

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD.**COMMON ORDER IN O.A. NOS. 54/2023 AND 73/2024****(1) ORIGINAL APPLICATION NO. 54/2023**

DIST. : HINGOLI

1. **Sayyad Shafi Sayyad Lal,**)
Age: -50 years, Occu: Sweeper,)
R/o Labhan Tanda, Goregaon,)
Tq & Dist. Hingoli.)
2. **Sham s/o Prabhakar Rajulwar,**)
Age: 50 years, Occu Sweeper,)
R/o Masoba Galli, Hingoli,)
Tq. & Dist. Hingoli.)
3. **Laxman s/o Namdev Nagapure.**)
Age: 52 years, Occu: Sweeper,)
R/o Mastansha Nagar,)
Near Bus Stand, Hingoli,)
Tq. & Dist. Hingoli.)..

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,**)
Director General Office,)
Shahid Bhagat Singh Marg,)
Colaba, Mumbai-05, Maharashtra.)
3. **Spl. Inspector General of Police,)**
I.G.P. Office, Nanded Range,)
Nanded, Tq & Dist. Nanded.)
4. **The Superintendent of Police,**)
S.P. Office, Hingoli,)
Tq. & Dist. Hingoli.)..

RESPONDENTS

(2) ORIGINAL APPLICATION NO. 73/2024

DIST. : JALNA

1. **Dipak s/o Namdeo Dongare,**)
Age: 54 years, Occu: Sweeper,)
R/o Kalpataru Park,)
Near Jalna Hospital, Mhada Colony,)
Ambad Road, Tq & Dist. Jalna.)
2. **Kachru s/o Vitthal Umap,**)
Age. - 56 years, Occu: Sweeper,)
R/o T.V.Centre, Siraswadi Road,)
Jalna, Tq. & Dist. Jalna.)
3. **Kesharbai w/o Kachru Umap,**)
Age: -50 years, Occu Sweeper,)
R/o T.V. Centre, Siraswadi Road,)
Jalna, Tq. & Dist. Jalna.)..

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,**)
Director General Office,)
Shahid Bhagat Singh Marg,)
Colaba, Mumbai-05, Maharashtra.)
3. **Spl. Inspector General of Police,**)
LG.P. Office, Aurangabad Range,)
Aurangabad, Tq & Dist. Aurangabad.)
4. **The Superintendent of Police.**)
S.P. Office, Jalna, Tq. & Dist. Jalna.)..

RESPONDENTS

APPEARANCE :- Shri P.V. Suryawanshi, learned counsel
for the applicants in both the matters.

: Smt. Resha S. Deshmukh, learned
Presenting Officer for the respondent
authorities in both the matters.

CORAM : **Hon'ble Shri Vinay Kargaonkar,**
Member (A)

RESERVED ON : **23.10.2024**
PRONOUNCED ON : **25.10.2024**

ORDER

1. Heard Shri P.V. Suryawanshi, learned counsel for the applicants in both the matters and Smt. Resha S. Deshmukh, learned Presenting Officer for respondent authorities in both the matters.

2. The applicants in both these Original Applicants are raising identical issue and therefore both the matters were heard together and I deem it appropriate to decide both these matters by this common order.

3. In both these Original Applications the applicants are working on the establishment under the Home Department as part time sweepers. The Government of Maharashtra has issued notification dated 27.01.2017 revising the wages of part time sweepers. The relevant portion of the said G.R. is reproduced reads thus:-

“किमान वेतन अधिनियम, १९४८

क्रमांक किवेअ-१०१५/५६९/प्र.क्र.२०१/कामगार-७, - ज्याअर्थी, महाराष्ट्र राज्यातील “सफाईगार किंवा मेहतर” या रोजगारात असलेल्या (यात यापुढे ज्याचा उक्त

“अनुसूचित रोजगार” असा उल्लेख करण्यात आलेला आहे) कामगारांना देय असलेले किमान वेतन दर शासन अधिसूचना, उद्योग, उर्जा व कामगार विभाग, क्रमांक किवेअ-४२१०/प्र.क्र.१३०९/कामगार-७, दिनांक २८ सप्टेंबर २०१० अन्वये पुनर्निर्धारित केले आहे:-

