

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.753/2021

DISTRICT:- AURANGABAD

1) Shankar s/o. Parasram Dhupe,
Age : 56 years, Occu. : Service (Sweeper),
R/o. Samata Nagar, Aurangabad,
Tq. & Dist. Aurangabad.

2) Yusuf Khan Ahmed Khan,
Age : 46 years, Occu. : Service (Sweeper),
R/o. B-16, Sanjay Nagar, Near Water Tank,
Aurangabad, 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,
D.G.P. Office, Shahid Bhagatsing Marg,
Colaba, Mumbai-05, Maharashtra.

3) The Commissioner of Police,
C.P. Office, Mill Corner, Aurangabad,
Tq. & Dist. Aurangabad. **...RESPONDENTS**

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

:Shri D.R.Patil, Presenting Officers for
the respondents.

CORAM : JUSTICE P.R.BORA, VICE CHAIRMAN

Reserved on : 24-04-2023.

Pronounced on : 04-05-2023.

ORDER :

1. Heard Shri P.V.Suryawanshi, learned Counsel for applicants and Shri D.R.Patil, learned Presenting Officer for the respondents.

2. Applicants are working as Part Time Sweepers in the office of respondent no.3. Applicant no.1 claims to be working in the said office since 1981 whereas applicant no.2 claims to be working since 1992. It is the contention of the applicants that now the applicants are getting wages as per notification dated 28-09-2010 but they are not in receipt of the arrears as per the notifications dated 15-02-2003 and 28-09-2010. It is the contention of the applicant that they had preferred O.A.No.765/2016 seeking directions against the respondents to grant benefits regarding wages in view of the notifications dated 15-09-2003 and 28-09-2010 and arrears of wages due and payable to them. The said O.A. came to be disposed of on 05-07-2017 by giving directions to the respondents to decide the representations submitted by the applicants on 29-07-2016, 09-08-2016, 10-08-2016, 12-08-2016 etc. filed by the applicants with the respondents within the

period of 2 months from the date of that order. Accordingly, respondent no.3 decided the said representation vide communication / order dated 31-08-2017. In the said communication/order, it is contended that the Part Time Sweepers who are working in the office of Police Commissioner, Aurangabad are being paid the wages as per the notification dated 28-09-2010. It is further contended that, however, the Part Time Sweepers who are working in the other offices of Police Department in district are being paid Rs.1200/- per month as per the Government G.R. dated 06-09-2010 issued by the Finance Department. Respondent no.3 has, therefore, mentioned that since Part Time Sweepers working in the office of Police Commissioner, Aurangabad since are paid more than payments which is being made to the Part Time Sweepers working in the other Police Department, in the district, it is not possible to pay any arrears to the applicants. It has to be clarified that in O.A.No.765/2016, there were total 41 applicants. Out of which 2 have filed the present O.A.

3. In the affidavit in reply filed on behalf of respondent nos.2 and 3, it is mentioned that as all Part Time Sweepers

working under Police Department units are required to be paid as per the Home Department G.R. dated 07-03-2018, the information of all the Part Time Sweepers was collected and the consolidated proposal is prepared for to be submitted to the Government demanding the amount of Rs.8,41,62,922/-. It is further contended that since the information from some of the units is not yet received, consolidated information could not be forwarded to the Government. It is contended that the arrears of the wages for the period of 28-09-2010 to 31-10-2015 amounting to Rs.1,46,232/- are payable to applicant no.1 and the similar amount is payable to the applicant no.2 also. Along with the affidavit in reply, copy of the letter dated 18-12-2020 addressed to the Director General of Police, Maharashtra State, Mumbai written by the Police Commissioner, Aurangabad is placed on record whereby arrears payable to the Part Time Sweepers working in the office of the Police Commissioner, Aurangabad at Police Headquarter and at different police stations in Aurangabad are mentioned in the tabular form. Names of the present applicants are there in the said list and as mentioned in the affidavit in reply amount of Rs.1,46,232/- is shown to be payable to each of them. It is thus evident that the

respondents are not denying the claim of the applicants for the wages as per the notification dated 28-09-2010. The applicants have also mentioned in their application that from the year 2015-2016, respondents have started paying wages as per the notification dated 28-09-2010.

4. In view of the averments taken by respondent nos.2 and 3 in their affidavit in reply, it is evident that the respondents have practically accepted claim of the applicants. Applicants have not filed any rejoinder to the affidavit in reply submitted on behalf of the respondents disputing the arrears as are mentioned in the said affidavit in reply to the tune of Rs.146232/- each. In the circumstances, in fact the present O.A. can be disposed of by directing the respondents to make the payment of the said arrears within a stipulated period. In so far the arrears as are claimed by these applicants on the basis of notification dated 15-02-2003 is concerned, I find it difficult to accept this claim for the reason that the applicants have not placed on record any material in support of their said claim. Monetary claims are always expected to be specific. In the present O.A. the applicants have not provided even the minimum necessary

particulars. A general demand is made in a vague manner. For want of the minimum necessary particulars specifying the claim no executable order can be passed. Moreover, the issue of limitation would also arise. Even as per the provisions under the Minimum Wages Act, arrears cannot be claimed such belatedly, after about 18 years.

5. In the result, the following order is passed:

O R D E R

[i] Respondents are directed to pay to the applicants the arrears of Rs.146,232/- each as determined by them within the period of 3 months from the date of this order.

[ii] O.A. stands partly allowed in the aforesaid terms without any order as to costs.

VICE CHAIRMAN

Place : Aurangabad

Date : 04-05-2023.