

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**Review Petition No. 10/2016 in O.A. No. 58/2016
[Smt. Manyabai w/o Laxman Mundfale & Ors. Vs. The
State of Mah. & Ors.]**

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 17.02.2017

ORDER

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent no. 1. Shri N.S. Kadam, learned Advocate for respondent nos. 2 to 4, **absent**.

2. The applicants are part time voluntary health worker and are appointed on contractual post by respondent no. 4. The applicants have filed O.A. No. 58/2016 and has prayed for wages as per the notification dated 15.04.2011 and also claim regularization of service. The judgment was delivered in O.A. No. 58/2016 by this Tribunal on 7.10.2016 and the O.A. was partly allowed. The applicants claim for regularization in the service as part time health workers and honorarium as per G.R. dated 15.04.2011 was rejected. However, the respondents were directed to grant benefit of G.R. dated 28.09.2010.

3. The applicants have preferred this Review Petition No. 10/2016 and have claimed that they are entitled to honorarium/wages as per the notification dated 15.04.2011 and this fact ought to have been considered by this Tribunal.

4. The learned Advocate for the applicants invited my attention to the observations made in paragraph nos. 13 and 14 of the judgment in O.A. No. 58/2016 dated 7.10.2016 and the said observations are as under:-

“13. The applicants are claiming minimum rate of wages as per some G.R. dated 15.4.2011, copy of which is placed on record at Exh. A.2 at paper book pages 16 to 18 (both pages inclusive). It is material to note that it is not known as to which authority has issued the so-called notification dated 15.4.2011. It is not signed by any competent authority nor it bears the name and seal of the authority. The applicants have, therefore, miserably failed to produce evidence to show that, they are governed by the said so-called G.R. dated 15.4.2011.

14. From the copies of various judgments delivered by this Tribunal in various O.As. as referred to in foregoing paragraphs, it is clear that, in all those matters the respondents were directed

to pay wages to the part time employees in terms of G.R. dated 28.9.2010 and, therefore, at the most the applicants can be held to be entitled to claim wages in terms of Notification dated 28.9.2010.”

5. The learned Advocate for the applicants submits that the claim of the applicants for honorarium as per notification dated 15.04.2011 was rejected because the authentic copy of the relevant notification was not placed before this Tribunal. The learned Advocate for the applicants submits in the Review Petition that the applicants have placed on record copy of the notification dated 15.04.2011. The authentic copy of the said notification is at Annexure A-1 in the Review Petition at paper book page nos. 10 to 13 (both inclusive). Perusal of the said copy shows that the notification dated 15.04.2011 has been issued by the Industrial, Energy and Labour Department, Mantralaya, Mumbai dated 15th April, 2011. As per the said notification, the competent authority was pleased to revised w.e.f. 15.04.2011, the minimum rates of wages payable to the employees employed in the said scheduled employment and refixes them, as set out in column (3) of the schedule appended hereto, as the minimum rates of wages payable to

the class of employees mentioned against them in column (2) of the said Schedule and the said Schedule is as under:-

Sr. No.	Class of Employees	Basic Rates of Wages (Per month Rs.)		
		<i>Zone-I</i>	<i>Zone-II</i>	<i>Zone-III</i>
(1)	(2)	(3)		
1	Skilled	6200.00	6000.00	5800.00
2	Semi-Skilled	5700.00	5500.00	5300.00
3	Unskilled	5300.00	5100.00	4900.00

6. The learned Advocate for the applicant submits that the applicants are working under the respondent no. 4 i.e. the Medical Officer, Primary Health Centre, Barbada, Dist. Nanaded and their services are governed by the notification dated 15.4.2011.

7. The learned Presenting Officer frankly admits that the services of the applicants are governed by the notification dated 15.04.2011. This fact being brought to notice to this Tribunal during the Review Petition and in view of the authentic copy of the notification dated 15.01.2015, it may be necessary to reconsider the relief claimed by the applicant and therefore, Clause 17(iii) of the final judgment dated 17.10.2016 is required to be deleted

and therefore, cause 17 (iii) of the judgment in O.A. No. 58/2016 dated 7.10.2016 shall be deleted and it be replaced as under:-

“17(iii) The respondents are directed to grant benefit of notification dated 15.04.2011 to the applicants and to grant the benefit of wage revision as per said notification, if the applicants are otherwise eligible for such wages.

There shall be no order as to costs.”

MEMBER (J)

KPB/ Review 10 of 2016 in O.A. No. 58 of 2016 JDK