

HIGH COURT OF GUJARAT

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

VASUDEV HARGOVANDAS PANCHAL

Date of Decision: 23 April 2004

Citation: 2004 LawSuit(Guj) 296

Hon'ble Judges: [J N Patel](#)

Case Type: Special Civil Application

Case No: 4976 of 2004

Final Decision: Petition allowed

Advocates: [Hardik Raval](#), [R C Jani](#)

[1] Rule. Mr.Jani, learned Counsel appears for respondent employees and waives service of Rule on behalf the private respondent.

[2] All the three petitions are preferred by the petitioner Corporation for challenging the legality and validity of the order passed by the Appellate Authority under the Payment of Gratuity Act, 1972 (hereinafter referred to as "the Act").

[3] I have heard Mr.Hardik Raval, learned Counsel for the petitioner, Mr.Jani, learned Counsel for the respondent employees.

[4] There is no dispute on the point that the questions which are raised in these petitions are covered by the decision of this Court dated 11-2-2004 in SCA No.8080/2003 and allied matters. Mr.Jani, appearing for the concerned respondent employees, states that his clients are also ready to forego the interest for delayed payment, if the Hon'ble Court is inclined to give the same directions for allowing the withdrawal of the principal amount which is already deposited by the petitioner Corporation with the Appellate Authority.

[5] In view of the above, for the reasons recorded by this Court in the aforesaid decision dated 11-2-2004 in SCA No.8080/2003 and allied matters, I find that the present petitions deserve to be allowed and are allowed and as a consequence thereof, the orders passed by the Controlling Authority as well as by the Appellate Authority

impugned in these petitions are quashed and set aside. However, it is further directed that the respondent employees of the concerned petitions shall be allowed to withdraw the principal amount as payment of gratuity and the amount of interest out of the amount deposited, if any, by the Corporation shall be refunded to the Corporation by the Appellate Authority/Controlling Authority forthwith. The petitions are allowed to the aforesaid extent. Rule made absolute accordingly. Considering the facts and circumstances of the case, there will be no order as to costs. In addition to the petitioners, office may also supply copy of the order to the respondent employees concerned.

