

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

**ORIGINAL APPLICATION NOS. 754/2021, 46/2020,
290/2021, 443/2021, 755/2021 AND 756/2021
(Subject – Arrears of Wages)**

1. ORIGINAL APPLICATION NO. 754 OF 2021

DISTRICT : AURANGABAD

(1) **Sunil s/o Saheb Pradhan,**)
Age : 45 years, Occu. : Sweeper,)
R/o. Kumbhar Galli, Begumpura,)
Aurangabad, Tq. & 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,**)
D.G.P. Office, Shahid)
Bhagatsing Marg, Colaba, Mumbai-05,)
Maharashtra.)

(3) **The Inspector General of Police,**)
Aurangabad Range, Aurangabad,)
Tq. and Dist. Aurangabad.)

(4) **The Superintendent of Police,**)
S.P. Office, Aurangabad,)
Tq. and Dist. Aurangabad.)
... **RESPONDENTS**

W I T H

2. ORIGINAL APPLICATION NO. 46 OF 2020

DISTRICT : LATUR

(1) **Balaji s/o Maroti Nagdarwad,**)
Age : 50 years, Occu. : Sweeper,)
R/o. Indira Nagar, Devni, Tq. Devni,)
Dist. Latur.)

- (2) **Namdev s/o Narsing Panchavre,**)
Age : 55 years, Occu. : Sweeper,)
R/o. At Post Wadhwane, Tq. Udgir,)
Dist. Latur.)
- (3) **Shaikh Azeemoddin Shaikh Younus,**)
Age : 33 years, Occu. : Sweeper,)
R/o. 1-1-247/1, Rani Laxmibai Road,)
Dakhul Vas, Shikilgar Galli, Udgir,)
Tq. Udgir, Dist. Latur.)
- (4) **Shaikh Anwar Mohmed Younus,**)
Age : 38 years, Occu. : Sweeper,)
R/o. 1-1-247/1, Rani Laxmibai Road,)
Dakhul Vas, Shikilgar Galli, Udgir,)
Tq. Udgir, Dist. Latur.)
- (5) **Shaikh Younus Ahmed,**)
Age : 65 years, Occu. : (retired)Sweeper,))
R/o. At Wagdewadi, Sanglewadi, Isad,)
Tq. and Dist. Parbhani.)
- **APPLICANTS**

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,**)
D.G.P., Shahid)
Bhagatsing Marg, Colaba, Mumbai-05,)
Maharashtra.)
- (3) **The Spl. Inspector General of Police,**)
Nanded Range, Nanded,)
Tq. and Dist. Nanded.)
- (4) **The Superintendent of Police,**)
S.P. Office, Latur, Tq. and Dist. Latur.)
- ... **RESPONDENTS**

W I T H

3. ORIGINAL APPLICATION NO. 290 OF 2021

DISTRICT : NANDED

- (1) **Syyad Yusuf s/o Syyad Lal,**)
Age : 46 years, Occu. : Sweeper,)
R/o. House No. 58, At. Post. Waghi,)
Nanded, Tq. & Dist. Nanded.)
- (2) **Ushabai w/o Chokhoba Khandare,**)
Age : 48 years, Occu. : Sweeper,)
R/o. 1-2-803, Ambedkar Nagar,)
Nanded Tq. & Dist. Nanded.)
- (3) **Ganesh s/o Poshatti Potulwad,**)
Age : 39 years, Occu. : Sweeper,)
R/o. At Post Islapur, Tq. Kinwat, Dist. Nanded.)

.... **APPLICANTS**

VER 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, Shahid)
Bhagatsing Marg, Colaba, Mumbai-05,)
Maharashtra.)
- (3) **The Spl. Inspector General of Police,**)
I.G.P. Office, Nanded Range,)
Nanded, Tq. and Dist. Nanded.)
- (4) **The Superintendent of Police,**)
S.P. Office, Nanded, Tq. and Dist. Nanded.)

... **RESPONDENTS**

W I T H

4. ORIGINAL APPLICATION NO. 443 OF 2021

DISTRICT : PARBHANI

- (1) **Suresh s/o Laxmanrao Gaikwad,**)
Age : 34 years, Occu. : Sweeper,)
R/o. Sidhaarth Nagar, Near Magar Hospital,)
Parbhani, Tq. & Dist. Parbhani.)

