

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14000/2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. C. M. Lokesh i/b GKS Hegde for the petitioner

CORAM : K. K. TATED, J.
DATE : FEBRUARY 2, 2017

P.C.:

1. Heard. By this petition under Article 227 of the Constitution of India the Petitioner challenges the order dated 22.07.2015 passed by the Appellate Authority under the Payment of Gratuity Act, 1972 directing the petitioner to pay the amount of Rs.2,00,924/- to the respondent towards the gratuity along with simple interest @ 10% p.a. from the date of order till its realisation.

2. The learned counsel for the petitioner submits that in the present proceedings, because of misappropriation of funds, they charge sheeted the respondent. That was challenged by the respondent by filing a complaint before the Commissioner of Labour. He submits that during pendency of the said complaint, the respondent

attained the age of superannuation. Thereafter he withdrew the said complaint. These facts were not considered by the Industrial Tribunal while passing the impugned order.

3. Considering the submissions made by learned counsel for the petitioner and as the respondent withdrew his complaint challenging the charge sheet and thereafter filed the complaint under the Payment of Gratuity Act, 1972, I am satisfied that the petitioner has made out a case for following order is passed:

a) Office is directed to issue notice before admission to the Respondents, returnable after eight weeks.

b) In addition to usual mode of service, the Petitioner is permitted to serve the Respondent along with entire proceedings by way of private notice either by RPAD and/or by hand delivery and to file an Affidavit of service to that effect on or before next date.

JUDGE