



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**WRIT PETITION NO. 2227/2024**

**Maharashtra State Cooperative Tribal Development Corporation &  
others**

**Vs.**

**Maroti S/o Vithoba Sayam**

Office Notes, Office Memoranda  
of Coram, Appearances, Court's  
orders or directions and  
Registrar's orders

Court's or Judge's orders

Mr. D.P. Bhongade, Advocate for petitioners  
Mr. Ankit Vastani, Advocate for Respondent

**CORAM: N.R. BORKAR, J.**

**DATED : 21<sup>st</sup> JUNE, 2024**

This petition takes exception to the judgment and order dated 12.01.2024, passed by the learned Industrial Court in Appeal (PGA) No.9/2022.

2. The respondents herein had filed an application under Section 7(2) of the Payment of Gratuity Act before the Controlling Authority (Labour Court) alleging that considering his length of service, he was entitled to get Rs.5,26,420/- towards gratuity, however, he was paid Rs.3,65,910/- only. It was, therefore, prayed that petitioner be directed to pay him the difference of amount of Rs.1,60,510/- with interest. The application was partly allowed, however, the claim in respect of difference of amount of Rs.1,60,510/- was rejected.

3. By the impugned order, the learned Industrial Court has allowed the appeal filed by the present respondents against the order of Controlling Authority and directed the present petitioner to pay the amount of difference as sought by the respondents. Hence, this petition.

4. The learned counsel for the petitioner submitted that the claim of the petitioner was rightly rejected by the Controlling Authority on the ground that the respondent has not produced any cogent evidence to show that he was in continuous service from 19.02.1981 to 30.6.2021. It is submitted that the learned Industrial Court has, however, committed an error in allowing the appeal on the ground that petitioner has not produced any cogent evidence that services of the respondents were terminated on account of misconduct. It is submitted the learned Industrial Court has wrongly shifted the onus on the petitioner. It is submitted that order impugned therefore cannot be allowed to stand.

5. The submission of the learned counsel for the petitioner cannot be accepted in view of the judgment and order of the Industrial Court

dated 10.10.2006 in Complaint (ULPA) No.93/2006, filed by the present respondent against the petitioner. The relevant findings in the said judgment reads thus :

“The complainant has proved that he is continuously working with the respondents from 19.02.1981 till today as daily wage Watchman and from 1987 to 1995 he had worked on consolidated salary with them.”

6. In view of the above findings, no interference is called for in the impugned judgment and order. The petition is dismissed. No costs.

**JUDGE**

*MP Deshpande*