आणि ज्याअर्थी, महाराष्ट्र शासनाने पुनर्विलोकन करून उक्त अनुसूचित रोजगारातील कामगारांना देय असलेले किमान वेतन दर पुनर्निर्धारित करण्याचे ठरविले आहे:

त्याअर्थी, आता किमान वेतन अधिनियम, १९४८ (१९४८ चा ११) हा महाराष्ट्र राज्यास लागू करतांना त्यांच्या कलम ३ च्या पोट-कलम (१) चा खंड (ब) आणि कलम ५ च्या पोट-कलम (२) याद्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करून महाराष्ट्र शासन, शासकीय अधिसूचना उद्योग, उर्जा व कामगार विभाग, क्रमांक किवेअ-१०१५/५६९/प्र.क्र.२०१/कामगार-७, दिनांक ६ नोव्हेंबर, २०१५ मध्ये प्रसिध्द झालेल्या प्रस्तावाच्या संबंधात मिळालेली सर्व अभिवेदने विचारात घेतल्यानंतर आणि सल्लागार मंडळाचा सल्ला विचारांत घेतल्यानंतर महाराष्ट्र शासन याद्वारे दिनांक २७ जानेवारी २०१७ पासून उक्त अनुसूचित रोजगारात नोकरीत असलेल्या खालील अनुसूचीच्या स्तंभ (२) मध्ये नमूद केलेल्या कामगारांच्या वर्गाला त्या अनुसूचिच्या स्तंभ (३) मध्ये नमूद केल्याप्रमाणे वेतनाचे किमान वेतन दर पुनर्निर्धारित करीत आहे:-

अनुसूची

अनु क्रमांक (१)	कामगारांची वर्गवारी (२)	किमान मुळ वेतन दर (दरमहा रुपये) (३)		
			परिमंडळ - १	परिमंडळ-२
				परिमंडळ-३
१.	पूर्णकालिक सफाईगार किंवा मेहतर, तत्सम कामगार	१००००	९७५०	९४५०
२.	दररोज ४ तास काम करणारे अंशकालिक सफाईगार किंवा मेहतर	पूर्णकालिक सफाईगारांसाठी किंवा मेहतरांसाठी निश्चित केलेल्या एकूण वित्तलब्धीच्या (मूळ वेतन व विशेष भत्त्याच्या) ६० टक्के.		

”

4. It is the grievance of the applicants that despite enhancement in the minimum wages the applicants are not paid the enhanced wages as per the Government Notification

dated 27.01.2017. The applicants have, therefore, prayed for payment of wages as per Government Notification dated 27.01.2017.

5. This issue is no more *res integra* and it has been decided by this Tribunal in **O.A. Nos. 821/2021 & Ors. (Meena W/o Laxmanrao Gaikwad & Ors. Vs. The State of Maharashtra & Ors.)** by order dated 30.01.2023.

6. The learned Presenting Officer has submitted that the respondents have started the process of collecting the information from the concerned Superintendent of Police for payment of wages at the revised rate.

7. Since the issue involved in the present matters is already decided by this Tribunal in **O.A. Nos. 821/2021 & Ors. (Meena W/o Laxmanrao Gaikwad & Ors. Vs. The State of Maharashtra & Ors.)** by order dated 30.01.2023, both these Original Applications deserve to be allowed. Hence, I pass the following order:-

ORDER

(i) The respondents shall pay the wages to the applicants as per the Government Notification dated 27.01.2017.

(ii) The respondents shall also pay the arrears of wages at the enhanced rate from the date of Government Notification dated 27.01.2017.

(iii) The aforesaid exercise be completed within a period of 06 months from the date of this order.

(iv) The Original Applications stand allowed in the aforesaid terms, however, without any order as to costs.

MEMBER (A)

Place : Aurangabad

Date : 25.10.2024