

Exh.No. O-4

MHIC210003922024

*Presented on : 12.12.2024**Registered on: 12.12.2024**Decided on : 02.04.2026**Duration : 01. 03. 21
Yr. M. D.*

BEFORE THE MEMBER, INDUSTRIAL COURT AT JALNA
(Presided over by Smt. Kalyani R. Adake, Member)

Appeal P.G.A. No. 28/2024

**The Parbhani District Central
Co-Op. Bank Ltd.**
Through its Authorized Signatory
Jawaharlal Nehru Marg, Parbhani
Taluka and District : Parbhani

....Appellant

Versus

Pralhad Laxman Wankhede
Age : 57 Years, Occu : Nil
R/o : Rahul Nagar, Parbhani
Taluka and District : Parbhani

....Respondent

Advocates :

Ld. Advocate for the Appellant - Shri. R. B. Mule
Ld. Advocate for the Respondent - Shri. R. S. Bhosale

***APPEAL UNDER SECTION 7(7) OF THE
PAYMENT OF GRATUITY ACT, 1972***

J U D G M E N T
(*Delivered on 02/04/2026*)

1] This is an appeal under Section 7(7) of the Payment of Gratuity Act, 1972 (for the sake of brevity hereinafter referred to as "The P.G. Act"). Appellant i.e. original Respondent Co-

operative Bank has filed the appeal against the Judgment and Order passed by Controlling Authority, under The Payment of Gratuity Act and Judge, Labour Court, Nanded in Misc. PGA Review Application No. 17/2019 and Application PGA No. 94/2016.

2] On the date of Judgment the Appellant's advocate Shri. Mule has filed pursis at Exhibit C-6 and submitted that the Appellant has deposited amount directed by the Controlling Authority in the office of Labour Court, Nanded and the receipt of the said had been placed on record while filing the appeal along with delay condonation application.

3] **Brief facts resulting in filing of the present appeal are as follows:-**

The impugned Judgment of the learned Labour Court, Nanded is assailed by Appellant Parbhani District Co-operative Bank Ltd. contending that it has rightly paid the amount of gratuity.

4] According to Appellant the Respondent has not protested the Gratuity amount and plainly accepted the same. The Appellant bank has passed resolution No. 9 dated 31/01/2014 and decided that the employees who have retired after 31/01/2014 will be entitled for gratuity amount as per amendment in the Act and 15 days salary for each completed year of service subject to maximum amount of Rs. 10,00,000/-. The Respondent was well aware about the agreement dated 01/03/2003 and his application is time barred. He is claiming

both benefits i.e. benefit as per Act and as per agreement. In view of the Judgment of Hon'ble Supreme Court in case of Beed District Central Co-operative Bank, the Respondent is not entitled for benefits as per the agreements and as per Act. The Learned Trial Court without verifying the record has allowed the application and directed the bank to pay gratuity amount along with interest.

5] On the contrary the impugned Judgment and Order is supported by the Respondent contending that the learned Labour Court has rightly rejected the contention of the Appellant by considering evidence on record. It is further contended that learned Labour Court has rightly calculated the gratuity amount and came to the conclusion that the amount was deficit gratuity from the Appellant. Hence, it is prayed that the appeal be dismissed with costs.

6] Heard Advocate Shri. Mule for the Appellant and Advocate Shri. Bhosale for the Respondent. In support of argument advanced Advocate Shri. Mule for the Appellant has relied upon the citation filed along with list at Exhibit U-4. I have carefully perused the record and proceeding of the learned Labour Court, Nanded as well as the impugned Judgment and Order dated 11/09/2023 passed in Misc. PGA Review Application No. 17/2019 and Judgment and Order dated 21/02/2019 passed in Application PGA No. 94/2016.

7] After hearing arguments of both the learned advocates and taking into consideration facts and circumstances

of the case, following points arise for my determination and I have recorded my findings on those points for the reasons stated thereunder;

Sr. No.	Point	Findings
1)	Whether the impugned Judgment and Order passed by learned Labour Court, Nanded in Misc. PGA Review Application No. 17/2019 and Judgment and Order dated 21/02/2019 passed in Application PGA No. 94/2016 is legal and proper?	In the Affirmative
2)	Whether interference is required in the order passed by the learned Labour Court, Nanded?	In the Negative
3)	What Order ?	Appeal is dismissed

REASONS

AS TO POINT NOS. 1 TO 3 -

8] Since the learned Labour Court, Nanded has partly allowed the application of the Respondent i.e. original Applicant and rejected Review application of the Appellant i.e. the original Respondent, it is necessary to take into consideration the points on which the impugned Judgment and Order passed by the learned Labour Court, Nanded is assailed. In view of the findings recorded by learned Labour Court, Nanded, I am hereby examining whether the findings are legal, proper and justified.

