

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 49 OF 2021

(Subject:- Arrears of Wages)

DISTRICT:-AURANGABAD

Vandana Prakash Sarode,)
Age, 40 years, Occu. Service,)
R/o. Behind M.I.D.C. Police Station,)
Cidco Aurangabad.)
Tq, and Dist. Aurangabad.) **APPLICANT**

V E R S U S

- 1. The State of Maharashtra,**)
Through Secretary,)
Home Department,)
Mantralaya Mumbai.)
- 2. The Director General of Police,**)
Director General of Police Office,)
Shahid Bhagatsing Marg,)
Kolaba Mumbai-39.)
- 3. The Commissioner of Police,**)
Police Commissioner Office)
Aurangabad.) **RESPONDENTS**

WITH

ORIGINAL APPLICATION NO. 585 OF 2021

(Subject:- Arrears of Wages)

DISTRICT:-AURANGABAD

Latabai Dadarao Avhad,)
Age, 48 years, Occu, Household,)
R/o. Bhavsingpura,)
Near Electric Tower,)
Nisarg Colony, Aurangabad.) **APPLICANT**

V E R S U S

1. **The State of Maharashtra,**)
Home Department,)
Mantralaya Mumbai.)
2. **The Director General of Police,**)
Director General of Police Office,)
Shahid Bhagatsing Marg,)
Kolaba Mumbai-39.)
3. **The Commissioner of Police,**)
Police Commissioner Office)
Aurangabad.) **RESPONDENTS**

WITH**ORIGINAL APPLICATION NO. 76 OF 2022****(Subject:- Arrears of Wages)****DISTRICT:-AURANGABAD**

- Ashok Roopchand Jawale,**)
Age, 43 years, Occu, Service (Sweeper),)
R/o. Near Thatte Haud,)
Begampura Aurangabad.) **APPLICANT**

V E R S U S

1. **The State of Maharashtra,**)
Home Department,)
Mantralaya Mumbai.)
2. **The Director General of Police,**)
Director General of Police Office,)
Shahid Bhagatsing Marg,)
Kolaba Mumbai-39.)
3. **The Commissioner of Police,**)
Police Commissioner Office)
Aurangabad.) **RESPONDENTS**

WITH
ORIGINAL APPLICATION NO. 246 OF 2022
(Subject:- Arrears of Wages)

DISTRICT:-AURANGABAD

Dilip Yovhanrao Rupekar,)
 Age, 50 years, Occu, Service (Sweeper),)
 R/o. Near Thatte Haud,)
 Begampura Aurangabad.) **APPLICANT**

V E R S U S

- 1. The State of Maharashtra,**)
 Home Department,)
 Mantralaya Mumbai.)
- 2. The Director General of Police,**)
 Director General of Police Office,)
 Shahid Bhagatsing Marg,)
 Kolaba Mumbai-39.)
- 3. The Commissioner of Police,**)
 Police Commissioner Office)
 Aurangabad.) **RESPONDENTS**

WITH
ORIGINAL APPLICATION NO. 652 OF 2018
(Subject:- Arrears of Wages)

DISTRICT:-AURANGABAD

- 1. Indira w/o Ashok Maind,**)
 Age:- 42 years, Occu. Sweeper,)
 R/o. Brahman Galli, Begumpura,)
 Tq. & Dist. Aurangabad.)
- 2. Sukhdev s/o Sudam Jadhav,**)
 Age: 34 years, Occ: Sweeper,)
 R/o Kohinoor Colony,)
 Near C.P. Office, Aurangabad.)
 Tq. & Dist. Aurangabad.)

- 3. Kailas s/o Govindrao Ghumre,**)
 Age: 40 years, Occ.: Sweeper,)
 R/o: Kabra Nagar, House No. 374,)
 Garkheda Parisar, Aurangabad.)
 Tq. & Dist. Aurangabad.)
- 4. Rubina w/o Chand Pasha Sayyad,**)
 Age:- 40 years, Occ. Sweeper,)
 R/o Kotwalpura, Kohinoor Colony,)
 Tq. & Dist. Aurangabad.)
- 5. Babasaheb s/o Dagdu Bankar,**)
 Age:- 29 years, Occu. Sweeper,)
 R/o Jaibhim Nagar, Town Hall,)
 Tq. & Dist. Aurangabad.) **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 of Police Office,)
 Shahid Bhagat Singh Marg,)
 Colaba, Mumbai-39, Maharashtra.)
- 3. The Commissioner of Police,**)
 C.P. Office, Aurangabad,)
 Tq. & Dist. Aurangabad.) **RESPONDENTS**

WITH
ORIGINAL APPLICATION NO. 586 OF 2021
(Subject:- Arrears of Wages)

DISTRICT:-AURANGABAD

- Prakash Ishwar Sarode,**)
 Age, 55 years, Occu. Nil)
 R/o. Behind M.I.D.C. Police Station,)
 Cidco Aurangabad.)
 Tq. And Dist. Aurangabad.)
 Mob. No. 8806851295.) **APPLICANT**

V E R S U S

1. **The State of Maharashtra,**)
Home Department,)
Mantralaya Mumbai.)
2. **The Director General of Police,**)
Director General of Police Office,)
Shahid Bhagatsing Marg,)
Kolaba Mumbai-39.)
3. **The Commissioner of Police,**)
Police Commissioner Office)
Aurangabad.) **RESPONDENTS**

APPEARANCE : Shri D.K. Dagadkhair, learned
Counsel for the applicants in all these
O.As.

