

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

18 WRIT PETITION NO.4133 OF 2023

PANDHARINATH BHIKA KAKDE (SINCE DEAD THROUGH LRS)
THAGUBAI PANDHARINATH KAKDE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH THE SECRETARY AND OTHERS

...

Advocate for Petitioners : Mr. Ashok A. More.

AGP for Respondent/State : Mr. P. S. Patil.

...

AND

22 WRIT PETITION NO.4137 OF 2023

NARAYAN BANDU DANDGE (SINCE DEAD THROUGH LRS)
VIMALBAI NARAYAN DANDGE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH THE SECRETARY AND OTHERS

...

Advocate for Petitioners : Mr. Ashok A. More.

AGP for Respondent/State : Mr. S. K. Tambe.

...

AND

32 WRIT PETITION NO.4155 OF 2023

PUNJAJI RAMRAO DHORMARE

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH THE SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. Ashok A. More.

AGP for Respondent/State : Mr. S. P. Tiwari.

...

AND

33 WRIT PETITION NO.4156 OF 2023

BABAN KISAN DAUD (SINCE DEAD THROUGH LRS)
JIJABAI BABAN DAUD AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH THE SECRETARY AND OTHERS

...

Advocate for Petitioners : Mr. Ashok A. More.

AGP for Respondent/State : Mr. S. G. Karlekar.

...

AND

44 WRIT PETITION NO.4275 OF 2023

PRAKASH SANDU KAKDE

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH THE SECRETARY AND OTHERS

...

Advocate for Petitioners : Mr. Ashok A. More.

AGP for Respondent/State : Mr. V. M. Kagne.

...

AND

81 WRIT PETITION NO.4316 OF 2023

BHASKAR BHIKA ARKE

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH THE SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. Ashok A. More.

AGP for Respondent/State : Mr. P. S. Patil.

...

AND

82 WRIT PETITION NO.4317 OF 2023

SARJERAO SHRIPAT GHODKE

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH THE SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. Ashok A. More.

AGP for Respondent/State : Mr. S. K. Tambe.

...

AND

84 WRIT PETITION NO.4319 OF 2023

NARAYAN RAMRAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH THE SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Ashok A. More.
AGP for Respondent/State : Mr. S. P. Tiwari.

...
AND

85 WRIT PETITION NO.4320 OF 2023

BHAGWAN NAMDEO DAUD
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH THE SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Ashok A. More.
AGP for Respondent/State : Mr. S. G. Karlekar.

...

CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 17th April, 2023.

Per Court:

1. In all these matters, these Petitioners have noticed a mistake in the order passed by the Controlling Authority while dealing with their respective applications for payment of gratuity under Sections 4 and 7 of the Payment of Gratuity Act, 1972. According to these Petitioners, the law mandates compounding interest at 15% per annum on the gratuity amount, paid delayedly.

2. Contention is that either a clerical or typographical or an

accidental slip/omission/error has occurred in the decision of the Controlling Authority when it granted interest @ 10% per annum instead of @ 15% per annum, which is granted in several other cases. Several orders of the Controlling Authority at Aurangabad in various matters, are cited to indicate that 15% interest has been granted. After a Revenue Recovery Certificate (RRC) was issued by the Controlling Authority and which has also been executed, that these Petitioners have noticed such error.

3. Proviso below Rule 11 (4) (c) of the Payment of Gratuity (Maharashtra) Rules, 1972 reads as under:-

“Provided that a clerical or arithmetical mistake, in findings or decision, or errors arising therein from any accidental slip or omission may at any time be corrected by the controlling authority either of its own motion or on the application of any of the parties.”

4. In view of the above, **these Petitions are disposed off** with liberty to these Petitioners to avail of the above stated remedy.

5. Needless to state, this Court has not expressed any opinion as regards the merits of the contentions of these Petitioners.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]