

BEFORE CONTROLLING AUTHORITY, UNDER THE P.G. ACT AND  
JUDGE, FIRST LABOUR COURT, PUNE

**Application (PGA) No. 40 of 2024**

(CNR No. MHLC120006262024)

Shri. Balu Mahipati Shilamkar .....Applicant.

Vs.

1. Bharti Vidyapeeth & Ors. ....Opponents.

**ORDER BELOW EXHIBIT U-7**

1] The Applicant prays that he be allowed to amend his claim application to delete prayer clause 17 entirely and to incorporate the prayers mentioned in the amendment application. It will not change the nature of the suit. Hence, it be allowed.

2] The Opponents filed their say below Exh.C-9. It is submitted that the amendment application is not legal and *bona fide*. The Applicant is trying to change the entire scope of main application. The Applicant has already been paid the gratuity amount which was due for payment on 04/06/2022. There is nothing due and payable to the Applicant. They have denied the claim of the Applicant. No sufficient reasons are given to amend the application. Hence, the application be rejected.

3] I have heard both the Learned Advocates. Both have submitted as per the materials on record. The Applicant has filed written notes of argument below Exh.U-8.

4] I have gone through the materials on record. The Applicant has claimed difference of his gratuity amount based on 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Pay Commission. He is entitled to claim the same and has prayed that he be paid the difference of his gratuity amount as per 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Pay Commission. He has stated he wants delete original prayer clause17 and incorporating new prayer clause. It appears he has already mentioned the said amount in his original claim application and now he only wants to specifically pray about the same in his prayer clause. The same will not change the nature of suit. The burden is upon him to prove his entitlement to claim the same. The said issue is already framed below Exh.O-1. Hence, the said prayer with respect to to incorporating new prayer clause in para-17 is only allowed. Accordingly, the application is allowed. the Applicant to carry out the amendment within 14 days from the date of receipt of this order.

Place : Pune.  
Date : 03/01/2026

[Smt. T. A. Sawant]  
Controlling Authority,  
under the P.G.Act & Judge,  
First Labour Court Pune.