

Vidya Amin

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

**WRIT PETITION NO. 745 OF 2020
WITH
INTERIM APPLICATION NO. 2681 OF 2023**

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

Versus

Smt. Manjula Vijay Kumar 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 2 February, 2018 passed by the learned Judge, 8th Labour Court, Mumbai in Application (PGA) No. 24 of 2015 whereby the application as filed by the respondent-Manjula Vijay Kumar Patil has been partly allowed thereby directing the petitioner to pay the gratuity to the tune of Rs.1,69,720/- to the respondent towards gratuity difference as per 6th Pay Commission. The operative part of the order reads thus:

“ORDER

(i) Application is partly allowed.

(ii) Amount of gratuity to the tune of Rs.1,69,720/- (Rupees One Lakh Sixty Nine Thousand Seven Hundred Twenty Only) be paid to the applicant towards gratuity difference as per 6th Pay Commission.

(iii) No order as to costs.”

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learned counsel for the petitioner fairly states that as the gratuity amount, which was deposited, was already withdrawn by the respondent.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 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.14,840/-. 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. 14,840/- 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, Civil Application does not survive and the same is accordingly disposed of.

G. S. KULKARNI, J