

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8315 OF 2025

Indian Overseas Bank,
Through Assistant General Manager .. Petitioner
Versus
Pradeep Kumar Saha and Ors. .. Respondents

WITH
INTERIM APPLICATION NO. 11382 OF 2025
IN
WRIT PETITION NO. 8315 OF 2025

Indian Overseas Bank, Applicant /
Through Assistant General Manager .. Petitioner
Versus
Pradeep Kumar Saha and Ors. .. Respondents

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• Ms. Rachna Pradeep, Advocate h/for Rahat Kalpatri for Petitioner.

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CORAM : MILIND N. JADHAV, J.
DATE : OCTOBER 07, 2025.

P.C.:

1. Heard Ms. Rachna, learned Advocate for Petitioner.
2. The order impugned in the present Writ Petition is passed by the Appellate Authority under the Payment of Gratuity Act, 1972. Copy of which is appended at Exhibit 'H' – page No.142 of the Petition. The said order upholds the order dated 10.11.2022 issued by the Controlling Authority, *inter alia*, entitling Respondent – employee to gratuity.

3. Learned Advocate for Employer has drawn my attention to the criminal proceedings wherein Respondent was arrayed as one of the accused. Though she would argue that fact the impugned order *prima facie* records the fact that Respondent has not been convicted therein, once that is the position and Petitioner Bank having issued Form-M to Respondent then in view of the extant provisions of Section 13 of the said Act protection of gratuity is guaranteed against attachment. Petitioner will have to therefore explain the perversity in the impugned order to the Court and any legal right to withhold the gratuity of Respondent. Learned Advocate persuades the Court to grant her one opportunity to look up the judgments and citations and address the Court on the aforesaid questions posed by the Court.

4. In the meanwhile, issue notice to Respondents. Humdast permitted.

5. In addition to Court notice, Petitioner is permitted to serve a copy of the Writ Petition and this order on Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.

6. After receiving notice, Respondents are directed to remain present in Court on the next adjourned date either by themselves or through Advocate.

7. Respondents are directed to take cognizance of this order and file their Affidavit-in-Reply on or before the next date, if so desired.

8. It is clarified that, on the next adjourned date present Writ Petition shall be disposed at the stage of admission itself. If the aforesaid questions are answered by Petitioner – Bank, the case of Petitioner – Bank shall be considered failing which Petition shall stand dismissed on the next adjourned date.

9. Stand over to 4th November 2025.

[MILIND N. JADHAV, J.]

Ajay

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By: AJAY
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