

Vidya Amin

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

WRIT PETITION NO. 2617 OF 2019

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

Versus

Kishor Dwarkanath Manjrekar

...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 11 October, 2017 passed by the Controlling Authority & Judge, Second Labour Court, Mumbai in Application (PGA) No. 29 of 2015 whereby the application as filed by the respondent - Kishor Dwarkanath Manjrekar has been allowed. The said order is challenged by the petitioner by filing Appeal, which has been dismissed by the Industrial Court by order dated 13 March, 2018 but the operative part of the order passed by the Learned Judge of the Labour Court is modified thereby directing the petitioner to pay interest at the rate of 10% p.a. on the amount of

gratuity amount of Rs.1,65,322/- to the respondent. The operative part of the order dated 13 March, 2018 reads thus:

“ORDER

- (i) *Appeal is dismissed without any order as to costs.*
- (ii) *The operative part of the order is modified and it would read thus:*
 - a) *Application is allowed.*
 - b) *The Opponent is directed to pay interest at the rate of 10% p.a. on the amount of gratuity, i.e., Rs.1,65,322/- (One Lakh Sixty Five Thousand Three Hundred Twenty Two Only) from the date of Applicant's retirement, i.e., 31/03/2014 to 11/01/2017.”*

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learned counsel for the petitioner fairly states that as the gratuity amount, which was deposited, was already withdrawn by the respondent. He states that insofar as the interest is concerned, the calculation of interest @ 4% from 12 January, 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.53,685/-. In the facts and circumstances of the case, the offer made by the petitioner appears to be reasonable.

4. Mr. Amar Mhatre, who is individual representative is present in the Court, 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. 53,685/- 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.

G. S. KULKARNI, J