



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

WRIT PETITION NO. 13695 OF 2025

Deputy Director, Samajik Vanikaran Vibhag, Hingoli and Another
VERSUS
Keshav Baliram Dongardive

...
AGP for Petitioner-State : Mr. S. G. Joshi

...

**AND
WRIT PETITION NO. 13693 OF 2025**

Deputy Director, Samajik Vanikaran Vibhag, Hingoli and Another
VERSUS
Hari s/o Sadashiv Bele

...
AGP for Petitioner-State : Mr. V. K. Kotecha

...

**AND
WRIT PETITION NO. 13694 OF 2025**

Deputy Director, Samajik Vanikaran Vibhag, Hingoli and Another
VERSUS
Kishan s/o Gyanoji Kshirsagar

...
AGP for Petitioner-State : Mr. D. R. Korde

...

**AND
WRIT PETITION NO. 13696 OF 2025**

Deputy Director, Samajik Vanikaran Vibhag, Hingoli and Another
VERSUS
Kerabai Gangaram Yadav

...
AGP for Petitioner-State : Mr. S. G. Joshi

...

**AND
WRIT PETITION NO. 13697 OF 2025**

Deputy Director, Samajik Vanikaran Vibhag, Hingoli and Another
VERSUS
Saraswati Guruling Talpatde

...
AGP for Petitioner-State : Mr. V. K. Kotecha

...

**AND
WRIT PETITION NO. 13698 OF 2025**

Deputy Director, Samajik Vanikaran Vibhag, Hingoli and Another
VERSUS
Laxman Krushnaji Gugale Died Through L.Rs.Rahibai Laxman Gugale
...
AGP for Petitioner-State : Mr. D. R. Korde
...

CORAM : ARUN R. PEDNEKER, J.

Dated : December 11, 2025.

ORDER :-

1. Since the subject-matter involved in all these petitions is identical, the facts in Writ Petition No. 13695 of 2025 are referred to and discussed for the sake of convenience.
2. Heard.
3. By these petitions, the petitioners challenge the impugned Judgment and Order dated 01/02/2023 passed by the Industrial Court, Jalna in PGA No. 25 of 2020, whereby the petitioners have been directed to pay an amount of Rs. 1,92,069/- with interest @ 10% per annum to the respondent in Writ Petition No. 13695 of 2025, and in the connected petitions similar directions have been issued for payment of different amounts to the respective employees.

4. The brief case of the petitioners is that they are a Government Department undertaking work relating to tree plantation in Hingoli District. The respondent was engaged as a contractual labourer under the Employment Guarantee Scheme (EGS). The respondent retired from service on 30/11/2014.

5. The petitioners rely upon a Government Resolution dated 31/10/2013, whereby a policy decision was taken by the State of Maharashtra for absorption of workers engaged on daily wages, seasonal basis or contractual basis, who had completed 240 days in each year continuously or intermittently for a total period of five years between 1994 and 2004 under planned or non-planned schemes. Such workers were to be absorbed on supernumerary posts of Van-Majoor in Class-D cadre with effect from 01/06/2012. The respondent attained the age of superannuation on 30/11/2014.

6. The respondent filed Application PGA No.57/2016 before the Labour Court, Nanded, claiming gratuity of Rs.1,66,460/-. The Labour Court observed that the applicant had been working from 02/07/1985 till 30/11/2014. The applicant was regularized in service on 01/06/2012 and thus by applying Section 2A of the Gratuity Act, the Labour Court held that the applicant had rendered continuous service for five years as on

01/06/2012. As the applicant retired on 30/11/2014, the Labour Court concluded that he had completed seven years of continuous service. Accordingly, the Labour Court granted gratuity of Rs.46,362/- to the applicant from 01/06/2012 and for five years prior thereto, thereby awarding gratuity for a total period of seven years.

7. In the appeal preferred by the employee, the Industrial Court, Jalna granted gratuity from the date of initial appointment, i.e., from 1985. Similar orders were passed in other connected writ petitions, directing gratuity to be paid from the respective dates of appointment of the employees. The Industrial Court held that the petitioner has been in continuous service from the initial date of appointment in 1985, although his services are regularized only in 2012.

8. The State has challenged the orders passed by the Appellate Court contending that the applicant was working under the Employment Guarantee Scheme (EGS), that he was a seasonal employee on daily wages, and that he was therefore not entitled to gratuity as he had not completed more than five years of continuous service. It was further contended that such employees cannot be treated as applicants under the Payment of Gratuity Act.

9. While considering the applicability of the provisions of Gratuity Act,

the Hon'ble Supreme Court in ***Maniben Maganbhai Bhariya vs. District Development Officer, Dahod and Ors., reported in (2022) 16 SCC 343***, has held that the Payment of Gratuity Act, 1972, akin to welfare legislations such as the Minimum Wages Act and the Employees' State Insurance Act, is intended to secure social and economic justice and ensure a decent standard of life upon retirement. Gratuity is a lump-sum payment made by the employer in appreciation of the employee's past dedicated service. Being a measure of social security, it has become a statutory obligation, and such legislation must be interpreted liberally by adopting the doctrine of beneficial interpretation. When a statute enacted for the benefit of a class is capable of two meanings, one preserving the benefit and the other denying it, the former must be adopted. The Supreme Court applied this principle even in respect of Anganwadi workers/helpers, holding that although the nomenclature used for their payment is "honorarium," in substance it constitutes "wages" for services rendered.

10. Further reliance was placed on ***Jaggo vs. Union of India (UOI) and Ors., reported in AIR 2025 SC 296***, wherein the Hon'ble Supreme Court observed that the disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. Though temporary appointments were originally intended to address short-term or seasonal requirements, they have increasingly

become tools to evade long-term obligations owed to employees.

11. In light of the above Judgments of the Hon'ble Supreme Court, and considering the admitted position that the employee had been working continuously from 1985 onwards for more than 240 days each year, the employees are entitled to gratuity from the date of their initial appointment i.e. from 1985 in the present case and from the respective dates of appointment in the connected matters.

12. In view of the above, no case is made out for interference. All the Writ Petitions accordingly stand dismissed.

(ARUN R. PEDNEKER, J.)

vj gawade/-.