

Vidya Amin

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

WRIT PETITION NO. 3074 OF 2022

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

Versus

Surendra Mahadev Patil

...Respondent

Mr. Mahesh Shukla for the petitioner.

Mr. Amar Mhatre, Union Representative present.

CORAM: G. S. KULKARNI, J.

DATED: 13 February, 2023

P.C.

1. Heard learned counsel for the petitioner. The respondent although served is not represented.

2. The order impugned in this petition is an order dated 30 March, 2019 passed by the Controlling Authority & Judge, Second Labour Court, Mumbai in Application (PGA) No. 164 of 2017 whereby the application as filed by the respondent – Surendra Mahadev Patil has been allowed. The operative part of the order dated 30 March, 2019 reads thus:

“ORDER

(i) *Application is hereby allowed.*

(ii) *It is hereby directed to the opponent to pay interest at the rate of 10% p.a. on the amount of gratuity, i.e., Rs.1,82,250/- from the date of 31.08.2010 till its realization.*

(iii) No order as to cost.”

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learned counsel for the petitioner fairly states that as the gratuity amount, which was deposited, was already withdrawn by the respondent, insofar as the interest is concerned, the calculation of interest @ 4% from 26 April, 2017 to 12 August, 2018 when this Court stayed the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.62,257/-. In the facts and circumstances of the case, the offer made by the petitioner appears to be reasonable.

4. Mr. Amar Mhatre, who is the union representative is present in the Court, he would agree that the respondent can receive the said amount.

5. Accordingly, accepting the statement as made on behalf of the petitioner that the interest amount of Rs. 62,257/- shall be paid to the respondent within a period of six weeks from today, the petition stands disposed of.

6. 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