

Vidya Amin

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

WRIT PETITION NO. 1287 OF 2019

The Maharashtra Agro Industries Development ... Petitioner
Corporation Ltd.

Versus

Kashinath Ambo Kamble

...Respondent

Mr. Mahesh Shukla for the petitioner.

Mr. V.P. Vaidya for the respondent.

CORAM: G. S. KULKARNI, J.

DATED: 13 February, 2023

P.C.

1. Heard Mr. Shukla, learned counsel for the petitioner and Mr. Vaidya, learned counsel for the respondent.

2. The order impugned in this petition is an order dated 12 April, 2016 passed by the Controlling Authority & Judge, 11th Labour Court, Mumbai in Application (PGA) No. 14 of 2015 whereby the application as filed by the respondent- Kashinath Kamble has been allowed inter alia directing the petitioner to pay difference of gratuity amount of Rs.1,81,663/- to the respondent. The operative part of the order reads thus:

“ORDER

(i) *Application is allowed as follows:*

(ii) *Opponent is hereby directed to pay difference of gratuity amount of Rs.1,81,663/- (Rupees One Lakh Eighty One Thousand Six Hundred and*

Sixty three Only) to applicant along with interest @ 10% p.a. from the date of retirement till actual payment.

(iii) In the facts and circumstances of the case, parties to bear their respective costs.”

3. After the proceedings were heard for sometime, learned counsel for the petitioner fairly states that as the gratuity amount, which was deposited, was already withdrawn by the respondent, insofar as the interest is concerned, the calculation of interest @ 4% from 23 June, 2016 to 12 August, 2018 when this Court stayed the order, can be paid by the petitioner to the respondent. The amount of interest is worked out to Rs.52,823/-. In the facts and circumstances of the case, the offer made by the petitioner appears to be reasonable and is also acceptable to the respondent.

4. Accordingly, accepting the statement as made on behalf of the petitioner that the interest amount of Rs. 52,823/- shall be paid to the respondent within a period of six weeks from today, the petition stands disposed of.

5. Needless to observe that in the peculiar facts of the present case, the petitioner has agreed to pay the said amount of interest. The present order in no manner shall be treated as any precedent.

G. S. KULKARNI, J