



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

WRIT PETITION NO. 4440 OF 2026

- PETITIONERS** :- 1) Zilla Parishad Wardha, Through its Chief Executive Officer, Zilla Parishad, Wardha, Tah & Dist: Wardha.
- 2) Zilla Parishad Wardha, through Its Deputy Chief Executive Officer (General), Zilla Parishad, Wardha, Tah and District: Wardha.
- 3) Zilla Parishad Wardha, through Its Sub-Divisional Engineer, (Works), Sub-Division Office, Arvi, Tah: Arvi, Dist: Wardha.

..VERSUS..

- RESPONDENT** :- Namdeo Gopalrao Patilpaik,
Aged about: 72 yrs, Occ: Retired,
R/o. Ward No. 2, At
Chopan, Post: Wadhona, Tq.
Karanja (Ghadge) Dist: Wardha.

AND

WRIT PETITION NO. 4441 OF 2026

- PETITIONERS** :- 1) Zilla Parishad Wardha, Through its Chief Executive Officer, Zilla Parishad, Wardha, Tah & Dist: Wardha.
- 2) Zilla Parishad Wardha, through Its Executive Executive (Works Division) Zilla Parishad, Wardha, Tq. & Dist; Wardha.
- 3) Zilla Parishad Works Sub Division, Arvi through its Sub-Divisional, Engineer at Arvi, Tq: Arvi, District: Wardha.

..VERSUS..

RESPONDENT :- Pradeep Moreshwar Mule, Aged about: 64 yrs, Occ: Retired, R/o. Vaishali Apart. 2nd Floor, In front of Indian Overseas Bank, Shaniwar Bazar Road, Sita Nagar, Nagpur-25.

AND

WRIT PETITION NO. 4442 OF 2026

PETITIONERS :- 1) Zilla Parishad Wardha, Through its Chief Executive Officer, Zilla Parishad, Wardha, Tah & Dist: Wardha.
2) Zilla Parishad Wardha, through Its Deputy Chief Executive Officer (General), Zilla Parishad, Wardha, Tah & Dist: Wardha.
3) Zilla Parishad Wardha, through Its Executive Engineer, (Works Division) Tah & District: Wardha.

..VERSUS..

RESPONDENT :- Mukund Ganpatrao Udan, Aged about: 66yrs, Occupation: Retired, R/o. Motghare Lay-Out, Ward No.3, Trimurti Nagar, Umari (Meghe), Post: Manas Mandir, Wardha, Tq. & District: Wardha.

AND

WRIT PETITION NO. 4443 OF 2026

PETITIONERS :- 1) Zilla Parishad Wardha, Through its Chief Executive Officer, Zilla Parishad, Wardha, Tah & Dist: Wardha.
2) Zilla Parishad Wardha, through Its Deputy Chief Executive Officer (General), Zilla Parishad, Wardha, Tah and District: Wardha.

- 3) Zilla Parishad Wardha, through Its Executive Engineer, (Works Division), Zilla Parishad, Wardha, Tq. & District: Wardha.

..VERSUS..

RESPONDENT :- Dilip Uttamrao Pathade, Aged about: 67 yrs, Occupation: Retired, R/o. Agargaon, Post: Agargaon, Tq. Deoli, District: Wardha.

AND

WRIT PETITION NO. 4444 OF 2026

PETITIONERS :- 1) Zilla Parishad Wardha, Through its Chief Executive Officer, Zilla Parishad, Wardha, Tah & Dist: Wardha.
2) Zilla Parishad Wardha, through Its Deputy Chief Executive Officer (General), Zilla Parishad, Wardha, Tah and District: Wardha.
3) Ekatmik Bal Vikas SewaYojna, Arvi, Through its Balvikas Project Officer, Ekatmik Bal Vikas Sewa Yojna, Arvi, Tah and District: Wardha.

..VERSUS..

RESPONDENT :- Dhanraj Bansi Bageshwar, Aged about: 63 yrs, Occ: Retired, R/o. Laxmi Nagar, Plot No. 101, Wardha, Tq. & District: Wardha.

AND

WRIT PETITION NO. 4446 OF 2026

PETITIONERS :- 1) Zilla Parishad Wardha, Through its Chief Executive Officer, Zilla Parishad, Wardha, Tah & Dist: Wardha.

- 2) Zilla Parishad Wardha, through Its Deputy Chief Executive Officer (General), Zilla Parishad, Wardha, Tah & Dist: Wardha.
- 3) Zilla Parishad Wardha, through Its Sub-Divisional Engineer (Works), Sub-Division Office, Arvi, Tah: Arvi, Dist: Wardha.

..VERSUS..

RESPONDENT :- Shankar Mahadeorao Madankar, Aged about: 63 yrs, Occ: Retired, R/o. Ward No. 2, At Sarwadi, Tq. Karanja (Ghadge), District: Wardha.

Mr. N.M. Kolhe, Advocate for Petitioner (in all petitions).

