



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

**CIVIL APPLN. (W) NO. 696 OF 2024
IN
WRIT PETITION NO. 5150 OF 2023 (D)**

The Sub-Area Manager, Ballarpur

-Vs.-

Appellate Authority under Payment of Gratuity Act, 1972 & Deputy Chief
Labour Commissioner (Central) Nagpur and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Rohit Joshi, counsel for the applicant-respondent No.3-Kankam
Kumar Yellaya.
Mr. Pushkar Ghare, counsel for the petitioner.

CORAM : AVINASH G. GHAROTE, J.

DATE : 1ST MARCH, 2024

The application seeks clarification of the order dated 14/12/2023, on the ground, that in view of the last sentence of the said order in para-6, the Authorities are construing the same as an embargo to pay the gratuity and interest thereupon. It is clarified that the last sentence in para-6 of the order dated 14/12/2023, which makes the payment of gratuity to the respondent No.3-Kankam Kumar Yellaya would be subject to the result of the appeal, does not create an embargo upon the Authorities to make payment of the gratuity and interest thereupon to the respondent No.3-Kankam Kumar Yellaya. The payment therefore will have to be made to the respondent No.3 and in case the second appeal is decided against him in that

eventuality, the respondent No.3 would be liable to refund back to the same to the petitioner. The application is accordingly allowed and disposed of in the above terms.

JUDGE