

Vidya Amin

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

WRIT PETITION NO. 2457 OF 2019

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

Versus

Hiru Govind Karnekar

...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 26 October, 2017 passed by the Controlling Authority & Judge, First Labour Court, Mumbai in Application (PGA) No. 28 of 2015 whereby the application as filed by the respondent – Hiru Govind Karnekar has been allowed directing the petitioner to pay the respondent difference of gratuity amount of Rs.1,03,972/-. The operative part of the order dated 26 October, 2017 reads thus:

“ORDER

(i) Application is allowed.

(ii) The Opponent is hereby directed to pay the applicant difference of gratuity amount of Rs.1,03,972/- (Rupees One Lakh Three Thousand Nine Hundred Seventy Two only).

(iii) The Opponent is further directed to pay the applicant 10% interest on Rs.1,03,972/- (Rupees One Lakh Three Thousand Nine

Hundred Seventy Two only) from the date of retirement till its actual payment.

(iv) 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learned counsel for the petitioner fairly states that as the gratuity amount, which was deposited, was already withdrawn by the respondent, insofar as the interest is concerned, the calculation of interest @ 4% from 17 March, 2017 to 12 August, 2018 when this Court stayed the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.28,520/-. 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. 28,520/- 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