

Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6627 OF 2024

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Maharashtra State Road
Transport Corporation Through
Its Divisional Controller & Anr

... Petitioner

V/s.

Amirkhan Rajjak Shaikh

... Respondent

Mr. Nitesh V. Bhutekar, for Petitioner.

CORAM : AMIT BORKAR, J.

DATED : MAY 9, 2024

P.C.:

1. The petitioner is challenging an order dated 17 August 2022 passed by the Controlling Authority under the provisions of Payment and Gratuity Act, 1972 (**"the Act"**) directing the Collector to recover an amount of gratuity along with interest i.e. Rs.2,56,616/- from the petitioner.
2. The Authority under the Act allowed the application filed by the respondent under Section 7(4)(b) of the Act. The Authority declared that the respondent is entitled to receive gratuity amount of Rs.5,61,441/- along with simple interest @10% per annum from the date of retirement till its realisation, this order attained finality.
3. The respondent, therefore, filed an application for recovery

of gratuity by filing application bearing PGA No.02 of 2020. The Controlling Authority under the Act, considered the calculation, which is placed on record by the respondent. The petitioner did not file reply to that application. Therefore, based on material record, the Controlling Authority by the impugned order adjudicated an amount of Rs.2,56,616/- as the amount to be recovered from the petitioner.

4. Learned Advocate for the petitioner submitted that the Controlling Authority has failed to calculate the amount as per law. According to him, the respondent was not entitled to the amount as protected by the Authority and, therefore, the impugned order deserves to be quashed and set aside.

5. On perusal of the oral order dated 19 August 2019, which had attained finality. It appears that an amount of Rs.4,92,921/- was already deposited by the petitioner which was directed to be deducted, and accordingly the petitioner was directed to pay an amount of Rs.68,520/- along with interest @ 10% per annum from July 2019 till its realisation. In the paragraph 6 of the impugned order gives detailed calculation and manner of arriving at actual amount of dues. On its perusal, I am satisfied that the calculation is as per the order dated 19 August 2019. Therefore, no interference in the impugned order is called for.

6. However, the petitioner is permitted to pay the amount as per the order dated 17 August 2022 passed by the Controlling Authority under the Act within six weeks from today.

7. The writ petition accordingly stands disposed of in above terms. No costs.

8. For the period of six weeks, the impugned order shall not be executed.

(AMIT BORKAR, J.)