- (2) **Shyam S/o Laxmanrao Gaikwad,**)
Age : 38 years, Occu. : Sweeper,)
R/o. Sidhaarth Nagar, Near Magar Hospital,))
Parbhani, Tq. & Dist. Parbhani.)
- (3) **Sahebrao s/o Sadashivrao Vakale,**)
Age : 47 years, Occu. : Sweeper,)
R/o. Ashok Nagar, Parbhani,)
Tq. & Dist. Parbhani.)
- (4) **Nabadbai w/o Ram Ghode,**)
Age : 50 years, Occu. : Sweeper,)
R/o. Sarfaraj Nagar, Parbhani,)
Tq. & Dist. Parbhani.)
- (5) **Suman wd/o Dhuraji Gawali,**)
Legal Heir of Dhuraji s/o Limbaji Gawali,))
Age : 54 years, Occu. : Labour,)
R/o. Bhim Nagar, Purna, Tq. Purna,)
Dist. Parbhani.)

.... **APPLICANTS****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, Shahid)
Bhagatsing Marg, Colaba, Mumbai-39,)
Maharashtra.)
- (3) **The Spl. Inspector General of Police,**)
I.G.P. Office, Nanded Range,)
Nanded, Tq. and Dist. Nanded.)
- (4) **The Superintendent of Police,**)
S.P. Office, Parbhani, Tq. and Dist. Parbhani.)

... **RESPONDENTS****W I T H****5. ORIGINAL APPLICATION NO. 755 OF 2021****DISTRICT : LATUR**

- (1) **Vishwanath s/o Prabuappa Amle,**)
Age : 47 years, Occu. : Sweeper,)
R/o. Tirupati Niwas, Veer Hanumant Wadi,))
Latur, Tq. & Dist. Latur.)
- (2) **Dilip s/o Dagadu Kamble,**)
Age : 52 years, Occu. : Sweeper,)
R/o. Patel Chowk Nandgaon Ves, Latur,))
Tq. & Dist. Latur.)
- (3) **Suraj s/o Dilip Kamble,**)
Age : 26 years, Occu. : Sweeper,)
R/o. Patel Chowk Nandgaon Ves, Latur,))
Tq. & Dist. Latur.)
- (4) **Vidhya W/o Dilip Kamble,**)
Age : 47 years, Occu. : Sweeper,)
R/o. Patel Chowk Nandgaon Ves, Latur,))
Tq. & Dist. Latur.)
- (5) **Kashibai w/o Dnyanoba Barabole,**)
Age : 53 years, Occu. : Sweeper,)
R/o. Chougale Niwas, Khori Galli,)
Latur, Tq. & Dist. Latur.)
- (6) **Sheshabai w/o Babu Mane,**)
Age : Major, Occu. : Sweeper,)
R/o. Manthale Wada, Rachatte Galli,)
Latur, Tq. & Dist. Latur.)

.... **APPLICANTS****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,**)
D.G.P. Office, Shahid)
Bhagat Sing Marg, Colaba, Mumbai-05,))
Maharashtra.)
- (3) **The Spl. Inspector General of Police,)**
Nanded Range, Nanded, Tq. & Dist. Nanded.)

- (4) **The Superintendent of Police,**)
S.P. Office, Latur, Tq. and Dist. Latur.)

... RESPONDENTS

W I T H

6. ORIGINAL APPLICATION NO. 756 OF 2021

DISTRICT : PARBHANI

- (1) **Pandurang s/o Kishanrao Sarode,**)
Age : 59 years, Occu. : Sweeper,)
R/o. Near Dr. Ambedkar Hall, Siddarth)
Nagar, Purna, Tq. Purna, Dist. Parbhani.)
(Deleted as per the order dated 25.02.2022)
- (2) **Meenabai w/o Prabhakar Tarkase,**)
Age : 50 years, Occu. : Sweeper,)
R/o. Nanal Peth, Nagsen Nagar,)
Parbhani, Tq. & Dist. Parbhani.)
- (3) **Godawari w/o Prakash Gadhe,**)
Age : 45 years, Occu. : Sweeper,)
R/o. Nanal Peth, Nagsen Nagar,)
Parbhani, Tq. & Dist. Parbhani.)
- (4) **Shakuntala w/o Sopanrao Jondhle,**)
Age : Mejr, Occu. : Sweeper,)
R/o. Nanal Peth, Nagsen Nagar,)
Parbhani, Tq. & Dist. Parbhani.)
- (5) **Uttam s/o Nana Nagargoje,**)
Age : Major, Occu. : Sweeper,)
R/o. At Wagdewadi, Sanglewadi, Isad,)
Tq. & Dist. Parbhani.)
- (6) **Shivaji s/o Ramrao Naykile,**)
Age : 44, Occu. : Sweeper,)
R/o. Pimpaldari, Parbhani,)
Tq. & Dist. Parbhani.)
- (7) **Saleema Bee Shaikh Mansoor,**)
Age : Major, Occu. : Sweeper,)
R/o. Kadrabad, Parbhani,)
Tq. & Dist. Parbhani.)

- (8) **Gajanan s/o Bhanudas Pawar,**)
Age : 38 years, Occu. : Sweeper,)
R/o. Sankrala, Bamni, Parbhani,)
Tq. & Dist. Parbhani.)

