



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4853/2025

Municipal Council, Anjangaon Surji through its Chief Officer, Tq. Anjangaon
Surji, Dist. Amravati and another

...Versus...

Shaikh Shakir Shaikhji

WITH

WRIT PETITION NO.4858/2025

Municipal Council, Anjangaon Surji through its Chief Officer, Tq. Anjangaon
Surji, Dist. Amravati and another

...Versus...

Idris Khan Ibrahim Khan

WITH

WRIT PETITION NO.4859/2025

Municipal Council, Anjangaon Surji through its Chief Officer, Tq. Anjangaon
Surji, Dist. Amravati and another

...Versus...

Muzaffar Khan Murtuza Khan

WITH

WRIT PETITION NO.4866/2025

Municipal Council, Anjangaon Surji through its Chief Officer, Tq. Anjangaon
Surji, Dist. Amravati and another

...Versus...

Sayad Lal Sayad Ibrahim

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. C.D. Gawande, Advocate for petitioners

CORAM : SACHIN S. DESHMUKH, J.

DATE : 25/08/2025

1. The petitioners/Municipal Council has presented these petitions raising an exception to the order of the Appellate Authority confirming the order of the Controlling Authority upholding the claim of the employees to the amount of gratuity. These petitions involve identical issue in relation to the entitlement of the gratuity amount by the employees who were working as teachers/headmasters in the school of the Municipal Council, as such are decided together.

2. As per the mandate of Payment of Gratuity Act, 1972 (for short hereinafter “Act of 1972”), it was for the Municipal Council to determine the entitlement of the employees to the amount of gratuity. As such, an obligation is cast upon the Municipal Council in the wake of Sub Section (2) of Section 7 of the Act of 1972 to determine the amount of gratuity with due notice in writing to the person to whom the gratuity becomes payable, even in absence of an application of the person who is eligible for payment of gratuity.

3. Having made departure from the same, the amount of gratuity so determined, which according to the employees was not in conformity with the provisions of the Act of 1972. Resultantly, the employees approached the Controlling Authority raising their claim in its entirety. The Municipal Council contested the same submitting that by applying the provisions of the Maharashtra Civil Services (Pension) Rules, 1982 (for short hereinafter “M.C.S. (Pension) Rules, 1982”), the payment towards gratuity is

conferred in its entirety upon the employees. Moreover, the calculations so put forth by the employees are not appropriately carried out and denied all other averments.

4. The Controlling Authority considering the entitlement of employees vis-a-vis obligation of the Municipal Council as an employer held that Section 14 of the Act of 1972, will have precedence over any other law. Resultantly, the difference of amount towards the gratuity was determined and the application came to be allowed with a direction to pay the amount of gratuity along with 10% simple interest.

5. Raising challenge to the order of the Controlling Authority, the petitioners presented an appeal before the Appellate Authority under the Payment of Gratuity Act, 1972. The Appellate Authority endorsed the entitlement of the employees by confirming the order of the Controlling Authority and dismissed the appeal presented by the petitioners. Aggrieved by the same, the present petition came to be filed.

6. It is the contention of the learned Counsel for the petitioners/Municipal Council that the determination of amount of gratuity has been already done in accordance with the provisions of the Maharashtra Civil Services (Pension) Rules, 1982. The calculations put forth by the employees are exorbitant. It was further submitted that the application so presented by the employees is not maintainable, as it is barred by law of limitation.

7. The Payment of Gratuity Act is concerned, it is a beneficial piece of legislation and the object of the said enactment is to regulate the payment of gratuity. The length of service rendered by these employees is undisputed. The determination of the amount towards gratuity essentially has to be in accordance with the provisions of the Act of 1972 and Section 14 has an overriding effect over conflicting enactments, rules, instruments or contracts.

8. As such, the provisions of the Act of 1972 has precedence over other rules and regulations. Thus, the plea put forth on behalf of the Municipal Council that there has to be determination in accordance with the Maharashtra Civil Services (Pension) Rules, 1982 deserves no consideration. The entitlement of the employees to have the payment of gratuity, in accordance with the provisions of the Act of 1972, are taken into account by the Controlling Authority at first place and by the Appellate Authority endorsing the order of the Controlling Authority. As such, the concurrent findings of fact rendered by the authorities upholding entitlement of employee in accordance with the Act of 1972 does not warrant interference by this Court under Article 227 of the Constitution of India. Resultantly, petitions are liable to be dismissed. Accordingly, the writ petitions are dismissed. No order as to costs.

(SACHIN S. DESHMUKH, J.)