

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.808 OF 2026

Shahaji Rajaram Sawant

...Petitioner

Versus

The Collector, Kolhapur & Ors.

...Respondents

WITH

WRIT PETITION NO.810 OF 2026

Sharad Panditrao Powar

...Petitioner

Versus

The Collector, Kolhapur & Ors.

...Respondents

WITH

WRIT PETITION NO.811 OF 2026

Rajendra Bhaskarrao Kamble

...Petitioner

Versus

The Collector, Kolhapur & Ors.

...Respondents

WITH

WRIT PETITION NO.812 OF 2026

Prakash Sakharam Patil

...Petitioner

Versus

The Collector, Kolhapur & Ors.

...Respondents

WITH

WRIT PETITION NO.813 OF 2026

Netaji Keshav Shinde

...Petitioner

Versus

The Collector, Kolhapur & Ors.

...Respondents

WITH

WRIT PETITION NO.814 OF 2026

Shashikant Ramchandra Waghare

...Petitioner

Versus

The Collector, Kolhapur & Ors.

...Respondents

WITH
WRIT PETITION NO.815 OF 2026

Hindurao Dnyanu Gadgil	...Petitioner
<u>Versus</u>	
The Collector, Kolhapur & Ors.	...Respondents

AND
WRIT PETITION NO.1237 OF 2026

Anil Shankarrao Adurkar	...Petitioner
<u>Versus</u>	
The Collector, Kolhapur & Ors.	...Respondents

AND
WRIT PETITION NO.1020 OF 2026

Gajanan Dadoba Powar	...Petitioner
<u>Versus</u>	
The Collector, Kolhapur & Ors.	...Respondents

Mr. M. S. Topkar a/w Bhargavi Patil, B. D. Manolkar, Neev Patil & Mark Dhanawade, for the Petitioner in all Writ Petitions.

Mr. V. M. Mali, AGP, for the Respondent-State in WP/808/2026.

Ms. T. J. Kapre, AGP, for the Respondent-State in WP/810/2026.

Mr. R. P. Kadam, AGP, for the Respondent-State in WP/811/2026.

Ms. S. N. Deshmukh, AGP, for the Respondent-State in WP/812/2026.

Mr. A. A. Naik, AGP, for the Respondent-State in WP/813/2026.

Mr. A. P. Vanarase, AGP, for the Respondent-State in WP/814/2026.

Mr. S. B. Kalel, AGP, for the Respondent-State in WP/815/2026.

Mr. V. M. Mali, AGP, for the Respondent-State in WP/1237/2026.

Mr. V. M. Mali, AGP, for the Respondent-State in WP/1020/2026.

<u>Coram:</u>	Madhav J. Jamdar & Pravin S. Patil, JJ.
<u>Date:</u>	March 25, 2026

JUDGMENT (PER PRAVIN S. PATIL, J.):

1. Civil Writ Petition No.1020 of 2026 is not on board. Taken on board.
2. As all these Writ Petitions raise identical issues, they are being heard and decided together. For the purpose of deciding the present matters, the facts of Civil Writ Petition No.808 of 2026 are taken into consideration.
3. The Petitioner has filed Civil Writ Petition No.808 of 2026 before this Court under Article 226 of the Constitution of India, seeking an appropriate writ directing Respondent Nos.1 and 2 to recover the gratuity amount of Rs.6,10,958/- along with interest, and further to recover the amount payable in terms of the Order of the Controlling Authority Under Payment Of Gratuity Act & Judge, Labour Court No.2, Kolhapur ("**Controlling Authority**") as on 31st January 2026.
4. The details of the Writ Petitions are as follows:

