



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
8 WRIT PETITION NO. 4676 of 2024

Ushabai Balchand Apshinde

....Petitioner

versus

The State of Maharashtra & others

.....Respondentd

Mr. S. A. Patel, Advocate for the Petitioner.

Mr. V. M. Kagne, AGP for the State.

Mr. V. C. Patil, Advocate holding for Mr. U. B. Bondar, Advocate for Respondent Nos. 2 and 3.

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 6th MAY, 2024.

PER COURT :

1. The Petitioner is a retired Anganwadi Helper. She is a 'workman' under Section 2(s) of the Industrial Disputes Act. She prays for quantification and payment of gratuity.

2. The Payment of Gratuity Act, 1972, is a code in itself with the Labour Court as the controlling authority and the Industrial Court as the appellate authority. All grounds and contentions of the parties are to be considered, calculation/quantification is to be made and the Labour Court can issue directions for payment of gratuity with a statutory interest of 10% per annum.

3. The learned Advocate for the Petitioner submits that an Application dated 16.11.2023 has been made to the Chief Executive Officer, Zilla Parishad, Chhatrapati Sambhajnagar.

4. In view of the above, we direct the Chief Executive Officer, Zilla Parishad, Chhatrapati Sambhajnagar to consider the said Application of the Petitioner as an Application under Form I under Rule 7(1) of the Payment of Gratuity Act, 1972. Let the Chief Executive Officer deal with the said Application within a period of 60 days from today.

6. If the Application is turned down, the Petitioner would be at liberty to avail of the remedy under the Payment of Gratuity Act, 1972. If the Zilla Parishad admits the liability of gratuity, the interest component from 30 days after the retirement of the Petitioner, at the rate of 10% per annum shall be calculated and added to the dues and the dues may be paid.

(R. M. JOSHI)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE