

Vidya Amin

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

**WRIT PETITION NO. 2628 OF 2019
WITH
INTERIM APPLICATION (L) NO. 2688 OF 2023**

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

Versus

Prabhakar Sudam Mokal

...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 28 August, 2017 passed by the Controlling Authority & Judge, 7th Labour Court, Mumbai in Application (PGA) No. 23 of 2015 whereby the application as filed by the respondent-Prabhakar Sudam Mokal has been partly allowed thereby directing the petitioner to pay the gratuity to the tune of Rs.2,03,097/- to the respondent towards gratuity difference as per 6th Pay Commission. The operative part of the order reads thus:

“ORDER

- (i) Application is hereby partly allowed.*
- (ii) Opponent is hereby directed to pay Rs.2,03,097/- (Rupees Two Lakhs Three Thousand Ninety Seven Only) to applicant towards gratuity difference as per 6th Pay Commission.*
- (iii) Opponent has given liberty to deduct the amount of Rs.46,371/- (Rupees Forty Six thousand Three Hundred Seventy One only) from entire payable amount which already deposited in bank and pay the rest of due amount to the applicant.*
- (iv) Application (PGA) No. 23/2015 is accordingly disposed of.”*

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learned counsel for the petitioner fairly states that as the gratuity amount, which was deposited, was already withdrawn by the respondent, insofar as the interest is concerned, the calculation of interest @ 4% from 17 March, 2017 to 12 August, 2018 when this Court stayed the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. 15,315/-. 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. 15,315/- will be paid to the respondent within a period of six weeks from today.

6. Petition is disposed of.

7. Needless to observe that in the peculiar facts of the present case, the petitioner has agreed to pay the said amount of interest. Thus, the present order shall not be treated as precedent in any manner whatsoever.

8. In view of disposal of Writ Petition, Application does not survive and the same is accordingly disposed of.

G. S. KULKARNI, J