



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

WRIT PETITION NO. 7648/2025

(AGRICULTURAL PRODUCE MARKETING COMMITTEE, ARJUNI (MORGAON), DISTRICT
 GONDIA **VERSUS** PARASRAM FAGUJI PANDHRE)

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

Court's or Judge's order

Shri D.P. Bhongade, counsel for the petitioner.
 Shri A.N. Vastani, counsel for the respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : FEBRUARY 11, 2026

Heard the learned counsel for the parties.

2. By this petition, the petitioner takes exception to the orders passed by the Controlling Authority as well as the Appellate Authority under the Payment of Gratuity Act, 1972 directing payment of gratuity to the respondent-Employee.

3. The respondent-Employee has filed an application before the Labour Court, Gondia, which is the Controlling Authority under the Payment of Gratuity Act, 1972, claiming gratuity for rendering thirty one years of service with the petitioner-Employer. He claimed that he joined the services of the petitioner-Agriculture Produce Marketing Committee, Arjuni (Morgaon) (for short, 'the petitioner-APMC') on 22.07.1992 and got superannuated on 30.10.2023, after rendering thirty one years of service. He claimed gratuity of Rs.1,66,327/- alongwith interest at the rate of 10% from 01.12.2023. The application was opposed by the petitioner-APMC by filing reply. Both the parties led evidence and by the judgment and order dated

21.12.2024, the Controlling Authority allowed the application directing the petitioner-APMC to pay gratuity of Rs.1,58,100/- alongwith interest at the rate of 10% from 01.12.2023 till actual realisation. The petitioner challenged this judgment by filing an appeal before the Appellate Authority which came to be dismissed by the judgment dated 13.10.2025. The petitioner-APMC has challenged both these judgments by way of instant petition.

4. The primary contention of Shri D.P. Bhongade, learned counsel for the petitioner is that the respondent-Employee was not entitled for gratuity on account of the fact that he was not permanent employee of the petitioner-APMC. He also submitted that there was no cogent evidence establishing the fact of the respondent's employment for more than five years completed service without any break with the petitioner-APMC and thus, the application for gratuity deserved to be rejected.

5. As against this, Shri A.N. Vastani, learned counsel for the respondent-Employee submitted that the respondent has worked for more than thirty one years and he has established the fact of his employment with ample documentary evidence before the Controlling Authority. He submitted that the employment of the respondent-Employee was also not disputed by Sanjay Singanjude, witness of the petitioner-APMC, as he candidly admitted the same in his cross-examination. He submitted that on the basis of available

evidence, the Controlling Authority has rightly adjudicated the claim which is even upheld by the Appellate Authority.

6. While considering the controversy, it has to be seen that the respondent-Employee has claimed the gratuity on the basis of his assertion of thirty one years of service with the petitioner-APMC. The respondent-Employee had filed various documents in support of his claim before the Controlling Authority. Pertinent to note that the witness examined by the petitioner-APMC Shri Sanjay Singanjude has categorically admitted in his cross-examination that the employee was appointed on 22.07.1992 and he was superannuated on 30.10.2023 and at the time of retirement, the respondent-Employee was getting salary of Rs.340/- per day. In view of this categorical admission given by the witness examined by the petitioner-APMC, the Controlling Authority has properly appreciated the evidence on record and has rendered findings about continuous employment of the respondent-Employee with the petitioner-APMC and his entitlement for the gratuity. The findings recorded by the Controlling Authority are also upheld by the Appellate Authority. The petitioner-APMC has failed to demonstrate any perversity with the concurrent findings which are based on the categorical admission of the witness of the petitioner-APMC itself. As such, the contention canvassed on behalf of the petitioner-APMC that the respondent-Employee was not entitled for gratuity he being no a permanent employee does not find any force.

7. It has to be noted that the claim of the respondent-Employee for retiral benefits and gratuity has to be decided by considering the Payment of Gratuity Act, 1972 which is a social welfare legislation. In the wake of concurrent findings of both the Authorities, based on the available evidence, I do not find any reason to interfere with the impugned orders. A perusal of the impugned orders shows that the Authorities have given due consideration to the relevant factual and legal aspects and the impugned orders are well reasoned showing no perversity. No indulgence is warranted with the impugned orders.

8. The writ petition is accordingly dismissed with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)