

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 601 OF 2014**

**DISTRICT: LATUR**

Shri Baban Kashinath Saudagar,  
Age: 45 years, Occu: Service,  
R/o Babhalgaon Road Police Station Head Quarter,  
Babhalgaon, Tq. And Dist. Latur.

.. **APPLICANT**

**V E R S U S**

- 1) The State of Maharashtra,  
Through its Principal Secretary,  
Home Department,  
Mantralaya, Mumbai-32.  
(Copy to be served on C.P.O. MAT,  
Aurangabad)
- 2) The Director General of Police,  
Maharashtra State, Mumbai.
- 3) The Inspector General of Police,  
Maharashtra State, Mumbai.
- 4) The Superintendent of Police,  
Latur, Dist. Latur.
- 5) The Medical Officer,  
Police Hospital Babhulgaon Head Quarters,  
Latur.

.. **RESPONDENTS**

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**APPEARANCE** : Shri A.A. Nimbalkar, learned Advocate for  
the applicant.

: Smt. Deepali S. Deshpande, learned  
Presenting Officer for the Respondents.

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**CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**  
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**J U D G M E N T**  
**(Delivered on this 9<sup>th</sup> day of January, 2017)**

1. In this Original Application, the applicant is claiming following reliefs:-

*“B) The respondents may kindly be directed to absorb the applicant on the post of sweeper at Police Hospital, Latur in accordance with the Government Resolutions dated 8.3.1999.*

*(C) The respondents may kindly be directed to fix the wages of the applicant as a part time sweeper in terms of notification dated 28.09.2010 and to pay the said wages to the applicant as per the notification dated 28.09.2010.*

*(D) The respondents may kindly be directed to pay the applicant the arrears of the wages so fixed, as per the Notification dated 28.09.2010, as early as possible and preferably within a period of 3 months. ]*

*(E) The Respondents may kindly be directed to absorb the applicant on the post of Sweeper at Police Hospital, Latur with effect from the date of his initial appointment.”*

2. The learned Advocate for the applicant however, admits that the applicant is entitled to relief as per prayer clause 'C' and 'D' only. According to the applicant, he is appointed as Sweeper by the Superintendent of Police, Latur i.e. respondent no. 4 and since then, he is continuously in service as such. On 3.4.2012, the respondent no. 5, Medical Officer, Police Hospital, Latur certified that the applicant is continuously working since last 25 years as Sweeper. The applicant is however, getting remuneration of Rs 900/- per month only and it is impossible for him to maintain his family, which includes wife, three daughters and one son. The applicant has made representations on 11.09.2012, 01.10.2012 and 25.04.2013 to the respondent no. 4 and requested for appointment on the permanent post of Sweeper. The respondent no. 4 vide letter dated 13.02.2014 communicated the applicant that there was no provision in the Rules for absorption of the applicant. It was stated that the proposal for grant of 60% of the salary to the post of Sweeper has been submitted to the Director General of Police. Accordingly, vide G.R. dated 15.06.2011 issued by

the Home Department, Government of Maharashtra, total 7991 posts were created. Total 127 posts were created for Safaigar, which also includes one post of Sweeper at Police Station Latur. The post of Sweeper at Police Station Latur is still vacant. The applicant is qualified for the post of Sweeper and therefore, he has requested that he be appointed for the said post.

3. The respondent nos. 1 to 4 submit that the Rules are framed for part time employees and the provisions of Minimum Wages Act 1948 cannot be applied to the part time employees, who are working in the Police Department. It is stated that the applicant does not qualify for the regular post.

4. The applicant has referred to the judgment passed in O.A. Nos. 57/2006 & 64/2006, which are related to the Tribal Development Department. In the said judgment delivered by this Tribunal, it is stated that the opinion of the Law and Judiciary department has been

opted for filing appeal against the order passed therein and the said opinion is awaited.

5. Heard Shri A.A. Nimbalkar, learned Advocate for the applicant and Shri Deepali S. Deshpande, learned Presenting Officer for the Respondents. I have also perused the affidavit, affidavit in reply, citations and various documents placed on record by the respective parties.

6. The learned Advocate for the applicant submits that the applicant has registered his claim, claiming direction as per prayer clause 'C' and 'D', whereby the applicant is claiming wages as per terms of notification dated 28.9.2010. The learned Advocate for the applicant pointed out the judgment delivered by this Tribunal in various O.As. In O.A. No. 758/2013, in the case of Annasaheb s/o Machindra Khazindar & Ors. Vs. the State of Maharashtra and Others dated 5<sup>th</sup> December, 2014, this Tribunal had directed respondents therein to fix the wages of the applicants who were Part Time Sweepers in terms of

notification dated 28.09.2010. In O.A. No. 500/2015, in the case of Rajaram Dada Gangurde Vs. the State of Maharashtra and others vide judgment dated 26<sup>th</sup> August, 2016, this Tribunal had directed respondents to fix the wages of the Part Time Sweeper in terms of notification dated 28.09.2010 and shall pay the said wages to the applicant within three months from the date of order.

7. The learned Advocate for the applicant submits that the respondents be directed to apply the said notification for payment of wages to the Part Time Sweeper to the applicant also. It is material to note that both these O.As., the claim of the then applicants for regularization of his services as permanent Sweeper was rejected and the learned Advocate for the applicant admits this fact.

8. Admittedly, the respondents are paying remuneration to the part time sweepers as per notification dated 28.09.2010 and therefore, there is absolutely no reason as to why the applicant cannot be paid said remuneration as per notification dated 28.09.2010, if otherwise eligible for him.

9. The learned Presenting Officer admits that the case of the applicant is covered by the decision taken in O.A. Nos. 758/2013 and 500/2015.

10. In view thereof, I pass following order:-

**ORDER**

1. The Original Application is partly allowed.
2. The applicant's claim for absorption on the post of Sweeper at Police Station Latur in accordance with the G.R. dated 8.3.1999, is rejected.
3. The respondents are however, directed to fix the wages of the applicant as part time sweeper in terms of notification dated 28.09.2010 and shall pay the said wages to the applicant as per said notification.
4. The arrears of the said wages be paid to the applicant as per notification dated 28.09.2010, within three months from the date of this order.

There shall be no order as to costs.

**(J.D. KULKARNI)**  
**MEMBER (J)**