

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9478 OF 2025

The Kolhapur Mahanagarpalika Parivahan
Upakram, Kolhapur .. Petitioner

Versus

Prakash Annaso Gurav .. Respondent

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- Mr. Vinayak Kumbhar, Advocate i/by Mr. Sagar A. Mane for
Petitioner.

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CORAM : MILIND N. JADHAV, J.
DATE : JULY 17, 2025.

P.C.:

1. Heard Mr. Kumbhar, learned Advocate for Petitioner.
2. At the outset, Mr. Kumbhar, learned Advocate would submit that Mr. Mane appears for Petitioner and seeks adjournment. Today Petition is on the Board under the circulation caption.
3. Admittedly Respondent has retired from the services of the Petitioner in the year 2017 after having been appointed in the year 1993 as a Badli (Substitute) Conductor on daily wages. There is an order passed by the Controlling Authority under the Payment of Gratuity Act, 1972 (for short "**the said Act**") appended at page Exhibit 'C' – page No.27 of the Petition which allows the Application and directs the Corporation to pay gratuity. The said order when *prima facie* read, it is seen that it is passed on merits after taking into account the facts of the case as also the applicable law.

4. The Corporation being aggrieved filed Appeal before the Appellate Authority which was comprehensively dismissed by virtue of the impugned order dated 30.08.2024, copy of which is appended at Exhibit 'E' – page No.45 to the Petition.

5. The impugned order passed by the Appellate Authority, in my *prima facie* opinion is a reasoned and cogent order taking into account the facts in the present case as also the applicable law.

6. The only grievance advanced by the Petitioner in the Petition is that Respondent was working as a Badli (Substitute) Conductor until his date of retirement and therefore he would not be entitled and eligible for payment of gratuity. *Prima facie*, I am not inclined to accept the submissions made by the learned Advocate for Petitioner.

7. However at the request of the holding Advocate Mr. Kumbhar in order to enable Mr. Mane to remain present on the next adjourned date and argue the present Petition, the Petitions is adjourned.

8. At the request of the Advocate for Petitioner, list the present Writ Petition alongwith Writ Petition (St.) No.21865 of 2025 on Board on **24th July 2025**. To be listed under the caption '**First on Board**'.

[MILIND N. JADHAV, J.]

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