9] Advocate Shri. Mule for the Appellant while arguing the matter has submitted that the application for claiming gratuity filed by the Respondent alleging less payment is

frivolous. The Appellant bank has passed resolution and thereby decided that employees who have retired after 31/01/2014 will be entitled for gratuity amount as per the amendment in the Act and 15 days salary for each completed year of service subject to maximum amount of Rs. 10,00,000/-. The Respondent is claiming both benefits i.e. benefit as per agreement and as per Act which is not permissible. The Respondent has deliberately concealed details which are necessary for calculating the gratuity amount. The Appellant has therefore filed Review Application before learned Labour Court Nanded. The learned Trial Court without looking into documents directly jumped to the conclusion and rejected Review Application. The Respondent has filed main application of gratuity belatedly and therefore there is a delay, however the learned Labour Court failed to consider the same. The Learned Labour Court has seriously failed to consider and appreciate the fact, evidence on record and the law applicable. The Learned Labour Court did not apply its judicial mind. The Learned Labour Court has decided the Review Application with hyper technical view.

10] I have gone through the Judgment and Order passed by Learned Labour Court, Nanded in Application PGA No. 94/2016 and Misc. PGA Review Application No. 17/2019. So far as Judgment and Order passed in Application PGA No. 94/2016 is concerned on perusal of the Judgment it reflects that the Learned Labour Court has narrated the facts of the case and while considering the issue regarding entitlement of the Respondent for the amount of gratuity it has assessed the oral

evidence adduced by the Respondent at Exhibit U-8 and the Appellant has not adduced any oral evidence. The Learned Labour Court has also considered the documentary evidence in para No. 11 of the Judgment as well as the citation of Hon'ble Supreme Court in para No. 12. The learned Labour Court while deciding the application has taken into consideration the details of the Respondent regarding his amount of salary, number of completed years of service and came to conclusion that the Respondent is entitled for deficit amount of gratuity. So far as the defence of limitation taken by the present Appellant in the original application is considered, the Learned Labour Court in para No. 15 of the Judgment has discussed citation of the Hon'ble Bombay High Court and relying upon the citation has come to conclusion that the Payment of Gratuity Act does not prescribed any limitation for claiming gratuity and payment of gratuity cannot be denied merely on the ground of delay. Considering the facts and circumstances I am of the opinion that the Learned Labour Court while passing the Judgment and Order in application PGA No. 94/2016 has not committed any error apparent on the face of record.

11] So far as the Appellant's contention regarding Judgment and Order passed in Misc. PGA Review Application No. 17/2019 is concerned, on bare reading of the Judgment it reflect that the Learned Labour Court while passing the Judgment has considered arguments of both the advocates as well as citations relied upon and came to conclusion that the documents filed with the list at Exhibit C-4 at serial No. 2 by the Appellant is a new

document which was not filed by them in the main application at the time of hearing. It further observed that at this stage this documents cannot be considered in the Review application as Appellant cannot be permitted to file new facts and evidence in the review application. The facts raised in the review application are not brought to the notice at the time of trial of main application. The Learned Labour Court has also considered the scope of review in para No. 13 and 14 of the Judgment and Order and dismissed the review application.

12] I have also gone through the citations relied upon by Advocate Shri. Bhosale for the Respondent at Exhibit C-4 and citation between Beed District Central Co-operative Bank V/s State of Maharashtra relied upon by the Appellant. The said citation is discussed by learned Labour Court, Nanded in its Judgment.

13] Considering the argument of both the advocates and in view of the above discussion, I do not find any merit in appeal filed by the Appellant Parbhani District Central Co-operative Bank Ltd. The Appellant failed to satisfy this Court that the Judgment and Order dated 11/09/2023 passed in Misc. PGA Review Application No. 17/2019 and Judgment and Order dated 21/02/2019 passed in Application PGA No. 94/2016 by the Learned Labour Court, Nanded is having apperrant error on the face of record. The Appellant further failed to prove any illegality and perversity in the findings of the Learned Labour Court. Hence, I answer Point No. 1 "In the Affirmative" and Point No. 2

“In the Negative” and proceed to pass the following order.

ORDER

- 1) The Appeal is dismissed.
- 2) Pursuant to the impugned Judgment and Order passed by learned Labour Court, Nanded dated 21/02/2019, Appellant has deposited amount before learned Labour Court, Nanded. The Office of learned Labour Court, Nanded is hereby directed that the said deposited amount be paid to the Respondent i.e. the original Applicant along with accrued interest till date, if any after due verification.
- 3) Record and proceeding be sent back to learned Labour Court, Nanded.
- 4) Both parties to bear their own costs.

Date : 02.04.2026

(Kalyani R. Adake)
Member,
Industrial Court Jalna.

Appeal argued on : 24.03.2026
Judgment dictated on : 02.04.2026
Judgment checked and signed on : 02.04.2026