(Deleted as per the order dated 25.02.2022)

.... **APPLICANTS**

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,**)
D.G.P. Office, Shahid)
Bhagat Sing Marg, Colaba, Mumbai-05,))
Maharashtra.)

- (3) **The Spl. Inspector General of Police,**)
Nanded Range,)
Nanded, Tq. and Dist. Nanded.)

- (4) **The Superintendent of Police,**)
S.P. Office, Parbhani, Tq. and Dist. Parbhani.)

... **RESPONDENTS**

APPEARANCE : Shri P.V. Suryawanshi, Advocate for the
Applicants in all these O.As.

: S/shri V.R. Bhumkar & M.P. Gude, Presenting
Officers for respective Respondents in
respective O.As.

CORAM : **SHRI V.D. DONGRE, MEMBER (J).**

DATE : **20.09.2022.**

C O M M O N - O R D E R

1. By invoking jurisdiction of this Tribunal under Section 19
of the Administrative Tribunals Act, 1985, the present Original

Applications are filed by the applicants challenging 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, refusing to grant arrears of wages claimed by the applicants referring to the Notifications dated 15.02.2003 and 28.09.2010 in that regard.

2. The facts and law involved in all these proceedings are similar in nature and hence, all these Original Applications can be decided by a common order.

3. Facts in brief giving rise to this Original Applications can be summarized as follows :-

(i) The applicants are working as Part Time Sweepers since last so-many years with the respondent No. 4 sincerely and honestly. It is the duty of the respondent authorities to pay the wages as per the Notifications issued by the respondent No. 1 i.e. the Government of Maharashtra from time to time. The respondent authorities however never them paid arrears of wages as per the relevant Notifications.

(ii) Chart showing details of the applicants in all these O.As., is as follows :-

Sr. No .	Original Application No.	Applicants	Date of joining	Date of representati on/s
1	O.A. 754/2021	Applicant No. 1	01.04.1989	11.04.2016
2	O.A. 46/2020	Applicant No. 1	1990	08.07.2019 & 21.11.2019
		Applicant No. 2	2001	
		Applicant No. 3	2014	
		Applicant No. 4	2015	
		Applicant No. 5	1985 TO 2015	
3	O.A. 290/2021	Applicant No. 1	15.02.2017	21.12.2019 & 27.08.2020
		Applicant No. 2	07.02.1997	
		Applicant No. 3	01.05.2000	
4	O.A. 443/2021	Applicant No. 1	12.02.2004	01.04.2019, 30.08.2020, 12.07.2021 & 19.07.2021
		Applicant No. 2	01.08.2012	
		Applicant No. 3	01.10.1999	
		Applicant No. 4	01.01.2007	
		Applicant No. 5	1995 TO 16.04.2019	
5	O.A. 755/2021	Applicant No. 1	1989	08.04.2019, 09.04.2019 & 11.04.2019
		Applicant No. 2	2010	
		Applicant No. 3	2015	
		Applicant No. 4	2013	
		Applicant No. 5	2011	
		Applicant No. 6	2001	
6	O.A. 756/2021	Applicant Nos. 1, 2, 3 & 5	2008	01.04.2019, 03.04.2019 & 04.04.2019
		Applicant No. 4	2011	
		Application No. 6	2003	
		Applicant No. 7	2002	
		Applicant No. 8	2005	

(iii) It is the contention of the applicants that at present they are getting wages of Rs. 4508/- (in O.A. 754/2021), Rs. 4013/- (in O.A. No. 46/2020), Rs. 4600 & 4426/- (in

O.A. No. 290/2021), Rs. 4508/- & 4328/- (in O.A. No. 443/2021), Rs. 3717/- (in O.A. No. 755/2021) and Rs. 3717/- (in O.A. No. 756/2021) per month as per the Notification dated 28.09.2010, as well as, G.R. dated 07.03.2018 issued by the respondent No. 1 i.e. the Government of Maharashtra. By the present Original Applications, the applicants are claiming arrears (differential amount of wages), which was not paid as per the Notifications dated 15.02.2003 and 28.09.2010 (Part of Annexure A-1 collectively) issued by the respondent No. 1 i.e. the Government of Maharashtra and as per the Minimum Wage Act, 1948.

(iv) The applicants are getting wages at present as stated above as per the Notification dated 28.09.2010 after passing of the order by this Tribunal in O.A. No. 572/2016 on 05.07.2017(part of Annexure A-2 collectively in O.A. No. 754/2021), the respondent authorities have denied the rights of the applicants for getting arrears as per the Notifications dated 15.02.2003 fully and 28.09.2010 partly.

