

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

WRIT PETITION NO. 4488 OF 2023

(Nagpur Municipal Corporation, Thr. Its Commissioner, Nagpur
Vs.
Bhimrao S/o Tukaram Meshram & Ors.)

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. J.B. Kasat, Advocate for the Petitioner.

CORAM: AVINASH G. GHAROTE, J.

DATED : 19th JULY, 2023

Heard Mr. Kasat, learned counsel for the petitioner.

2. It is contended that the judgment of the learned Industrial Court No.1, Nagpur, dated 05.12.2022 contradicts itself. In para 13 it holds that the grievance for grant of permanency on completion of 240 days of service would not survive once the order of permanency is accepted, as against this, in operative para 4 of the judgment, a direction is issued to fix the date of completion of 240 days of service aggregated in the year as the date of entry into services and the period from that date onwards to be counted for the purpose of calculating pension and gratuity. Insofar as the gratuity is concerned, the same is payable to seasonal employee who has completed the statutory period of engagement

under Section 4 (2) proviso of the Payment and Gratuity Act, considering which, the learned counsel for the petitioner, to make a statement in that regard as to whether the gratuity calculated has been paid or not.

3. Mr. Kasat, learned counsel for the petitioner, upon instructions makes a statement, that in pursuance to the Government Resolution dated 31.03.2023, the respondents would be entitled for gratuity, which would be calculated and deposited in this Court within a period of three weeks from today, accepting which statement, issue notice for final disposal to the respondents, returnable on **07.08.2023**.

4. The petitioner to serve the respondents by all modes permissible in law.

5. Till the returnable date, the effect and operation of the operative clause (4) of the judgment dated 05.12.2022 impugned herein, is stayed.

JUDGE