



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

CIVIL APPLICATION NO. 10789 OF 2022 IN WP/2827/2008

BABU NATHA GAIKWAD
VERSUS
THE MAHARASHTRA STATE CO-OP BANK LTD THROUGH ITS
REGIONAL MANAGER AND OTHERS

...
Advocate for Applicant : Mr. Nitin L. Dhobale
AGP for Respondents No.1 and 2 : Mr. D. R. Korade
Advocate for Petitioner in W.P. : Mr. S. B. Gorde Patil
Advocate for Respondent No.3 in W.P : Mr. B. N. Patil
...

**CORAM : S. G. MEHARE &
SANDIPKUMAR C. MORE, JJ.**

DATE : 19-03-2025

PER COURT:-

1. Heard the learned counsel appearing for the parties.
2. The applicant is seeking withdrawal of the amount of gratuity lying with this Court.
3. The learned counsel for the writ petitioner has strongly opposed the application. He would submit that the secured creditor has a preferential right over the rights of employees against the gratuity.
4. To bolster his arguments, he relied on the judgment in ***Maharashtra State Co-operative Bank Limited vs. Gangapur Sahakari Sakhar Karkhana Ltd., Gangapur, Writ Petition No.2355 of 2011, dated 04.12.2018.*** He would submit

that the Corporation had a preferential right. The applicant could not satisfy the Court that gratuity preferential to the secured creditors. The case law relied upon by the original petitioner/non-applicant has identical facts with this case. Hence, it is applicable.

5. Hence, the civil application stands dismissed.

6. The remedy available to the present applicant to recover gratuity from the employer is kept open.

[SANDIPKUMAR C. MORE]
JUDGE

[S. G. MEHARE]
JUDGE

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