



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

M.C.A. (REVIEW) NO. 900 OF 2025

IN

WRIT PETITION NO. 154 OF 2022

(PRAKASH VISHNU SHINDE

VS

THE GENERAL MANAGER (HR), BANK OF MAHARASHTRA AND OTHERS)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
Judge's order
and Registrar's orders.*

Court's or

Mr. Jaiprakash Sawant and Mr. G.H.Barange, Advocates for applicant.
Ms. Renuka Puranik Nalamwar, Advocate for respondent No.1.

CORAM : ROHIT W. JOSHI, J.

DATED : APRIL 21, 2026

1) The present application is filed seeking review of judgment dated 04/11/2025, passed by this Court in Writ Petition No.154/2022. Punishment of compulsory retirement was imposed upon the applicant/petitioner after regular disciplinary enquiry. Thereafter, the respondent-employer had passed an order forfeiting the gratuity in view of Section 4(6)(b)(ii) of the Payment of Gratuity Act, 1972.

2) The contention of the learned advocate for the review petitioner/employee is that the action on the part of the respondent-employer in forfeiting the amount of gratuity without issuing a show-cause notice, is unsustainable and is liable to be quashed and set aside.

3) Reliance is placed on the judgment of the Hon'ble Supreme Court in the case of **Western Coal**

Fields Ltd. Vs. Manohar Govinda Fulzele, reported **(2025) SCC OnLine SC 345**, to contend that in case of termination of services of employee, it is necessary to issue a show-cause notice before forfeiture of gratuity in order to ascertain as to whether the termination is on account of any act of moral turpitude during the course of employment, and also to ascertain the amount of gratuity to be forfeited. The contention is that Section 4(6)(b)(ii) of the Payment of Gratuity Act, 1972 contemplates forfeiture of amount of gratuity in its entirety or in part.

4) The respondent-employer which is a Nationalised Bank has filed reply opposing the application for review. It is contended that the applicant was found to be involved in serious acts of indiscipline amounting to moral turpitude in the nature of sanctioning fake loans and other financial irregularities. It is contended that upon such charges being proved, the employee-employer relationship was brought to an end by a punitive order of compulsory retirement. It is stated that after imposing the order of punishment in the nature of compulsory retirement, a notice was issued to the employee and after affording an opportunity of personal hearing, decision to forfeiting the entire amount of gratuity is taken.

5) In rejoinder, the applicant/employee disputes the contention that show-cause notice for forfeiture of gratuity was issued. A perusal of document dated 20/04/2016 indicates that it cannot be said to be a show-cause notice. However, the document certainly

records that an opportunity of hearing regarding forfeiture of gratuity was afforded to the applicant/employee and the decision to forfeit the amount of gratuity was taken on 29/04/2016 after hearing him.

6) Although the notice pursuant to which the applicant was called for hearing on 20/04/2016 is not on record, the said document is a part and parcel of the record. Six charges were framed against the applicant-employee during the course of disciplinary proceeding. The charges included acting without integrity and honesty and due diligence. The findings by the disciplinary authority demonstrates serious financial irregularities including sanction of loans in fake accounts.

7) There cannot be any doubt that the services of the review petitioner/employee have been terminated for serious acts of moral turpitude. In view of the fact that the decision to forfeit gratuity is taken after affording an opportunity of hearing to the applicant-employee, as is appearing from the document dated 20/04/2016, this Court is of the opinion that no case for review is made out. Application for review is rejected.

(ROHIT W. JOSHI, J.)