CORAM : **ROHIT W. JOSHI, J.**

DATE : **08/06/2026**

JUDGMENT :

1. All these petitions involve a common question of law and arise out of similar facts. In view of the aforesaid, all the petitions are decided together by common judgment. At the request of the learned advocate for the petitioners, facts of Writ Petition No.4441 of 2026 are taken into consideration.

2. The petitioners in all the petitions are Zilla Parishad, Wardha. The sole respondent in all petitions is erstwhile employee of the petitioner No.1/Zilla Parishad. The petitioners are aggrieved

by the judgment and order dated 23.09.2022 passed by the learned Labour Court, Wardha, acting as Controlling Authority under Payment of Gratuity Act, 1972 in Application PGA No.18 of 2021 *inter alia* directing payment of difference in the amount of gratuity along with interest at the rate of 10% per annum from the date of filing of the application till recovery of the amount and also judgment and order dated 04.12.2023 passed by the learned Member, Industrial Court No.1 Maharashtra, Nagpur, acting as Appellate Authority under the Gratuity Act in Appeal (P.G.A.) No.24 of 2023.

3. The respondent was appointed on the post of Driver with the petitioner No.1 and was working on the said post w.e.f. 08.02.1982. His service was regularized on 01.04.1987. He superannuated from the service of the petitioner No.1 on 30.06.2014. Upon his superannuation, amount of Rs.1,57,131/- was paid to him towards gratuity. The application was filed contending that the amount paid towards gratuity was less than the amount payable and therefore directions were sought against the petitioners to pay appropriate amount of gratuity with interest. The principal contention before the learned Controlling Authority was with respect to applicability of provisions of the Payment of Gratuity Act,

1972. Placing reliance on the Notification dated 08.01.1982 issued by the Central Government under Section 1(3)(c) of the Gratuity Act, the learned Controlling Authority held that the provisions of the Gratuity Act are applicable to local bodies such as Zilla Parishad.

4. Holding that the gratuity payable to the respondent will have to be computed in accordance with the Gratuity Act, the Controlling Authority computed the amount of Gratuity payable at Rs.4,74,830/- and directed the petitioners to pay difference of amount to the respondent-employee along with interest at the rate of 10% per annum from the date of filing of the application. Appeal preferred by the petitioners was also dismissed.

5. Mr. Naresh Kolhe, learned advocate for the petitioners contends that since the respondent-employee is getting pension in accordance with the Maharashtra Civil Services (Pension) Rules, 1982, he is not entitled to receive gratuity. The contention that, the gratuity is not payable since the respondent/employee is getting pension upon his superannuation, cannot be accepted. It will be appropriate to refer to the definition of the term "Pension" as defined under Rule 9(37) of the Maharashtra Civil Services (Pension) Rules, wherein the pension is defined to include gratuity. It will also be appropriate to refer to Rule 151 of the Maharashtra

Civil Services (Pension) Rules, which provides that gratuity is payable in lump-sum and pension is payable every month. Likewise Rule 2(f) of the Maharashtra Zilla Parishads (Payment of Contribution Towards Pension, Gratuity and other Benefits) Rules, 1971 also provides that pension shall include gratuity. In view of the aforesaid, the contention that gratuity is not payable since the respondent/employee is drawing pension, is liable to be rejected. It must also be stated that the petitioners have paid amount of gratuity to the respondent/employee. The dispute between the parties is pertaining to quantum of gratuity payable and not entitlement of the respondent/employee to receive gratuity.

6. The Central Government has issued the Notification dated 08.01.1982 in exercise of powers under Section 1(3)(c) of the Gratuity Act declaring that the provisions of the Gratuity Act will be applicable to all local bodies, wherein more than ten employees are working. It will also be appropriate to refer to Section 14 of the Gratuity Act, which provides overriding effect to the provisions of Gratuity Act. In view of the Notification issued under Section 1(3)(c) of the Gratuity Act, the applicability of provisions of the Gratuity Act to the petitioners/Zilla Parishads cannot be disputed. Likewise, in view of Section 14 of the Gratuity Act, the provisions

of said Act will override the Maharashtra Civil Services (Pension) Rules and as such the amount of gratuity payable will have to be computed under the Gratuity Act. The controversy is squarely covered by the judgment of the Hon'ble Supreme Court in the case of *Municipal Corporation of Delhi V/s. Dharam Prakash Sharma, 1998(7) SCC 221*. In view of the aforesaid, the computation of gratuity by the learned authorities in accordance with the provisions of Gratuity Act does not warrant any interference.

7. The other contention raised by the learned advocate for the petitioners is that the application was filed after a long delay of around seven years from the date of superannuation and as such, the learned Competent Authority ought not to have directed payment of interest. The learned Competent Authority has not directed payment of interest from the date of superannuation. Payment of interest is directed only from the date of filing of the application before the Controlling Authority.

8. In view of the aforesaid, the contention with respect to payment of interest is also liable to be rejected. No case for interference is made out. Writ Petitions are **dismissed** with no order as to costs.

(ROHIT W. JOSHI, J.)