



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

WRIT PETITION NO. 7452 OF 2024

CHIEF EXECUTIVE OFFICER, ZILLA PARISHAD AKOLA

Vrs.

MIRZA REHMAN BAIG MUKADAR BAIG

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

Court's or Judge's Order

Shri B. N. Jaipurkar, Advocate for petitioner.
Shri P. S. Girdekar, Advocate for respondent.

CORAM: SACHIN S. DESHMUKH, J.
DATE : 21/07/2025.

1. Learned counsel for the petitioner fairly concedes that the identical issue has been dealt with by this Court in Writ Petition No.4887/2024, Para No.7 of which is reproduced as under :-

“7. It appears that this issue is already considered by this Court in the Judgment passed in Writ Petition No.1307/2021 (Chief Officer, Municipal Council Chikhli Vs. Sheikh Javed Sheikh Wahad) along with connected petitions, decided on 12.09.2022 wherein the Municipal Council was the Petitioner. This Court in the above referred writ petition filed by Municipal Council, Chikhli observed that, “it is absolutely clear that unless an establishment is exempted by the appropriate Government under Section 5 of the PG Act, the provisions of the said Act would be applicable. It is also clear that only when the payment of gratuity under the scheme formulated by the establishment is found to be more beneficial for the employee as compared to the amount of gratuity payment under the PG Act, the establishment could claim that the provisions of the PG Act would not be applicable. This clearly indicates the beneficial nature of the PG Act.”

2. As such, nothing survives to be decided in the present petition.
3. In the light of above, the petition is accordingly dismissed.

[SACHIN S. DESHMUKH, J.]

Choulwar