

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.757/2021

DISTRICT:- NANDED

Venkat s/o. Gangaram Shirole,
Age : 52 years, Occu. : Sweeper,
R/o. At post Ghungrala, Tq. Naygaon,
Dist. Nanded.

...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, Maharashtra.
- 3) The Special Inspector General of Police,
Nanded Range, Nanded,
Tq. & Dist. Nanded.
- 4) The Superintendent of Police,
S.P. Office, Nanded,
Tq. & Dist. Nanded.

...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.

O R D E R :

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

2. Though the O.A. was jointly filed by 5 applicants, on request of learned Counsel for the applicant, he was permitted to delete the names of applicant nos.1 to 4 and accordingly the names have been deleted. In the present application, Venkat Gangaram Shirole, is therefore, the only applicant.

3. It is the grievance of the applicant that though from the year 2015, the wages are being paid to the Part Time Sweepers as per notification dated 28-09-2010, the difference of wages in the period between 28-09-2010 till 2015, is not yet paid to him. The applicant has also prayed for arrears on the basis of the notification dated 15-02-2003. Other facts mentioned in the application, since are not that material, I have avoided to reproduce the said facts.

4. Respondents have resisted the contentions raised and prayers made in the O.A. A joint affidavit in reply is filed on behalf of respondent nos.1 to 4. It is contended that the applicant is getting the remuneration as per the notifications issued by the Government from time to time. According to the respondents, there are no arrears as

claimed by the applicant. It is further contended that the present applicant as well as the similarly situated other employees filed different O.As. before the Tribunal and while disposing of the said O.As. this Tribunal has directed the respondents to grant benefit of wage revision as per notification dated 28-09-2010. An assertive statement is made that the applicant and the similarly situated employees are getting wages as per the notification dated 28-09-2010. Respondents have placed on record the amounts being paid to these Part Time Sweepers after 28-09-2010. The list is also annexed of the workers who are on work and the amount which is being paid to them as their monthly remuneration is mentioned against their names. The name of the present applicant Venkat Gangaram Shirole is there in the said list at Sr.No.37. It is further contended that since the applicant is a Part Time Worker working with the respondents cannot be said to be depending upon the said income only. Respondents have therefore prayed for dismissal of the O.A.

5. Learned Counsel for the applicant submitted that though the respondents have started paying the wages as per the notification dated 28-09-2010 from the year 2015-2016, respondents have not paid arrears of the difference

in wages from 28-09-2010 till 31-03-2015. Learned Counsel submitted that the applicant is entitled to receive the said amount. Learned Counsel further submitted that the applicant has also not received the difference in wages on the basis of the previous notification dated 15-02-2003. Learned Counsel in the circumstances prayed for allowing the application.

6. I have duly considered the submissions advanced on behalf of the applicant as well as the respondents. I have also gone through the documents filed on record. At the outset, it has to be stated that the respondents have not denied that the Part Time Sweepers working with them are entitled for wages as per the notification dated 28-09-2010. It is their contention that from 2015-2016 respondents have started paying wages according to the said notification. Respondents have thus impliedly admitted that they did not pay wages according to the said notification till 31-03-2015. The Part Time Sweepers who had therefore worked with the respondents in the period between 28-09-2010 till 31-03-2015 are certainly entitled for the difference in wages on the basis of the notification dated 28-09-2010. Difficulty, however, is that the

applicant has not provided even the minimum particulars and the averments which are taken in the O.A. are too vague. The applicant has also not disclosed the fact of the O.A. previously filed by him before this Tribunal bearing O.A.No.166/2016. This fact is revealed from the documents filed on record by the respondents. Learned P.O. has also pointed out that on the basis of the decision rendered in O.A.No.166/2016, the difference of arrears amounting to Rs.13002/- has already been sanctioned in favour of the applicant.

7. Learned P.O. invited my attention to the documents filed at Exhibit R-2 in O.A.No.557/2019, which is also heard along with the present matter. Said documents reveal that the arrears amounting to Rs.13002/- have been sanctioned to the applicant. This fact has not been disclosed by the applicant in the present O.A.

8. It has to be stated that on 24-04-2003, I have heard arguments in 4 O.As. having identical prayers. From the documents which are placed on record in the said matters, it is revealed that almost every applicant in these O.As. had previously approached this Tribunal and has secured some relief from the Tribunal; for example, present

applicant had previously filed O.A.No.166/2016 and the basis of the decision rendered in the said matter, applicant has been sanctioned difference in the wages amounting to Rs.13002/-.

9. In absence of the concrete information on record, it is difficult to pass any executable order. It need not be stated that monetary claims are always expected to be specific. In the present O.A. applicant has not provided even the minimum necessary particulars and as I have noted hereinabove has not disclosed the material particulars as about previous O.A. filed by him and difference of wages, if any, received by him in past. In the circumstances, except recording a finding that the applicant is entitled for the wages as per the notification dated 28-09-2010 and if wages are not paid at the rate prescribed in the said notification and applicant has received less amount than he was entitled for, the applicant has every right to receive such difference of wages. However, as I have noted earlier, applicant must raise a claim by providing all necessary information which can be ascertained by the respondents and if the applicant is found entitled for difference of wages, the same can be paid to him. If any such

application is filed by the applicant, respondents can verify the particulars and may redress his grievance.

10. In the instant matter for want of such particulars from the applicant, it is difficult to pass any executable order in favour of the applicant. O.A. hence stands disposed of with the observations as aforesaid without any order as to costs.

VICE CHAIRMAN

Place : Aurangabad

Date : 04-05-2023.