

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 17548 of 2024

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M/S AATASH NORCONTROL LIMITED
Versus
DIPAK GOPAL AKABARI

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Appearance:
MR AR GUPTA(1262) for the Petitioner(s) No. 1

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CORAM:**HONOURABLE MRS. JUSTICE M. K. THAKKER**

Date : 28/02/2025

ORAL ORDER

1. Learned advocate Mr. Gupta submits that the present respondent was working as a VTS Operator and has given the undertaking on 22.12.2022 that if he resigns from the organization earlier than three years then he would make the payment of the course fee on pro-rata basis at the rate of Rs.50,000 + GST and if he remains failed to pay balance pro-rata fee then due amount can be deducted from the gratuity or by encashment of the post dated cheque. Learned advocate Mr. Gupta submits that so far as the post dated cheque is concerned, the same was deposited before the Bank and was dishonoured and the complaint under Section 138 of the Negotiable

Instruments Act is filed.

1.2 Learned advocate Mr. Gupta submits that the other option which was that to recover the amount from the salary as well as the amount towards the gratuity, was opted by the petitioner and the salary of the petitioner of only April month which is due was Rs.24,142/- and the gratuity which was claimed was Rs.62,958/-. Learned advocate Mr. Gupta submits that if the amount toward the course fee which is due as per the undertaking dated 22.12.2022, if deducted then the amount would come to Rs.34,956/-. Learned advocate Mr. Gupta submits that petitioner is liable for making of the payment of the amount of Rs.34,956/- in view of the undertaking dated 22.12.2022. Learned advocate Mr. Gupta submits that as per the order passed by the learned controlling authority, the total amount of Rs.62,958/- has been deposited with the Authority at the time of preferring the appeal.

2. In view of above submissions, let the notice be issued making it returnable on 25.04.2025.

3. The amount of Rs.34,956/- which is admitted by the present petitioner, shall be disbursed in favour of the respondent. The

remaining amount shall be retained by the learned controlling authority till the next date of hearing.

Vikramsinh Amarsinh

(M. K. THAKKER,J)