(v) It is further contended that Section 5 and Section 12 of the Minimum Wages Act, 1948 clearly state that the

authority should not deduct any kind of wages fixed by such Notification, which is issued by the Industry, Energy and Labour Department. Each and every Notification shall come into force on the expiry of three months from the date of its issuance. In view of the same, it was duty of the respondent authorities to pay the wages as per the Notifications issued by the Government of Maharashtra from time to time. The applicants are Sweeper / Class-IV employee.

(vi) It is further contended that when the applicants came to know that they were not paid wages as per the Notifications issued under the Minimum Wages Act, they had approached this Tribunal and filed O.A. No. 572/2016 seeking arrears of wages. After the respondent authorities failed to consider the representations dated 11.04.2016 & 06.05.2016, the Tribunal by the order dated 05.07.2017 (part of Annexure A-2 collectively) directed the respondent authorities to decide their representation. The respondent authorities rejected their representation by the order dated 18.12.2017 (part of Annexure A-2 collectively in O.A. 754/2021), which is impugned in the Original Application No. 754/2021.

(vii) According to the applicants, the Government has issued Notifications dated 15.02.2003 and 28.09.2010 (part of Annexure A-1 collectively) to all kinds of Sweepers and Scavengers. As per the Notification dated 15.02.2003, the part time sweepers are entitled to get the wages (60%) as per their Zones i.e. (1) Zone I- Rs. 1920+Special Allowance, (2) Zone II- Rs. 1860+Special Allowance and (3) Zone III- Rs. 1800+Special Allowance. Similarly as per the Notification dated 28.09.2010, the part time Sweeper is entitled to get the wages (60%) as per their Zones i.e. (1) Zone I- Rs. 2760+Special Allowance, (2) Zone II- Rs. 2670+Special Allowance and (3) Zone III- Rs. 2580+ Special Allowance.

(viii) It is further contended that the Government issued G.R. dated 07.03.2018 (part of Annexure A-3 collectively) and clarified that the Notification dated 28.09.2010 issued by the Industry, Energy and Labour Department is applicable to all employees (Sweepers) of Police Department and they are entitled to get the wages as per this Notification. Moreover, the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad by the order

dated 15.03.2018 (part of Annexure A-3 collectively in O.A. No. 754/2021) in W.P. No. 2800/2018 ordered to pay the wages as per the Notification dated 28.09.2010 seems to be pay the difference of wages to the original applicants, if the same has not been paid to them, as expeditiously as possible and preferably within four months from that date of order. The respondent authorities implemented the Notification dated 28.09.2010 belatedly, but never paid the difference of wages as per the Notification dated 15.02.2003. The respondent authority has not paid the special allowances to the applicants as per the Notification dated 28.09.2010. In view of the same, the applicants are entitled to get the arrears (differential amount of wages) and special allowances, which is not paid as per the Notifications dated 15.02.2003 and 28.09.2010. Hence, the present Original Applications.

4. Affidavit in reply is filed in O.A. No. 754/2021 on behalf of respondent Nos. 1 to 4 by one Shri Prakash Hindurao Chougule, working as the Deputy Superintendent of Police (Home), Aurangabad, District Aurangabad, thereby he denied all the adverse contentions raised in the Original Application. It is specifically denied that the applicants are deprived their rights

for getting the arrears as per the Notifications dated 15.02.2003 and 28.09.2010. It is submitted that the respondent No. 4 has decided the representation filed by the applicants as per the direction given by this Tribunal by the order dated 05.07.2017 in O.A. No. 572/2016. Moreover, the office of respondent No. 4 has already started payment of wages to the applicants as per the Notification dated 28.09.2010. Therefore, the applicants are not entitled to get the arrears of wages retrospectively, as the applicants are not the permanent Government employee. Therefore, the present Original Application is liable to be dismissed. Affidavits in reply on similar footing are filed in the rest of the O.A. Nos. 46/2020, 290/2021, 443/2021, 755/2021 and 756/2021.

5. It is also specifically submitted on behalf of respondents that to implement the order of the Hon'ble High Court in W.P. No. 2800/2018 in the matter of Bansilal S/o Harishchandra Tarte and Ors. Vs. Mr. S.K. Shrivastava, Additional Chief Secretary and Ors. decided on 23.09.2019, the respondent No. 2 has submitted proposal for grant of arrears to the concerned to the State Government. The State Government in Home Department is the competent authority to take decision in the same.

6. I have heard the arguments advanced at length by Shri P.V. Suryawanshi, learned Advocate for the applicants in all these O.As. on one hand and S/shri V.R. Bhumkar & M.P. Gude, learned Presenting Officers for the respective respondents in respective O.As. on the other hand.

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.

PLACE : AURANGABAD.

DATE : 20.09.2022.

KPB S.B. O.A. No. 754 of 2021 & Ors. VDD Arrears of wages

(V.D. DONGRE)

MEMBER (J)