Sr. No.	WP No.	Petitioner's Name	Date of Appointment	Post	Date of Retirement	Gratuity (Entitled)	Gratuity (Paid)	Gratuity + Interest	Date of Recovery Certificate	Date of Order in Recovery Application (PGA)
1	808/2026	Shahaji Rajaram Sawant	01/06/1982	Jr. Clerk	31/03/2009	Rs.3,10,012/-	Rs.1,41,825/-	Rs.6,10,958/-	04/07/2024	12/04/2024
2	810/2026	Sharad Panditrao Powar	01/03/1988	Sr. Clerk	28/02/2017	Rs.7,16,361/-	Rs.2,75,935/-	Rs.11,37,211/-	13/03/2025	04/10/2024
3	811/2026	Rajendra Bhaskarrao Kamble	15/02/1988	Jr. Clerk	31/01/2012	Rs.3,10,445/-	Rs.1,62,600/-	Rs.4,53,618/-	13/03/2025	04/10/2024
4	812/2026	Prakash Sakharan Patil	16/11/1979	Watchman	30/06/2013	Rs.4,07,961/-	Rs.1,89,915/-	Rs.6,69,641/-	13/03/2025	04/10/2024
5	813/2026	Netaji Keshav Shinde	05/08/1987	Jr. Clerk	31/12/2018	Rs.5,65,243/-	Rs.2,05,695/-	Rs.9,24,966/-	13/03/2025	04/10/2024
6	814/2026	Shashikant Ramchandra Waghare	01/03/1988	Sr. Clerk	31/10/2018	Rs.8,23,984/-	Rs.3,03,780/-	Rs.12,79,437/-	13/03/2025	04/10/2024
7	815/2026	Hindurao Dnyanu Gadgil	05/10/1981	Mali	31/05/2016	Rs.5,56,742/-	Rs.2,07,735/-	Rs.9,40,675/-	13/03/2025	04/10/2024

8	1237/2026	Anil Shankarrao Adurkar	11/10/1972	Superint -endent	31/01/2013	Rs.10,85,815/-	Rs.3,60,360/-	Rs.23,17,582/-	13/03/2025	04/10/2024
9	1020/2026	Gajanan Dadoba Powar	15/10/1964	Superint -endent	30/06/2004	Rs.3,00,375/-	Rs.1,42,725/-	Rs.6,96,938/-	13/03/2025	04/10/2024

5. In response to the prayers made by the Petitioners, this Court issued notices to the Respondents, who have been duly served in the matters. Learned AGPs have appeared on behalf of Respondent Nos.1, 2 and 4. Although Respondent No.3 has been duly served, none has appeared on its behalf in these matters.

6. In the present case, it is an undisputed fact that the Petitioner was appointed with Respondent No.3-Corporation on 1st June 1982 and, after rendering service, superannuated on 31st March 2009. As per the provisions of the *Payment of Gratuity Act, 1972* ("**Gratuity Act**"), he was entitled to a gratuity amount of Rs.3,10,012/-. However, he was paid only Rs.1,41,825/-, and an amount of Rs.1,68,187/- was due and payable.

7. In view of the above, the Petitioner filed an application, being Application (PGA) No.5 of 2020, before the Controlling Authority. The Controlling Authority, by Order dated 19th January 2022, allowed the said application and directed the Respondent No.3 to pay the gratuity amount to the Petitioner within a period of two months, together with interest at the rate of 10% per annum from the date it became due until its full realization.

8. So also, a Recovery Certificate dated 4th July 2024 was issued by the Controlling Authority to the effect that Collector of Kolhapur shall proceed to recover the amount from Respondent No.3-Corporation. Against the Recovery Certificate, Respondent No.3 filed Civil Writ Petition No.13695 of 2024, Civil Writ Petition No.13703 of 2024, Civil Writ Petition No.13699 of 2024, Civil Writ Petition No.13700 of 2024, Civil Writ Petition No.13702 of 2024, Civil Writ Petition No.13701 of 2024, Civil Writ Petition No.13704 of 2024, Civil Writ Petition No.13705 of 2024, Civil Writ Petition No.13706 of 2024 and Civil Writ Petition No.13974 of 2024. All these Petitions were heard and decided by this Court by a common Judgment and Order dated 22nd October 2024. While dismissing the Writ Petitions, this Court clarified that the amounts determined by the Controlling Authority shall be paid by Respondent No.3-Corporation within a period of 4 months from the date of the Order, and if they failed to pay that amounts, then it would be liable to pay compound interest. Accordingly, with this direction, the Writ Petitions were disposed of by this Court.

