

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 557 OF 2019

DISTRICT:- NANDED

- 1) Venkat S/o Vithal Namule
Age : 55 years, Occ: - Service as
safai-kamgar, R/o Police Quarters,
Sneha Nagar, Nanded,
Tq. & Dist. Nanded.
- 2) Sumanbai W/o Venkat Namule,
Age : 52 years, Occ: - Service as
safai-kamgar, R/o Police Quarters,
Sneha Nagar, Nanded,
Tq. & Dist. Nanded.
- 3) Vasant Laxman Singare,
Age : 51 years, Occ: - Service as
safai-kamgar, R/o Mahamarg,
Vasmat Phata, Ardhapur
Tq. & Dist. Nanded.
- 4) Dnyanoba Ramrao Waghmare
Age : 52 years, Occ: - Service as
safai-kamgar, C/o Police Station,
Bhagya Nagar, Nanded
Tq. & Dist. Nanded.
- 5) Sawleshwar Raghunath Saroday,
Age : 48 years, Occ: - Service as
safai-kamgar, C/o Police Station,
Ardhapur, Tq. & Dist. Nanded.
- 6) Chandu Nagorao Kasbe,
Age : 45 years, Occ: - Service as
safai-kamgar, R/o Police Quarters,
Nanded, Tq. & Dist. Nanded.
- 7) Yamunabai Suryawanshi,
Age : 45 years, Occ: - Service as
safai-kamgar, R/o Police Quarters,
Nanded, Tq. & Dist. Nanded.

- 8) Mangalabai Jondhale,
Age : 48 years, Occ: - Service as
safai-kamgar, C/o Police Headquarters,
Nanded, Tq. & Dist. Nanded.
- 9) Jijabai Venkati Gaikwad
Age : 45 years, Occ: - Service as
safai-kamgar, C/o Police Station,
Malakoli, Tq. Loha, Dist. Nanded.
- 10) Sarjabai Babu Panchal
Age : 47 years, Occ: - Service as
safai-kamgar, C/o Police Station,
Kandhar, Tq. Kandhar,
Dist. Nanded.
- 11) Baliram Govind Kokewad,
Age : 45 years, Occ: - Service as
safai-kamgar, C/o Police Station,
Naigaon, Tq. Naigaon, Dist. Nanded.
- 12) Anusayabai Gunaji Gajbhare,
Age : 42 years, Occ: - Service as
safai-kamgar, C/o Police Station,
Mantha, Tq. and Dist. Nanded.
- 13) Suresh Venkat Namule,
Age : 40 years, Occ: - Service as
safai-kamgar, C/o Police Vasahat,
Sneha Nagar, Nanded.
Tq. and Dist. Nanded.
- 14) Chandar Mohanaji Deoghare
Age : 42 years, Occ: - Service as
safai-kamgar, C/o Police Station,
Kuntur, Tq. Naigaon, Dist. Nanded.
- 15) Sheikh Moinuddin Sheikh Abdul Gaffur,
Age : 42 years, Occ: - Service as
safai-kamgar, C/o S.D.P.O., Nanded,
Tq. & Dist. Nanded.

V E R S U S

- 1) The State of Maharashtra,
Through its Secretary,
Home Department, Mantralaya,
Mumbai-32.
- 2) The Director General of Police,
Shahid Bhagat Singh Marg,
Colaba, Mumbai-39.
- 3) The Inspector General of Police,
Nanded Range, Nanded.
- 4) The Superintendent of Police,
S.P. Office Nanded,
Tq. & Dist. Nanded.

.. RESPONDENTS.

APPEARANCE : Shri Shamsunder B. Patil, learned
counsel for the applicant.

: Shri D.R. Patil, learned Presenting Officer
for the respondent authorities.

CORAM : JUSTICE SHRI P.R.BORA, VICE CHAIRMAN**RESERVED ON : 24.04.2023****PRONOUNCED ON : 04.05.2023****O R D E R**

Heard Shri Shamsunder B. Patil, learned counsel
appearing for the applicant and Shri D.R. Patil, learned
Presenting Officer appearing for the respondent authorities.

2. There are total 15 applicants in the present Original
Application. All of them claimed to be working as part time
Sweepers in various Police Stations in Nanded District. It is
their common grievance that they have not been paid the

minimum wages as per Notifications dated 15.2.2003 and 28.9.2010. According to these applicants they have been working for more than 4 hours daily as Sweepers and hence are entitled to receive the wages as are prescribed for Part Time Sweepers in the aforesaid two Notifications. It is their further contention that though the respondents started paying them the wages according to Notification dated 28.9.2010 from the year 2015-16, the applicants have not been given arrears of the difference in wages of the period from 28.9.2010 to 2015. The applicants have, therefore, prayed for directions against the respondents to pay the difference of wages to the applicants from the year 2003 to 2015. The applicants have further prayed for wages as per new Notification dated 7.3.2018.

3. The respondents have resisted the contentions raised and prayers made in the O.A. A common affidavit in reply is filed on behalf of respondent nos. 2 to 4. It is contended therein that the applicant no. 11 namely Baliram Govind Kokewad, applicant no. 12, Anusayabai Gunaji Gajbhare and applicant no. 14, Chandar Mohanji Deoghare have already been paid the difference amount of wages as per G.R. dated 23.7.2019. It is further contended that respondent no. 4 has sought guidance from the Government as about the payment of difference in

wages of the Part Time Sweepers and the order of the Government is awaited.

