



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

WRIT PETITION NO. 2383 OF 2026

The Principal, Gram Sewak Training Center, Amravati and Another
.Vs.

Gajanan S/o. Laxamnao Chauhan and others

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

Court's or Judge's orders.

Mr M. A. Sable, Advocate for petitioner/s
Ms T. H. Khan, AGP for respondent Nos.2 & 3/State

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.
DATED : 23rd MARCH, 2026.

Heard learned counsel for the petitioners and
learned AGP for respondent Nos. 2 and 3/State.

2. By virtue of the present writ petition, the
petitioners challenge the impugned recovery notice dated
15.12.2025 issued by the respondent No. 3 Tahsildar,
Amravati. The impugned recovery notice is on record at Page
51 (Annexure F).

3. The aforesaid recovery notice is issued in
pursuance to the order of recovery certificate dated
04.09.2025 (also mentioning date as 10.07.2025) passed by
the Controlling Authority under the Payment of Gratuity Act,
1972 and Judge, Labour Court, Amravati in Appeal (PGA)
No. 10 of 2022.

4. The order of recovery certificate dated
04.09.2025 (also mentioning date as 10.07.2025), which is
on record at page 48 (Annexure E), is passed in accordance
with the earlier order passed by the Controlling Authority

dated 14.02.2022 (Annexure B), which was upheld by the appellate authority by order dated 12.12.2023 (Annexure D).

5. Perusal of para 3 of the order dated 04.09.2025 (also mentioning date as 10.07.2025) reveals that the petitioner has already deposited the amount of Rs.10,00,000/- at the time of institution of the appeal before the appellate authority under the Payment of Gratuity Act, 1973. However, the learned Controlling Authority has observed that the petitioner has not deposited the interest @ 10% p.a. on the aforesaid amount as per the order of the Controlling Authority.

6. In view of the aforesaid findings for not depositing of the interest amount, the aforesaid order dated 04.09.2025 (also mentioning date as 10.07.2025) was passed. However, the Communication dated 29.10.2025 issued by the Collector, Amravati reveals that the respondents were under impression that the petitioner has to deposit Rs.10,00,000/- alongwith interest @ of 10% p.a. from 01.11.2018.

7. Thus, the impugned recovery notice dated 15.12.2025, which shows that the recovery from the petitioner is to be made to the extent of not only the interest @ 10 % p.a. but also the principal amount of Rs.10,00,000/-, is clearly not in accordance with the order dated 04.09.2025 (also mentioning date as 10.07.2025) passed by the Controlling Authority. The order specifically directs the recovery of interest @ of 10% only on the amount of gratuity of Rs.10,00,000/- from 01.11.2018 till its actual realization.

8. In view of the above, the impugned recovery notice which directs not only the recovery of the interest @ 10% p.a. but also the principal amount of gratuity i.e. Rs.10,00,000/- is not sustainable in the eyes of law and is accordingly set aside only to the extent of its directing recovery of Rs.10,00,000/- from the petitioner.

9. Needless to mention that the remaining part of the notice dated 15.12.2025 directing the recovery of interest on the aforesaid amount @ of 10% p.a. from 01.11.2018 till its actual date of realization is maintained and the respondents are entitled for the aforesaid recovery.

10. In view of the above, the writ petition stands **disposed of**. Pending applications, if any, also stand disposed of. No order as to costs.

[RAJ D. WAKODE, J]

[ANIL S. KILOR, J.]

Namrata