



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

WRIT PETITION NO. 6116 OF 2019

G.H.Raisoni College of Engineering
Anjangaon Bari Road, Badnera
Amravati through its Principal
Shri Vijay S/o Rajaram Rathod

.. Petitioner

// VERSUS //

1. Dhirendra Kashirao Deshmukh
Aged about 41 years, Occu: Not known,
R/o C/o Shyamraoji Thawarkar Guruji,
Baripura, Old Town, Badnera,
Near Badnera Bridge, Dist. Amravati
2. The Judge/Controlling Authority under
the Payment of Gratuity Act, Labour
Court, Amravati
3. The Member / Appellate Authority
Under the Payment of Gratuity Act,
Industrial Court, Amravati

.. Respondents

Mr. H.S.Chitale, Advocate for the petitioner.
Mr. P.S.Raut, Advocate for the respondent No.1.
Mrs. Mukta Kavimandan, AGP for the respondent Nos.2 and 3.

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATED : NOVEMBER 24, 2025

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel appearing for the parties at the stage of admission.

2. In this writ petition, the challenge is raised to the order dated 07/02/2018 passed by the learned Controlling Authority under

Payment of Gratuity Act, 1972 in P.G.A.Application No.26/2017, filed under Section 7(4) of the Payment of Gratuity Act, 1972 (in short referred as "Act, 1972") directing the petitioner to pay Rs.26,383/- to the respondent No.1 along with interest at the rate of 10 % per annum on the said amount from the date it fell due till its actual realization.

3. In absence of the petitioner, the learned Controlling Authority proceeded *ex parte* and decided the application under Section 7(4) of Act, 1972 in favour of the respondent No.1, which is under challenge in the present writ petition.

4. In the above referred backdrop and considering the rival submissions, I have perused the documents filed along with the writ petition and impugned order.

5. Admittedly, the learned Controlling Authority proceeded *ex parte* against the petitioner. However, considering the case of the respondent No.1, the learned Controlling Authority ought to have made observations as regards the appointment of the respondent No.1 and his termination. Learned Controlling Authority has not referred to any document namely appointment order or any termination order. Moreover, in the pleadings also there is nothing stated by the respondent No.1 whether the appointment was oral or whether the termination was oral.

6. Thus, in absence of such pleadings, the learned Controlling Authority ought not to have accepted the case of the petitioner only because the petitioner did not appear and the Controlling Authority proceeded *ex parte*. In that view of the matter, I am of the opinion that the present matter needs to be remanded back to the learned

Controlling Authority subject to costs paid by the petitioner. Accordingly, I pass the following order.

O R D E R

- (i) The Writ petition is partly allowed.
- (ii) Impugned judgment and order 07/02/2018 passed by the learned Controlling Authority, Amravati in P.G.A. Application No.26/2017 is hereby quashed and set aside.
- (iii) The matter is remanded back to the learned Controlling Authority under the Payment of Gratuity Act, Labour Court, Amravati to decide the application under Section 7(4) of the Act, 1972 afresh after giving sufficient opportunity to both the parties including amendment of application and to lead the evidence; subject to costs of Rs.15,000/- to be paid to the respondent No.1, within two weeks from today.

Accordingly, the writ petition is disposed of.

[SIDDHESHWAR S. THOMBRE, J.]