



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

WRIT PETITION NO.5784 OF 2024

Managing director, Maharashtra Rajya Itar Magasvargiy Vitta Ani Vikas
Mahamandal, Chembur, Mumbai

Vs.

Jaideo s/o Garibaji Zodape and another

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

Court's or Judge's orders.

Shri D.M. Kakani, Advocate for petitioner.
Shri R.S. Bhure, Advocate for respondent no.1.
Ms Astha Sharma, Advocate for respondent no.2.

CORAM : M.W. CHANDWANI, J.

DATE : 24.03.2026

1. The petition challenges the order dated 07.05.2024 passed by the Industrial Court No.5, Nagpur in Appeal PGA No.9/2023 whereby the learned Member, Industrial Court has directed the petitioner – new employer and respondent no.2-old employer to pay amount of Rs.36,954/- which was deducted from the gratuity amount paid to respondent no.1-employee.

2. Initially the employee was working with respondent no.2 – company for 24 years thereafter in the year 2004 he was appointed with the petitioner-company. It is to be mentioned here that, earlier dues of gratuity with respondent no.2 was transferred by it to the petitioner after a delay of 15 months. The employee retired on 31.12.2015, thereafter, while paying the gratuity amount to the employee, the petitioner deducted the amount of ₹36,954/-

towards interest for the delayed period of 15 months in transferring amount by respondent no.2. Needless to mention that, no interest has been paid on the gratuity by the petitioner. Rather, surprisingly the petitioner deducted the amount of ₹36,954/- on account of delay in crediting the amount to it by respondent no.2, when no interest has been paid to the employee on the gratuity. Therefore, the petitioner cannot ask for the interest on the delay caused in crediting the gratuity by respondent no.2. Therefore, the learned Member of the Industrial Court, Nagpur was right in directing the petitioner and respondent no.2 to pay the amount of ₹36,954/- which was deducted from gratuity amount by the petitioner alongwith interest @10% per annum from 02.01.2016 till the date of its realization. No perversity is seen in the order of the learned Industrial Court, Nagpur. Accordingly, the petition stands dismissed.

(M.W. Chandwani, J.)

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