



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

CIVIL APPLICATION (CAW) NO. 1640 OF 2024  
IN  
WRIT PETITION NO. 393 OF 2019  
(Sheikh Ayyub Sheikh Haji V/s Divisional Controller, MSRTC, Amravati)

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

Court's or Judge's orders

Mr. C. V. Jagdale, Advocate for Applicant/Petitioner.  
Mr. A. R. Fule, Advocate for Non-applicant/  
Respondent.

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CORAM : ANIL L. PANSARE, J.  
DATE : JUNE 26, 2024.

. On 18/6/2024 following order was passed :

“ The learned Counsel for the Petitioner submits that pending Writ Petition, the respondent has, vide order dated 12/2/2024, forfeited the amount of gratuity in terms of Section 4(6)(b)(ii) of the Payment of Gratuity Act, 1972 (for short, ‘the said Act’). He seeks permission to amend the petition accordingly.

2] The learned Counsel for the respondent submits that appropriate remedy for the petitioner, in view of subsequent development, is to approach the Controlling Authority in terms of Section 8 of the said Act.

3] The learned Counsel for the Petitioner shall go through the aforesaid provision, and if found otherwise, shall proceed to carry out amendment within seven working days from today. Amended copy be served on the other side.

4] List on 26/6/2024.”

2. The learned Counsel for Petitioner submits that

remedy available to the Petitioner was not in terms of Section 8 of the Act of 1972, but is under Section 7 thereof, which remedy, according to him, has been already availed.

3. By the present Application, Petitioner intends to bring on record the subsequent development.

4. For the reasons set out in the Application, Civil Application is allowed.

5. Necessary amendment be carried out within seven working days from today and amended copy of the Petition be served on the other side

6. The Respondent is at liberty to file reply to the amended Petition, if so desired, within seven days thereafter.

7. List the Petition in the week commencing from 22<sup>nd</sup> July, 2024.

**(ANIL L. PANSARE, J.)**