: Shri D.M. Hange, learned Presenting
Officer for the respondent authorities
in all these O.As.

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

DATE : **29.02.2024.**

O R A L - O R D E R

Heard Shri D.K. Dagadkhair, learned counsel for the applicants in all these O.As. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As. finally at the stage of admission hearing.

2. All this Original Applications are taken together for discussion and since the identical question is involved in all the matters, disposed of by this common judgment and order.

3. By filing the present Original Applications, the applicants are 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 and also seeking special allowance to the applicants in terms of the order issued by Labour Commissioner dated 16.11.2012, Government Resolution dated 07.03.2018 and Government Circular dated 23.07.2019 with appropriate rate of interest till the enhance rate of wages within a specified time.

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

(i) The applicants are working as part time Sweeper since last so many years with the respondent No. 3 and they were not paid the wages as per the Notifications issued by the respondent No. 1 in terms of the provisions of minimum wages Act. Therefore, the applicants have made

representation with the respondent authorities on various dates. Even though, the respondent No. 3 did not pay the difference of wages as per the Government Notifications. Hence, the present Original Applications.

5. Learned counsel for the applicants submits that the applicants are working as part time Sweeper for so many years with the respondents and it was incumbent upon the respondent authorities to pay them the wages as per the Notification issued by the respondent No. 1 from time to time. But the respondent No. 3 never paid them the wages in terms of the Notification issued by respondent No. 1 and as per the provisions of minimum wages Act.

6. The respondent No. 3 has, however, started to pay the wages and arrears as per the Notification dated 28.09.2010 only after the various orders passed by this Tribunal in this regard. Learned counsel for the applicants submits that the respondent No. 3, however, did not pay the difference amount (arrears) to the applicants from the Notification dated 15.02.2003 till the Notification dated 28.09.2010. Learned counsel for the applicants submits that 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.

7. Learned counsel for the applicants submits that in terms of the aforesaid Notifications dated 15.02.2003 and 28.09.2010 respectively issued by the Government in respect of Sweepers and Scavengers, who are working on temporary basis, they are entitled for basic rates of wages as per their zones to that class of employees. The applicants were working under the respondent No. 3 on Rs. 1200/- per month till 2014-2015 and in terms of Notification dated 15.02.2003, the part time Sweepers were 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 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 for the applicants submits that even 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 Applications deserves to be allowed.

8. Learned counsel for the applicants has pointed out that in the identical case bearing Original Application No. 146/2023, this Tribunal by order dated 09.02.2024 has directed to pay the arrears to the applicants therein who are similarly situated employees.

9. On the basis of affidavit in reply filed on behalf of respondent No. 3, learned Presenting Officer (for short P.O.) submits that it is true that as per the Government Notifications dated 15.02.2003 and 28.09.2010, the applicants have been paid their wages. Learned P.O. submits

that on 18.12.2020 the respondent No.3 has forwarded the proposal with regard to the arrears of wages of Part Time/Daily Wages Sweepers presently working with respondent No.3 to the respondent Nos. 1 & 2 and the said proposal is pending before them for approval and sanction. Learned P.O. submits that the respondents have paid the arrears to the applicants as per the Government Notification dated 28.09.2010 and the same has been done as per the directions issued by the Hon'ble High Court of Bombay, Bench at Aurangabad in Writ Petition Nos. 1485/2018 and 1497/2018 respectively. Learned P.O. submits that however there is no order regarding the arrears of wages to be paid to the applicants therein.

10. Learned counsel for the applicants in order to substantiate his contention place his reliance on the judgment and order passed by this Tribunal in group of Original Applications bearing O.A. No. 754/2021 and several others, wherein in paragraph 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. ”*

11. 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. Further, the respondent No.3 has already forwarded the proposal to respondent Nos. 1

& 2 for approval and sanction in this regard. However, it appears that the said proposal is still pending since 18.12.2020 without any order.

12. So far as the second prayer of the applicants i.e. special allowances to be granted to them with appropriate rate of interest is concerned, the applicants are at liberty to file the representation to respondent No.3 in this regard and on filing the said representation, the respondent No.3 shall forward the proposal to respondent Nos. 1 and 2 as per earlier proposal forwarded to them for their consideration. It is for the respondent Nos. 1 and 2 to pass an appropriate order on the said proposal in accordance with law on its own merits as expeditiously as possible.

13. In view of above discussions, the present Original Applications deserve to be allowed. Hence, the following order :-

ORDER

- (i) The Original Applications are hereby allowed.
- (ii) The respondents are hereby directed to pay the arrears (differential amount of wages, which was not paid) to the applicants 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) The applicants are at liberty to file the representation to respondent No.3 for special allowances to be granted to them with appropriate rate of interest and on filing the said representation, the respondent No.3 shall forward the proposal to respondent Nos. 1 and 2. The respondent Nos. 1 and 2 shall pass an appropriate order on the said proposal in accordance with law on its own merits as expeditiously as possible.
- (iv) In the circumstances, there shall be no order as to costs.
- (v) The Original Applications accordingly disposed of.

MEMBER (J)

Place:-Aurangabad

Date : 29.02.2024

SAS O.A. 49 /2021 & Ors. (S.B.) Arrears of Wages