be decided by the Civil Court/Competent Authority in accordance with law.

6. Learned counsel for Respondent No.2 concedes that difference in amount of gratuity payable to the Petitioner is Rs.43,662/- plus Rs.69,821/-. Mr. Kudle acknowledges receipt of cheques for the aforesaid amount. According to her apart from the above lawful dues, no other dues are payable to the Petitioner.

(SHARMILA U. DESHMUKH, J.)

(NITIN W. SAMBRE, J.)