



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

**WRIT PETITION NO. 8295/2025**

(MAHARASHTRA STATE ROAD TRANSPORT CORPORATION, BHANDARA **VERSUS** SAYYAD  
MAHFUZALI SAYYAD MUMTAZALI)

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

*Court's or Judge's order*

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Shri A.S. Mehadia, counsel for the petitioner.

**CORAM : PRAFULLA S. KHUBALKAR, J.**

**DATE : DECEMBER 24, 2025.**

Heard the learned counsel for the petitioner.

2. By this petition, the petitioner-Maharashtra State Road Transport Corporation, Bhandara (for short, 'the petitioner-Corporation.') challenges the orders passed by the Controlling Authority and the Appellate Authority under the Payment of Gratuity Act, 1972.

3. The primary contention of the counsel for the petitioner is that the respondent-Employee has filed the application seeking gratuity after about sixteen years without submitting any convincing reason for condonation of delay. It is also submitted that the respondent-employee was dismissed from service and thus became disentitled to press any claim for gratuity.

4. A perusal of the orders passed by the Controlling Authority and the Appellate Authority clearly shows that the entitlement of the respondent-employee for gratuity is duly considered by the Authorities. It has to be noted that the respondent-employee had rendered eighteen years of service without any break in service and was although dismissed from service, his gratuity is not forfeited. As such, even though the application for claiming gratuity was submitted after about sixteen years, his entitlement for the statutory dues cannot be denied.

5. The Authorities have given due consideration to the contentions canvassed on behalf of the petitioner-Corporation and having regard to the position of law laid down in several judgments, it is inferred that the respondent-employee cannot be deprived of his statutory right with respect to claim for gratuity. Having regard to the fact that the respondent-employee has rendered service of about eighteen years, the amount of gratuity is calculated by applying the prescribed formula and it is accordingly directed that the petitioner-Corporation should pay an amount of Rs.74,977/- to the respondent-employee towards gratuity. The order passed by the Controlling Authority is upheld by the Appellate Authority by its well reasoned judgment and order dated 05.04.2025.

6. On careful perusal of the impugned orders, it becomes clear that the Authorities have given due consideration to the factual and legal aspects. No perversity is seen with the impugned orders. No interference is warranted under Article 227 of the Constitution of India. The writ petition is accordingly dismissed with no order as to costs.

**(PRAFULLA S. KHUBALKAR, J.)**