

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

966 WRIT PETITION NO.7207 OF 2023

MAHARASHTRA GRAMIN BANK THROUGH ITS CHAIRMAN
VERSUS
SECRETARY L AND E MINISTRY OF LABOUR AND EMPLOYMENT AND
OTHERS

...

Advocate for Petitioner : Mr. P. L. Shahane h/f Mr. Shahane Parag P.

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.
DATE : 30.06.2023

PER COURT :

Heard.

2. The learned advocate for the petitioner submits that apart from the present appeal preferred by the petitioner against the respondent No. 2, it has preferred several other appeals under the provisions of Section 7(7) of the Payment of Gratuity Act, 1972. Due to the statutory condition, it will have to deposit Rs. 1,19,77,014/- as a condition precedent for entertaining the appeal.

3. A reference is made on behalf of the petitioner by referring to the decision of the Supreme Court in the matter of **Prathama U.P. Gramin Bank Vs. Neeraj Kumar Mathur and Ors.** in **Petition(s) for Special Leave to Appeal (C) No. (s). 3822/2020** and **Rajasthan Marudhara Gramin Bank Vs. Labh Shankar Bhati** wherein the Supreme Court has granted some concession in the form of direction to accept the bank guarantee in lieu of deposit of money. In our respectful view such a course and power is not available for this Court more so when it is a statutory provision which requires petitioner-bank to make deposit of money as a condition precedent for entertaining the appeal.

4. We dispose of the writ petition by directing the respondent No. 2 to pass appropriate order on the petitioner's application (page 31) dated 18.04.2023 on its own merits.

5. Observations of this Court are confined to the decision of this matter and the appellate authority shall not feel influenced by it.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-