

Further examination in chief by Adv. S.M.Rathi, Advocate for Opponents :

The contents of my affidavit are true and correct. It bears my signature. I have filed authority letter. It is marked **Exh.C-10**.

Cross Examination by Rep. B. S. Sawai for Applicant :

It is true to say that Amravati Municipal Corporation is a local body. I do not know whether by Notification dated 08/01/1982 Union of India has applied Payment of Gratuity Act to the Local Bodies. I do not know whether Amravati Municipal Corporation has given application to the Government of Maharashtra for seeking exemption from the application of Payment of Gratuity Act as per law. It is true to say that we have not filed any documentary evidence to show that Payment of Gratuity Act is not applicable to the Amravati Municipal Corporation.

It is true to say that appointment and retirement date of the Applicant is not disputed. It is true to say that if we considered date of appointment and date of retirement of the Applicant his service will be counted 37 years, 11 months and 9 days respectively. It is true to say that first appointment of the Applicant is as Junior Engineer. It is not true to say that on the date of retirement Applicant was Deputy Engineer. It is true to say that the document below Exh.U-10 is a gratuity calculation sheet in which designation of Applicant was shown as Deputy Engineer. It is true to say that in calculation sheet below Exh.U10 basis wages of Applicant is show as ₹1,01,400/-. It is true to say that document below Exh.U-10 is a salary slip. It is true to say that in

the said salary slip basis pay of the Applicant is shown as ₹1,01,400/-. It is true to say that in salary slip below Exh.U-9 D.A. of Applicant is ₹34,476/-. It is true to say that Applicant was retired on 31/12/2022. But gratuity was not calculated in January, February-2022. It is true to say that as per calculation sheet below Exh.U-10 gratuity of the Applicant was calculated 10/03/2023. I do not know whether we have informed the Applicant that we have calculated his gratuity accordingly. It is true to say that notice making demand of gratuity was issued by the Applicant and Amravati Municipal Corporation received the same i.e. 08/05/2023. It is true to say that inspite of the receipt of the notice by the Corporation, Corporation did not give reply of the same to the Applicant. It is true to say that after waiting for gratuity amount Applicant has filially instituted the application before this Court on 21/06/2023. It is true to say that through this application Applicant has claimed gratuity amount of ₹20,00,000/-. It is true to say that during the pendency of the present matter corporation has paid gratuity amount of ₹14,00,000/- to the Applicant. It is true to say that we have calculated the gratuity amount of the Applicant by taking into consideration the basis pay of the Applicant. It is true to say that while calculating the gratuity amount we have not taken into consideration the dearness allowance. It is not true to say that I am deposing false.

Re-examination - Nil
Date : 10-02-2026

(N. S. Nisal)
Judge,
Labour Court, Amravati

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