9. It is the submission of Mr. Topkar, learned Counsel for the Petitioners, that after passing of the Order by this Court, the Petitioners repeatedly approached to the Respondents and requested to release the amounts as directed by the Controlling Authority as well as by this Court. However, there was no positive response from

Respondent No.3. Consequently, the Petitioners were constrained to approach again before this Court and prayed that action be initiated against Respondent Nos.1 to 3 under Section 10 of the *Maharashtra Government Servants Regulation Of Transfers And Prevention Of Delay In Discharge Of Official Duties Act, 2005* ("**Official Duties Act**") for not releasing their amounts within a given time limit period.

10. The Petitioners have relied upon the provisions of Section 10 of the Official Duties Act. The same is reproduced as under:

"10. Disciplinary action.— (1) *Every Government servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible:*

Provided that, normally no file shall remain pending with any Government servant in the Department or Office for more than seven working days:

Provided further that, immediate and urgent files shall be disposed of as per the urgency of the matter, as expeditiously as possible, and preferably the immediate file in one day or next day morning and the urgent file in four days:

Provided also that, in respect of the files not required to be referred to any other Department, the concerned Department shall take the decision and necessary action in the matter within forty-five days and in respect of files required to be referred to any other Department, decision and necessary action shall be taken within three months.

(2) *Any wilful or intentional delay or negligence in the discharge of official duties or in carrying out the official work assigned or pertaining to such Government servant shall amount to dereliction of official duties and shall make such Government servant liable for appropriate disciplinary action*

under the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 or any other relevant disciplinary rules applicable to such employee.

(3) The concerned competent authority on noticing or being brought to its notice any such dereliction of duties on the part of any Government servant, after satisfying itself about such dereliction on the part of such Government servant shall, take appropriate disciplinary action against such defaulting Government servant under the relevant disciplinary rules including taking entry relating to such dereliction of duty in the Annual Confidential Report of such Government servant."

11. It is the contention of the Petitioners that once the Order passed by the Controlling Authority has been confirmed by this Court, it is the duty of Respondent No.3 to comply with the said Order within the time stipulated by this Court or as per the provisions of the Official Duties Act. However, there is deliberate delay on the part of Respondent No.3. As a result, till date, the Order is not complied with, and thereby the Petitioners, who are legally entitled for the amounts, have been deprived of from the same.

12. In the light of the provisions of Section 10 of the Official Duties Act, we are satisfied that, normally, any file pending with a Government servant in any Department or Office should be processed within a specific period. More particularly, as per Section 10 of the Official Duties Act, a Government servant is bound to discharge his official duties, and the official work assigned or pertaining to him should be performed diligently and as expeditiously as feasible. It is

further provided that no file shall remain pending with any Government servant in a Department or Office for more than seven working days. In the event of failure to perform these duties, disciplinary action under the *Maharashtra Civil Services (Discipline And Appeal) Rules, 1979* is contemplated against the Officers who are at fault in the matter.

13. In the present case, what we observed that the Order of the Controlling Authority is dated 19th January 2022. The Recovery Certificate was issued by the Controlling Authority on 4th July 2024, and thereafter, this Court confirmed the decision of the Controlling Authority & Recovery Certificate by Order dated 22nd October 2024 and by exercising discretion, a period of 4 months was also granted. However, till date, there is no compliance of these Orders, which are unambiguous in nature.

14. Hence, considering the provisions of Section 10 of the Official Duties Act, we are *prima facie* satisfied that Respondent Nos.1, 2 and 3 are at fault and action is required to be taken against them for gross negligence in performing their duties. However, learned AGP requested to grant one more opportunity to them in the matter, hence, we hereby made clear that Respondent Nos.1 to 3 to comply with the Order of the Controlling Authority, as confirmed by this Court, within a period of 15 days from the date of production of this Order before the

Authority. If they failed to comply with the said Order, then action be taken against them under Section 10(2) of the Official Duties Act.

15. With these directions, the Writ Petitions stand disposed of.

16. However, for reporting compliance of this Order, the matter be listed before this Court on **29th April 2026** at **02:30 pm**.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]