4. Shri Shamsunder B. Patil, learned counsel appearing for the applicants submitted that the applicants are entitled for the wages as are prescribed in the Government Notifications dated 15.2.2003 and 28.9.2010. Learned counsel submitted that despite the orders passed by this Tribunal, as well as, by the Hon'ble High Court in the cases of the similarly situated employees, the respondents are not obeying the said orders. Learned counsel in the circumstances prayed for allowing the O.A.

5. Learned Presenting Officer appearing for the respondents submitted that from the year 2015-16 the applicants are being paid the wages as per the Notification dated 28.9.2010. Learned P.O. further submitted that many of these applicants have been already paid the difference of wages, however, they have not disclosed this fact before this Tribunal. Learned P.O. submitted that though it appears that the present application was filed before disbursement of the arrears, the applicants were under obligation to disclose the said fact by filing additional affidavit. Learned P.O. further submitted that at least in the arguments learned counsel for the applicants must

have disclosed the said fact. Learned P.O. invited my attention to the documents annexed with the affidavit in reply filed on behalf of the respondents. He pointed out that applicant no. 11, Baliram Govind Kokewad, applicant No. 12 Anusayabai Gunaji Gajbhare and applicant No. 14 Chandar Mohanaji Deoghare have been paid Rs. 1,34,922 each towards the amount of difference of wages. He further pointed out that in the order dated 1.10.2019 issued by the Superintendent of Police, Nanded the aforesaid information is disclosed and the applicants have not denied or disputed the said fact. Learned P.O. pointed out that difference in the wages from 28.9.2010 to 31.3.2015 has been remitted in favour of the aforesaid applicants.

6. Learned P.O. also invited my attention to the documents at Exhibit 'R.2' to show that almost all the Part Time Sweepers have been already held entitled for the difference of wages for the period they have worked with the respondents. Learned P.O. provided the particulars of the amount of difference to be paid to the applicants, which are thus,

Applicant No.	Name of applicant	Amount (Rs.)
1.	Venkat S/o Vithal Namule	8,441/-
2.	Sumanbai W/o Venkat Namule,	8,441/-
3.	Vasant Laxman Singare,	8,447
4.	Dnyanoba Ramrao Waghmare	8,441/-
5.	Sawleshwar Raghunath Saroday	9,512/-
6.	Chandu Nagorao Kasbe	8,441/-
7.	Yamunabai Suryawanshi,	14,823/-
8.	Mangalabai Jondhale	14,823/-
9.	Jijabai Venkati Gaikwad	7,841/-
10.	Sarjabai Babu Panchal	8,211/-
13.	Suresh Venkat Namule	9,260/-
15.	Sheikh Moinuddin Sheikh Abdul Gaffur	8,447/-

7. Learned P.O. submitted that if the documentary evidence produced on record by the respondents is considered, it reveals that each of the applicant has been either paid or held entitled for the arrears as indicated above. Learned P.O. in the circumstances prayed for dismissal of the application.

8. I have duly considered the submissions made on behalf of the applicants, as well as, respondents. Respondents are not disputing that the applicants are entitled for wages as are prescribed for the Part Time Sweepers in view of Government Notification dated 28.9.2010. From the documents which are produced on

record by the respondents it is revealed that almost each applicant had previously filed some or other O.A. and as per the directions given in the said O.As. the arrears are sanctioned by the respondents payable to these applicants. The information as is revealing from the documents filed on record has not been denied or disputed by the applicants by filing any rejoinder.

9. It has to be stated that in the application the applicants have not provided even the minimum particulars to substantiate the claim raised by them in this application. All the averments taken in O.A. are too vague. The general demand is made that the applicants are entitled for the wages as per the Notifications dated 15.2.2003 and 28.9.2010. If the applicants are seeking some monetary benefits arising out of the aforesaid Notifications, they are supposed to provide the sufficient particulars to substantiate their claim. In absence of any such particulars, it is difficult to pass any executable order. From the material which has been placed on record by the respondents, it appears that the respondents are paying the wages as prescribed in the Notification dated

28.9.2010. The applicants in their O.A. have specifically admitted the aforesaid fact.

10. From the documents placed on record by the respondents, it is further revealed that the respondents have sanctioned the difference of the amount in the wages of the applicants mentioning the period of work of which the difference is being paid. As has been submitted by the learned P.O. each and every applicant has been sanctioned the amount of difference in pursuance of the orders passed by this Tribunal in the respective matters in which the present applicants were party.

11. After having considered the facts as aforesaid, as I mentioned earlier, on vague submissions made in the application and without even the minimum particulars provided by the applicants to substantiate their claim it is difficult to accept the contention of the applicants and no executable order can be passed in their favour.

12. The only prayer which can be considered is to direct the respondents to pay the wages to the Part Time Sweepers, as per Government Resolutions/Notifications,

issued time to time. Last such Notification dated 7.3.2018 is placed on record by the applicants, wherein the respondent i.e. the Police Department has principally agreed to pay the Part Time Sweepers working in their various Units the wages as prescribed in the said G.R. If any of the Part Time Sweeper including the present applicants makes out any specific case that he or she has not received the wages as per the said Notification though he/she has worked with the respective establishments and the payment received to him/her is not in consonance with the said G.R., such cases can be considered by the Tribunal and the effective executable order can be passed in that matter.

13. With the observations as above, the present O.A. stands disposed of without any order as to costs.

VICE CHAIRMAN