

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 14406 of 2023**

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DAKSHIN GUJARAT VIJ COMPANY LIMITED THROUGH CHIEF
EXECUTIVE OFFICER

Versus

GHEMABHAI KOCHHRIYABHAI VALVI

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Appearance:

MR DIPAK R DAVE(1232) for the Petitioner(s) No. 1
for the Respondent(s) No. 1,2,3

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA M. SAREEN

Date : 21/08/2023

ORAL ORDER

1. By way of this petition, the petitioner is seeking direction to quash and set aside the impugned orders dated 12.07.2022, passed by the Controlling Authority under the Payment of Gratuity Act and 17.01.2023, passed by the Appellate Authority under the payment of Gratuity Act, wherein the payment of gratuity has been withheld by the petitioner-Company has been ordered to be given to the respondents-workmen.

2. Heard learned advocate Mr. Dipak Dave for the petitioner, who has submitted that as per the regulations of the Dakshin Gujarat Vij Co Ltd., the workmen who is facing inquiry / departmental proceedings, if retired due to superannuation, the inquiry can be continued and the retirement benefits like Gratuity

and leave encasement can be withheld till the outcome of the inquiry and the aforesaid submissions are supported by the judgment of the Co-ordinate Bench of this Court, in the case of **Ramnbhai Mathurbhai Tadvī Vs. Dakshin Gujarat Vij Co. Ltd** in Special Civil Application No. 6835 of 2019 dated 03.02.2022. It is also submitted that the Controlling Authority has not considered this aspect of Service Regulation No. 72 and has granted Gratuity in favour of the respondents-workmen. It is also submitted that the amount as ordered by the Controlling Authority and Appellate Authority has already been deposited with the Controlling Authority, however, if it is withdrawn during the pendency of the petition, the entire petition would become infructuous.

3. Considering the submission of learned advocate Mr. Dipak Dave for the petitioner, the issue requires consideration. Therefore, Issue **NOTICE** upon the respondents, making it returnable on **29.09.2023**. Till then, the amount which is deposited before the Controlling Authority shall remain as it is. It is also directed that the amount shall be invested as FDR by the Controlling Authority, with any nationalized bank with periodical cumulative interest to be accrued upon the amount and shall not be disbursed without the order of this Court.

Direct service is permitted.

(RAJENDRA M. SAREEN,J)

Radhika