

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

6 WRIT PETITION NO.11742 OF 2023

ALKA KADU CHAUDHARY AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL  
SECRETARY AND OTHERS

Mr.S.T.Shelke, Advocate for the Petitioners.  
Mr.S.K.Tambe, AGP for Respondent Nos. 1 to 4.  
Mr.S.R.Patil, Advocate for Respondent Nos. 5 and 6.

( CORAM : RAVINDRA V. GHUGE AND  
Y. G. KHOBRAGADE, JJ.)

DATE : NOVEMBER 6, 2023

PER COURT :

1. On 25.09.2023, we had passed the following order :-

"1. *The Petitioners have put forth prayer clauses "A" and "B",  
as under:-*

*“(A) Direct the respondents to make payment to the  
petitioners of difference amount of gratuity as per 7<sup>th</sup> Pay  
Commission with interest within a month or so and for that  
purpose issue necessary writ or order.*

*(B) During the pendency of the writ petition, direct the  
respondents to make payment to the petitioners of difference  
amount of gratuity as per 7<sup>th</sup> Pay Commission with interest*

*within a month or so."*

2. *Issue notice to the Respondents, returnable on 06.11.2023. The learned AGP waives service of notice on behalf of Respondent Nos. 1 to 4. Mr. Patil, learned Advocate waives service of notice on behalf of Respondent Nos. 5 and 6.*

3. *The matter would appear in the **urgent orders category** since it pertains to the payment of gratuity amounts."*

2. The learned AGP places on record 2 documents which are the communications from the Deputy Director, Education, Nashik Division Nashik addressed to the Directorate of Primary Education, through the Education Director dated 03.11.2023 and the 2nd letter dated 03.11.2023 addressed to the learned AGP. Both these documents are taken on record and collectively marked as 'X-1' for identification.

3. In view of the above, **this Petition is disposed off** with the direction that the Director (Education), Primary Education, Pune shall pass appropriate orders on the communication dated 03.11.2023 received from the Deputy Director (Education), bearing Reference No.13732, on or before 30.11.2023. Needless to state, if the amount

for payment of retiral benefits of the 21 employees is permitted to the extent of the Government share, the Corporation shall commence such payment in the light of the data at page No.15 of the Petition paper book, by carrying out a due verification exercise and by adding it's 50% share to the amount, alongwith interest component wherever statutorily provided. Let this exercise be completed within a period of 45 days.

( Y. G. KHOBRADE, J. )

( RAVINDRA V. GHUGE, J.)