

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 146 OF 2023**

**DISTRICT : AURANGABAD**

**Shashikala d/o Govindrao Gaikwad,** )  
Age : 54 years, Occu. Sweeper, )  
R/o : Santoshi Mata Nagar, Mukundwadi, )  
Aurangabad, Tq. and Dist. Aurangabad. )

.... **APPLICANT**

**V E R S U S**

1. **The State of Maharashtra,** )  
Through its Secretary for Home )  
Department, Mantralaya, Mumbai-32. )
2. **The Director General of Police,** )  
Director General Office, Shahit Bhagat )  
Singh Marg, Colaba, Mumbai-05, )  
Maharashtra. )
3. **The Commissioner of Police,** )  
Police Commissionerate, Aurangabad, )  
Tq. and Dist. Aurangabad. )

... **RESPONDENTS**

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**APPEARANCE** : Shri P.V. Suryawanshi, Counsel for Applicants.

: Shri N.U. Yadav, Presenting Officer for  
respondent authorities.

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**CORAM** : **Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE** : **09.02.2024**  
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**O R A L - O R D E R**

1. Heard Shri P.V. Suryawanshi, learned counsel appearing for the applicants and Shri N.U. Yadav, learned Presenting Officer appearing for respondent authorities.

2. The present Original Application is disposed of with the consent of both the parties at the admission stage.

3. By filing the present Original Application, the applicant is seeking direction to the respondent authorities to pay the arrears of wages from the date of Notification dated 15.02.2003 till the Notification dated 28.09.2010 issued by the Government.

4. Facts in brief as stated by the applicant giving rise to the Original Application are as follows :-

(a) The applicant is working as part time Sweeper since last so many years with the respondent No. 3. The applicant was not paid the wages as per the Notifications issued by the respondent No. 1 and the as per the minimum wages act, which is fixed by the Government from time to time. Therefore, the applicant has made representation with the respondent authorities on 03.08.2022. Even though, the respondent No. 3 did not pay the difference of wages as per the Government Notifications. Hence, the present Original Application.

5. Learned counsel for the applicant submits that the applicant is working as part time Sweeper for so many years with

the respondents and it was incumbent upon the respondent authorities to pay him the wages as per the Notification issued by the respondent No. 1 from time to time. But the respondent No. 3 never paid him the wages as per the Notification issued by respondent No. 1 and as per the minimum wage act. The respondent No. 3, however, started to pay the wages and arrears as per the Notification dated 28.09.2010 after the various orders passed by this Tribunal in this regard. But the respondent No. 3 did not pay the difference amount (arrears) to the applicant from the Notification dated 15.02.2003 till the Notification dated 28.09.2010. Even the Hon'ble High Court of Bombay, Bench at Aurangabad has given liberty to the applicants in Contempt Petition No. 361/2019 to claim remaining arrears of wages from the date of Notification dated 15.02.2003.

6. Learned counsel submits that in terms of the Notifications dated 15.02.2003 and 28.09.2010 issued by the Government in respect of Sweepers and Scavengers, which are working on temporary basis, they are entitled for basic rates of wages as per their zones to that class of employees. The applicant was working under the respondent No. 3 on Rs. 1200/- per month till 2014-15. Learned counsel submits that in terms of Notification dated 15.02.2003, the part time Sweepers are

entitled to get the wages (60%) as per their zones i.e. (i) Zone-I-Rs. 1920+ Special Allowance, (ii) Zone-II-Rs. 1860+ Special Allowance & (iii) Zone-III-Rs. 1800 + Special Allowance. Further as per the Notification dated 28.09.2010, the part time Sweepers are entitled to get the wages (60%) as per their zones i.e. (i) Zone-I-Rs. 2760+ Special Allowance, (ii) Zone-II-Rs. 2670 + Special Allowance & (iii) Zone-III-Rs. 2580 + Special Allowance. The Government has issued G.R. dated 07.03.2018 and clarified that the Notification dated 28.09.2010 issued by the Industry, Energy and Labour Department is applicable to all the employees (Sweepers) of Police Department and they are entitled for the wages as per the Notification. Learned counsel submits that the Hon'ble High Court of Bombay, Bench at Aurangabad has also passed the order in W.P. No. 2800/2018 to pay the wages as per the Notification dated 28.09.2010, as well as, pay the difference of wages, if the same has not been paid, as expeditiously as possible and preferably within four months from the date of order. Learned counsel submits that the present Original Application deserves to be allowed.

