

Vidya Amin

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

WRIT PETITION NO. 2657 OF 2019

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

Versus

Vithal Naryan 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 12 October, 2017 passed by the Controlling Authority & Judge, 9th Labour Court, Mumbai in Application (PGA) No. 12 of 2015 whereby the application as filed by the respondent – Vitthal Naryan Patil has been partly allowed directing the petitioner to pay gratuity amount of Rs.2,06,122/- along with interest @ 10% from 23/12/2014 till January, 2016. The said order was challenged by the respondent by filing Appeal (PGA) No. 29 of 2017, whereby the learned President, Industrial Court, Mumbai has dismissed the appeal filed by the petitioner and allowed the appeal of the respondent by an order dated 13

March, 2018 with modification. The operative part of the order dated 13 March, 2018 reads thus:

“ORDER

- (i) Appeal (PGA) No. 23 of 2017 is dismissed with no order as to costs.*
- (ii) Appeal (PGA) No. 29 of 2017 is allowed with no order as to costs.*
- (iii) The order of the learned Controlling Authority is modified and it would read as under:*

The Opponent is hereby directed to pay an amount of Rs.2,06,122/- (Rupees Two Lakhs Six Thousand One Hundred Twenty Two only) to the applicant along with simple interest @ 10% from the date of retirement, i.e., 30/06/2011 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learned counsel for the petitioner fairly states that as the gratuity amount, which was deposited, was already withdrawn by the respondent, insofar as the interest is concerned, the calculation of interest @ 4% from 17 March, 2017 to 12 August, 2018 when this Court stayed the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.68,867/-. 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. 68,867/- 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