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18-WP-2897-2005

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

18 WRIT PETITION NO. 2897 OF 2005

The General Manager (adm.) Maharashtra State Co Op Cotrol Growers
Marketing Federation Ltd. And Ors

VERSUS

Aminabi Shaikh Kadar And Ors.

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Mr.S T Shelke, Advocate for the Petitioners.

CORAM : KISHORE C. SANT, J.

DATE : 6th FEBRUARY 2025

PC :-

1. Heard the learned Advocate for the petitioners.
2. Inspite of service, none appears for the respondent. The matter is therefore taken up for final disposal.
3. A challenge in this petition is to an order passed by the Appellate Authority under the Payment of Gratuity Act, 1972 dated 22nd March 2004. By way of impugned order, the learned Appellate Authority confirmed the order passed by the Controlling Authority under the Payment of Gratuity Act, 1972, Aurangabad.
4. The facts, as necessary for the purpose of this writ petition, are

that, the authorities are the Cotton Federation Ltd. The federation was appointed as agent for cotton monopoly scheme under the Maharashtra State Raw Cotton (Procurement, Processing and Marketing) Act, 1971. The federation for the purpose of carrying out the scheme, procure and processes the cotton. After process, the cotton is marketed. For the purpose of carrying out the scheme, some employees are required for the daily work and some workers are required for seasonal work. The work from such employees are therefore, taken considering the exigencies of the work. The present respondents, who were working with the federation, resigned in the year 1995 and some of them resigned in the years 1997, 1998, 2000 and 2001.

5. After resigning, the respondents preferred an application bearing No.PAG/62-83/2002 before the Controlling Authority and the Assistant Commissioner of Labur, Aurangagad. Notices were issued to the petitioners. The petitioners appeared in the proceeding. The petitioners denied the allegations of the respondents. The applications are opposed even on the ground of limitation. The factual position about the period to rendering services was also disputed by furnishing a chart showing

length of service of each of the respondents. However, the learned Controlling Authority allowed the application by way of common judgment and order dated 15th April 2004. The petitioners were directed to pay the amount of dues. The petitioners challenged the said order before the Appellate Authority. The Appellate Authority confirmed the order passed by the Controlling Authority and thus petitioners are before this Court.

6. The learned Advocate for the petitioners vehemently argued that when the respondents tendered resignations, they had accepted that there are no dues with the petitioners. The authorities failed to consider that the respondents were not entitled to any amount. Though it was alleged that they were terminated. It is the case that, in fact, it is the employees, who tendered the resignations. Both the authorities have failed to appreciate this fact. He thus prays for allowing the writ petition.

7. During the course of argument, he also submitted that as per the order passed by the Controlling Authority, the amount of Rs.11,200/- each was deposited in this Court. In one case, the said amount is of Rs.11,600/- and one case the amount is of Rs.14,200/-. The Said

amount is already withdrawn by the respondents.

8. Considering all above and the amount involved in this writ petition is such meager amount. This Court does not find it necessary to go much into details. Taking overall view, this Court finds that the authorities have considered all the submissions and have passed the orders. No perversity as such is found in the order. This Court taking holistic approach is of the view that no case is made out calling for interference at the hands of this Court.

9. In view of the same, writ petition stands dismissed.

10. Rule made absolute in above terms.

11. Civil Applications, if any, also stands disposed off.

[KISHORE C. SANT, J.]