

ITEM NO.12

COURT NO.8

SECTION IV-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 16875/2017  
(Arising out of impugned final judgment and order dated 28-02-2017  
in WA No. 00017/2017 passed by the High Court Of M.P At Indore)

ISLAMIYA KARIMIYA HIGHER SECONDARY SCHOOL

Petitioner(s)

VERSUS

ABDUL MAZID SHEIKH

Respondent(s)

(With appln. For exemption from filing O.T.)

Date : 16-01-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. D. Bharat Kumar, Adv.  
Mr. Tadimalla Bhaskar Gowtham, Adv.  
Mr. Aman Shukla, Adv.  
Mr. Akash R. Sharma, Adv.  
Mr. Vishal Arun, AOR

For Respondent(s) Mr. Rohan D. Bhowmick, Adv.  
Mr. Ashwini Jha, Adv.  
Mr. Shashikant Chourashiya, Adv.  
Mr. Pashupathi Nath Razdan, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Heard learned counsel for the parties and perused the impugned judgment and relevant material.

This special leave petition arises out of the order dated 28.02.2017 in W.A. No. 17 of 2017 passed by the High Court of Madhya Pradesh Bench at Indore in and by which the High Court has affirmed the order of the Learned Single Judge as well as the order

of the Appellate Authority rejecting the appeal on the ground that the petitioner has not deposited the entire amount of Rs.5,53,165/- (Rupees five lakhs fifty three thousand and one hundred sixty five) as ordered by the Controlling Authority.

The respondent-teacher was relieved from School on 05.09.2010. In the petition filed by the respondent claiming gratuity, the Controlling Authority by the order dated 17.07.2015 has directed the petitioner to pay gratuity of Rs.5,53,165/-. Being aggrieved, the petitioner has filed the appeal before the Appellate Authority and the petitioner has only deposited Rs.1,34,000/- as gratuity payable to the respondent. Since the entire amount of Rs. 5,53,165/- has not been deposited by the petitioner, in terms of Section 7(7) of the Payment of Gratuity Act, the Appellate Authority rejected the appeal by the order dated 17<sup>th</sup> March, 2016. The writ petition as well as the writ appeal preferred by the petitioner also came to be dismissed by the High Court.

Being aggrieved, the petitioner has preferred this special leave petition.

By the order dated 03.12.2018, the petitioner has deposited the amount of Rs.3,75,028/- and this Court directed the petitioner to deposit the balance amount of Rs.1,78,137/- without prejudice to the contentions of the petitioner. As seen from the documents filed by the learned counsel appearing on behalf of the petitioner, an amount of Rs. 1,78,137/- has been deposited (by way of cheque dated 19.12.2018). Since the amount of Rs.5,53,165/- as directed by the Controlling Authority has been deposited by the petitioner, the impugned order of the High Court is set aside and

the matter is remitted back to the Appellate Authority. The Appellate Authority shall restore the Gratuity Appeal No. 88/2015 to file and proceed with the appeal and afford sufficient opportunity to both the parties and dispose the same in accordance with law as expeditiously as possible preferably within two months.

All contentions are left open to the parties.

The special leave petition is, accordingly, disposed of.

Pending application(s), if any, shall also stand disposed of.

(MADHU BALA)  
COURT MASTER (SH)

(TAPAN KUMAR CHAKRABORTY)  
ASSISTANT REGISTRAR