



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 6698/2025

(M/S SAWATRAM RAMPRASAD MILLS, AKOLA **VERSUS** BHAGWAN JAIRAM PATIL)

WITH

WRIT PETITION NO. 6681/2025

(M/S SAWATRAM RAMPRASAD MILLS, AKOLA **VERSUS** RAMDAS LAXMAN JAWANJALE)

WITH

WRIT PETITION NO. 6660/2025

(M/S SAWATRAM RAMPRASAD MILLS, AKOLA **VERSUS** VILAS KRUSHNARAO LOKHANDE)

WITH

WRIT PETITION NO. 6827/2025

(M/S SAWATRAM RAMPRASAD MILLS, AKOLA **VERSUS** RAMESHWAR VISHWANATH
MANJARE)

WITH

WRIT PETITION NO. 6830/2025

(M/S SAWATRAM RAMPRASAD MILLS, AKOLA **VERSUS** VIJAY MAROTI LASURKAR)

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

Court's or Judge's order

Shri K.A. Patil, counsel for the petitioners.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : JANUARY 16, 2026

Heard.

2. By these petitions, the petitioner-M/s Sawatram Ramprasad Mills, Akola (for short, 'the petitioner-Mill') has challenged the orders passed by the Controlling Authority as well as the Appellate Authority under the Payment of Gratuity Act, 1972 (for short, 'the Act of 1972') which had allowed the claim of the employee for gratuity and directed payment of gratuity along with interest.

3. The respondent-Employee had filed an application before the Controlling Authority seeking gratuity against his service as Security Guard with the petitioner-Mill. The Controlling Authority after

recording evidence of the parties finally allowed the claim and directed payment of gratuity of Rs.14,700/- to the employee along with interest at the rate of 10% per annum from 01.02.2018 till its actual realization. The petitioner-Mill thereafter filed an appeal under Section 7(7) of the Act of 1972 before the Appellate Authority, i.e. the Industrial Court, Akola which also came to be dismissed and the order passed by the Controlling Authority was upheld. These orders are subjected to challenge by way of instant petitions.

4. The primary contention canvassed by the counsel for the petitioner is, the petitioner-Mill was declared as 'sick industry' under Section 15 of the Sick Industrial Companies (Special Provisions) Act, 1985 by Board of Industrial and Financial Reconstruction (BIFR) and the Mill was closed down in the year 1998. It is submitted that therefore there was no manufacturing activity and the employees are not therefore entitled for any claim. It is submitted that the petitioner-Mill cannot be categorized as a 'Factory' as per the Act of 1972 and as such the very basis of the claim under the Act of 1972 was unfounded. By inviting attention to the provisions of Section 2(e) of the Act of 1972 and Section 2(m) of the Factories Act, 1948, the learned counsel for the petitioner-Mill submitted that the application for gratuity was required to be rejected.

5. A perusal of the orders passed by the Controlling Authority as well as the Appellate Authority reveals that the Authorities have properly considered the relevant evidence on record and have passed the well reasoned orders. It has to be seen that the employee was working as Security Guard although it is alleged that there was no

manufacturing activity. It is therefore clear that the work of Security Guard was continuing in the premises of the petitioner-Mill and the petitioner-Mill has availed the services of the respondent-Employee. The Controlling Authority has therefore rightly concluded that the respondent-Employee was entitled for gratuity for their service tenure as Security Guard in the petitioner-Mill from July-2010 to 31.12.2017, i.e. for a period of seven years. After the services of the employee were terminated, the application was filed before the Controlling Authority on 27.03.2018 and it was found to be without any delay. Apart from this, it has to be seen that the respondent-Employee had worked as Security Guard and was entitled for gratuity in view of the service rendered by them. The amount of gratuity i.e. Rs.14,700/- which is directed to be paid to the respondent-Employee is a meagre amount and cannot be at all considered to be exorbitant in any manner.

6. Having regard to the reasoning recorded by the Controlling Authority as well as Appellate Authority, I do not find any perversity. The claim of the respondent-Employee for grant of gratuity is duly considered and decided on the basis of available evidence. As such, no indulgence is warranted with the impugned orders. The writ petitions are dismissed with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)