



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2828 OF 2026

WITH

WRIT PETITION NO. 2820 OF 2026

WITH

WRIT PETITION NO.2832 OF 2026.

The Vice Chancellor, Dr. Punjabrao Deshmukh Agriculture University, Akola &
anr.

Vs.

Prakash Tukaram Khadgi

*Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order*

Court's or Judge's Order

Mr. A. R. Sambre, Advocate for petitioners.

CORAM : ROHIT W. JOSHI, J.

DATE : 07.04.2026.

. Issue notice to the respondent, returnable on 08.05.2026.

2. The petitioners are directed to serve the respondent by Speed Post, in addition to regular mode of service and file affidavit of service before the returnable date.

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3. The respondent was appointed on the post of Agriculture Assistant on 22.07.1965. His services were suspended w.e.f. 01.02.1986. He was terminated from service vide termination order dated 11.05.1988 on account of habitual absenteeism without leave. The respondent preferred complaint challenging the order of

termination after a period of around 8 years, which was filed in the year 1995.

4. After condonation of delay, the complaint came to be registered as Complaint ULP No.6 of 2005. The learned Labour Court allowed the complaint by setting aside the order of termination and granting relief of back wages from 11.05.1988 i.e., the date of termination till 04.08.2001 i.e., the date of superannuation. The revision preferred by the petitioners, being Revision ULP No.46 of 2015, was partly allowed, whereby relief of back wages was restricted from 14.12.1995 i.e., date of filing of complaint with application for condonation of delay till the date of superannuation i.e., 04.08.2001.

5. Mr. Sambre, learned Advocate for the petitioners draws attention to the complaint to contend that there is no averment with respect to non gainful employment of the respondent. He further draws attention to the examination-in-chief of the respondent, which is dated 10.09.2013, wherein, he makes a statement for the first time that he was not gainfully employed elsewhere since the date of his termination i.e. 11.05.1988.

6. Perusal of the examination-in-chief reveals that there is no explanation as to how the respondent/complainant made both ends meet for an inordinate period from 11.05.1988 i.e. the date of termination till 04.08.2001 i.e. the date of superannuation.

7. In view of the aforesaid, a strong *prima facie* case is made out for grant of ad-interim relief. Effect, operation and execution of judgment and order dated 17.11.2025 passed by the learned Industrial Court, Akola in Revision (ULP) No.46 of 2015 and order dated 30.03.2015 passed by learned Labour Court, Akola in (ULP) Case No.6 of 2005 are stayed till further orders.

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8. The respondent has filed Application (IDA) No.2 of 2017 under Section 33(C)(2) of the Industrial Disputes Act, 1947, claiming outstanding salary, suspension allowance and amount of leave encashment.

9. He claims entitlement to the amount in view of judgment passed in Revision (ULP) No.46 of 2015, which is stayed by this Court.

10. In view of the aforesaid, till further orders, effect, operation and execution of order dated 22.12.2025 passed by the learned Labour Court, Akola in Application (IDA) No.2 of 2017 is stayed.

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11. The present petition is filed challenging order passed by the authorities under the Payment of Gratuity Act.

12. The issue in the petition is as to whether the respondent will be entitled for gratuity for the service rendered from 22.07.1965 i.e, the date of initial

appointment to 04.08.2001 i.e., the date of superannuation or only till 11.05.1988 i.e., the date on which his services were terminated by the petitioners. This Court has granted stay to effect and operation of the orders passed by the learned courts quashing and setting aside the order of termination.

13. In view of the aforesaid, effect, operation and execution of order dated 20.12.2025 passed by the learned Member, Industrial Court, Akola in PGA Appeal No.26 of 2023 and order dated 01.07.2023 passed by learned Controlling Authority, Akola in PGA Case No.12 of 2017, are stayed till further orders.

(ROHIT W. JOSHI, J.)

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