

Vidya Amin

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

WRIT PETITION NO. 2808 OF 2019

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

Versus

Anjani Anant Pawar (Legal Heir of Anant B. Pawar) ...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 12 October, 2017 passed by the Controlling Authority & Judge, 9th Labour Court, Mumbai in Application (PGA) No. 25 of 2015 whereby the application as filed by the respondent – Anant Budhaji Pawar has been partly allowed whereby it has been declared that the applicant is entitled to receive gratuity amount of Rs.1,56,615/- with interest @ 10% from 8 January, 2015 till January, 2016. The said order was challenged by the petitioner in Appeal (PGA) No. 24 of 2017 whereby the learned President, Industrial Court, Mumbai has dismissed the appeal by an order dated 13 March, 2018 with modification to the extent of

date of payment of interest . The operative part of the order dated 13 March, 2018 reads thus:

“ORDER

(i) Appeal is dismissed with no order as to costs, however, the cross objection raised by the respondent is allowed and the order passed by the Controlling Authority is modified to the extent of the dates of payment of interest on the amount. The order would read thus:

a) The applicant is entitled for receiving an amount of Rs.1,56,615/- (Rupees One lakh Fifty Six Thousand Six Hundred Fifteen only) being an amount of gratuity along with simple interest @ 10% p.a. on gratuity amount of Rs.1,56,615/- from 31/05/2011 till the payment of the amount.

b) The Opponent is hereby directed to pay an amount of Rs.1,56,615/- (Rupees One Lakh Fifty Six Thousand Six Hundred Fifteen only) to the respondent along with simple interest @ 10% from 31/05/2011 till the payment of the amount.”

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learned counsel for the petitioner fairly states that as the gratuity amount, which was deposited, was already withdrawn by the respondent, insofar as the interest is concerned, the calculation of interest @ 4% from 17 March, 2017 to 12 August, 2018 when this Court stayed the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.52,327/-. 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. 52,327/- 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