



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

41 WRIT PETITION NO. 11528 OF 2025

MAHARASHTRA KRUSHI UDYOG VIKAS MAHAMANDAL MARYADIT AND  
ANOTHER  
VERSUS  
PITAMBAR BHIMRAO PATIL

...  
Advocate for the Petitioner : Mr. Anil Prakashrao Piratwad  
Advocate for Respondent : Mr. Shrikant S. Patil  
...

CORAM : ARUN R. PEDNEKER, J.

Dated : September 22, 2025

PER COURT :-

1. Heard.
2. By the present writ petition, the petitioners challenge the judgment and order dated 4.3.2025 passed by the Industrial Court, Jalgaon in Appeal (PGA) No. 9/2024 confirming the order dated 12.9.2024 passed by the Labour Court and Controlling Authority under Payment of Gratuity Act, 1972 in Application (PGA) No. 3/2024, whereby the Controlling Authority has directed the petitioners to pay Rs.3,84,056/- to the respondent/employee towards the difference amount of gratuity by holding that the respondent has rendered service to the petitioner corporation for continuous period of 38 years 05 months and 30 days and computed total gratuity amount of to the tune of Rs. 18,24,263/-.
3. The respondent is appointed in petitioner corporation on 1.3.1985. His service is regularized in October 1993. The respondent has served with petitioner corporation till his retirement i.e. 31.8.2023. There is no doubt as regards the amount of gratuity from October 1993 to 31.8.2023 i.e. till the date of retirement. The issue raised before this Court is as regards the

payment of gratuity to the respondent for the period between 1.3.1985 to October 1993. The learned Labour Court has held that the petitioner has worked continuously from 1.3.1985 to 31.8.2023 till his date of superannuation and accordingly directed the petitioner corporation to pay the gratuity amount for above entire period. The said order of the Labour Court is confirmed by the appellate authority i.e. Industrial Court.

4. The learned counsel for the petitioners submits that the respondent was working with the petitioner corporation on temporary basis at earlier point of time i.e. from 1.3.1985 to October 1993 and as such, no gratuity ought to have been paid to the employee. For the above period, he also submits that the computation is erroneously made.

5. As regards the first submission of the petitioners that the gratuity ought not to have been given to the respondent/employee from 1.3.1995 to October 1993 is concerned, both the authorities below have consistently held that the respondent/employee has worked with the petitioner continuously from 1.3.1995 till 31.8.2023 and as such, directed the petitioner corporation to pay pay the gratuity. The Honble Supreme Court in the case of **Maniben Maganbhai Bhariya Vs. District Development Officer, Dahod and Ors, reported in (2022) 16 SCC 343** has clearly held that the Payment of Gratuity Act is a statute like the Minimum Wages Act, the Employees State Insurance Act etc. and is a welfare measure to secure social and economic justice to employees to assist them in old age and to ensure them a decent stand of life on retirement. Since the petitioner has worked continuously from 1985, there is no reason to withheld the gratuity for the said period, considering the judgment in the case of **Maniben** (supra) where the gratuity was paid to the employees who were not

regularized till their retirement.

6. As regards second submission of the learned counsel for the petitioner that the computation is erroneously made, no such issue was raised before the authorities. As such, I see no reason to interfere in the orders passed by the authorities. The petitioner is directed to pay the gratuity amount to the respondent as directed by the Labour Court. In view of the discussion made above, the writ petition is dismissed accordingly.

**( ARUN R. PEDNEKER, J. )**

ssc/