7. On the basis of affidavit in reply filed on behalf of respondent No. 3, learned Presenting Officer (for short P.O.) submits that the contents of para No. 7(vii) of the Original

Application are true and correct to the extent of order of the Hon'ble High Court in W.P. No. 2800/2018 dated 15.03.2018. Thus the respondent has paid the arrears to the applicant as per the Notification dated 28.09.2010. Learned P.O. submits that in W.P. Nos. 1485/2018 and 1497/2018, the Hon'ble High Court has directed the respondents therein to pay the wages in terms of the Notification dated 28.09.2010 read with Government Resolution dated 07.03.2018. However, there is no order regarding the arrears of wages to be paid to the applicants therein. Learned P.O. submits that thus the applicant is not eligible for the arrears from the date of Notification dated 15.02.2003 and the respondent has paid the arrears to the applicant in terms of Notification dated 28.09.2010. Learned counsel submits that as per the Notification dated 28.09.2010 from 28.09.2010 to 31.10.2015, the applicant has been paid an amount of Rs. 1,46,232/- towards arrears.

8. Learned counsel for the applicant in order to substantiate his contention place his reliance on judgment and order passed by this Tribunal in group of O.As. bearing O.A. No. 754/2021 and several others, wherein in para Nos. 7 & 8, this Tribunal has made the following observations :-

“7. Upon perusal of the pleadings in all the matters, it is evident that all these Original Applications are filed basically seeking direction against the respondents to pay the arrears (differential amount of wages, which was not paid) as per the Notifications dated 15.02.2003 and 28.09.2010 till date. Admittedly, the respondent authorities have acted upon the subsequent Notification dated 28.09.2010 issued by the Industry, Energy and Labour Department, State of Maharashtra granting the applicants benefit of enhancement of wages. However, none of such applicants are paid the enhanced wages as per the Notification dated 15.02.2003 issued by the State Government in this regard. The said Notification was also issued by the Industry, Energy and Labour Department of State of Maharashtra. Though in the affidavit in reply filed on behalf of respondent Nos. 1 to 4 initially the claims of the applicants were denied in all these matters.

8. That apart when the subsequent Notification dated 28.09.2010 issued by the Industry, Energy and Labour Department, State of Maharashtra is implemented by giving benefits thereof to the applicants, there cannot be any plausible reason denying the enhanced wages as contemplated in earlier Notification dated 15.02.2003 issued by the same department. Both these Notifications would be applicable to the part time Sweepers as per their place of working in respective zones. They will be entitled for proportionate daily wages and special allowances as contemplated in both these Notifications. As stated earlier, the respondent No. 2 has admittedly submitted the requisite proposal to the respondent No. 1 i.e. the State of Maharashtra, which has to consider and grant such benefits under the said Notifications to the applicants in accordance with law at the earliest. Denial of such claim by the impugned order in O.A. Nos. 754/2021 is not sustainable in the eyes of law. In these circumstances, all these Original Applications can be disposed of by giving suitable directions to the respondent authorities. I therefore, proceed to pass following order :-

### **ORDER**

The Original Application Nos. 754/2021, 46/2020, 290/2021, 443/2021, 755/2021 and 756/2021 are allowed and stand disposed of in following terms :-

- (A) The impugned order dated 18.12.2017 (part of Annexure A-2 collectively in O.A. No. 754/2021 at page No. 27 of the paper book) issued by the

*respondent No. 4 i.e. the Superintendent of Police (Rural), Aurangabad, is hereby quashed and set aside.*

- (B) *The respondent No. 1 is directed to expeditiously consider the proposal made by the office of respondent No. 2 i.e. the Director General of Police, Maharashtra State, Mumbai to the Home Department of State of Maharashtra of respondent No. 1 in order to enable the concerned respondent authorities to pay the arrears of wages in accordance with the said two Notifications dated 15.02.2003 and 28.09.2010 within a specified period of three months from the date of this order.*
- (C) *The respondents are directed to consider and to decide the claim of the applicants as per the Notifications dated 15.02.2003 and 28.09.2010 and to pay the arrears of wages due to them expeditiously within a period of three months from the date of this order.*
- (D) *There shall be no order as to costs. ”*

9. It is an admitted position that by G.R. dated 07.03.2018, the Government has extended the benefits of Notification dated 28.09.2010 to the employees of Police Department. So far as the said Notification dated 28.09.2010 is concerned, it is in continuation with the earlier Notification dated 15.02.2003 issued by the same department. There is no reason to deny the difference of arrears in between Notification dated 15.02.2003 and Notification dated 28.09.2010. Further there cannot be any reason for the department to deny the enhanced wages as contemplated in the earlier Notification dated

15.02.2003. Both these Notifications are applicable to the part time Sweepers as per their place of work on their zone. Thus, I find no substance in the submissions made on behalf of the respondent authorities.

10. In view of above discussions, the present Original Application deserves to be allowed. Hence, the following order :-

**ORDER**

- (i) The Original Application is hereby allowed.
- (ii) The respondents are hereby directed to pay the arrears (differential amount of wages, which was not paid) to the applicant as per the Notification dated 15.02.2003 till the Notification dated 28.09.2010 as expeditiously as possible and preferably within a period of four months from the date of this order.
- (iii) In the circumstances, there shall be no order as to costs.
- (iv) The Original Application accordingly disposed of.

**PLACE : Aurangabad.**  
**DATE : 09.02.2024**

**(Justice V.K. Jadhav)**  
**Member (J)**