

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 762 OF 2021**

**DISTRICT:- NANDED**

- 1) Babu S/o Mariba Dudhare,  
Age : 45 years, Occ: - Service as  
safai-kamgar, C/o Police Station,  
Bhokar, Tq. Bhokar, Dist. Nanded.
- 2) Kamalbai W/o Sambhaji Kasbe  
Age : 56 years, Occ: - Service as  
safai-kamgar, C/o S.D.P.O.  
Bhokar, Tq. Bhokar, Dist. Nanded.
- 3) Mahananda Raghunath Dadhe,  
Age : 50 years, Occ: - Service as  
safai-kamgar, C/o Police Station  
Bhokar, Tq. Bhokar, Dist. Nanded.
- 4) Maroti Shankar Panchal  
Age : 48 years, Occ: - Service as  
safai-kamgar, C/o Add. S.P., Bhokar  
Tq. Bhokar, Dist. Nanded.
- 5) Ananda Piraji Manpure,  
Age : 58 years, Occ: - Service as  
safai-kamgar, C/o Police Station,  
Himayat Nagar, Tq. Himayat Nagar,  
Dist. Nanded.
- 6) Poshaty Sayanna Ghantalwad,  
Age : 52 years, Occ: - Service as  
safai-kamgar, C/o Police Station Kini,  
Tq. Bhokar, Dist. Nanded.
- 7) Kamrodin Ahmed Alishah,  
Age : 48 years, Occ: - Service as  
safai-kamgar, C/o Police Station,  
Deglur, Tq. Deglur, Dist. Nanded.
- 8) Raju Pundalik Dubukwad,  
Age : 40 years, Occ: - Service as

safai-kamgar, S.D.P.O. Deglur,  
R/o Gokul Nagar, Deglur,  
Dist. Nanded.

- 9) Shivraj S/o Mahantaappa Surphule,  
Age : 57 years, Occ: - Service as  
safai-kamgar, Police Station Markhel,  
R/o Hanegaon, Tq. Degloor,  
Dist. Nanded.
- 10) Gorakh S/o Kerba Kamble,  
Age : 60 years, Occ: - Service as  
safai-kamgar, Police Station Kandhar,  
R/o. Budhwarbes, near Maroti Mandir,  
Kandhar, Tq. Kandhar,  
Dist. Nanded. 431714
- 11) Dhondyabai Tukaram Gaykwad,  
Age : 52 years, Occ: - Service as  
safai-kamgar, C/o Police Station,  
Naigaon, Tq. Naigaon, Dist. Nanded.
- 12) Maroti S/o Shivdas Waghmare,  
Age : 30 years, Occ: - Service as  
safai-kamgar, Tamsa Police Station,  
R/o. Chatenagar, Tamsa,  
Tq. Hadgaon, Dist. Nanded.

**V E R S U S**

- 1) The State of Maharashtra,  
Through its Secretary,  
Home Department,  
Madam Kama Road, Hutatma  
Rajguru Chock, 2<sup>nd</sup> Floor,  
Mantralaya, Mumbai-32.
- 2) The Director General of Police,  
Shahid Bhagat Singh Marg,  
Colaba, Mumbai-400 001.
- 3) The Special Inspector General  
of Police, Nanded Range,

Mahada Colony, Nanded.  
Dist. Nanded 431 603.

- 4) The Superintendent of Police,  
S.P. Office Nanded,  
Guru Gobind Singh Road,  
Vazirabad, Nanded 431 601

**.. 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**  
-----

### **ORDER**

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 not filed the affidavit in reply in the present matter.

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 though the respondents could

not file the affidavit in reply in the present matter, the documents, which are placed on record by the respondents in O.A. No. 557/2019, which has been also heard today can very well be referred even in the present matter. Learned Presenting Officer referring to the documents filed in O.A. No. 557/2019 at Exhibit R-2, submitted that the information submitted in the said matter reveals that applicant Nos. 1, 2, 3, 6, 7, 9, 10 & 11 had previously also filed the OAs seeking the similar relief and on the basis of the order passed in the said matters by this Tribunal (O.A. Nos. 636 to 638 all of 2013), the said applicants have been paid the difference of wages as follows :-

Applicant No.	Name of applicant	Amount (Rs.)
1.	Babu S/o Mariba Dudhare	8,411/-
3.	Mahananda Raghunath Dadhe	9,742/-
6.	Poshaty Sayanna Ghantalwad	8,211/-
7.	Kamrodin Ahmed Alishah	9,742/-
9.	Shivraj S/o Mahantaappa Surphule	7,981/-
10.	Gorakh S/o Kerba Kamble	8,211/-
11.	Dhondyabai Tukaram Gaykwad	8,211/-
12.	Maroti S/o Shivdas Waghmare	8,211/-

Learned Presenting Officer further pointed out that applicant Nos. 4, 5, 8 & 12 had previously filed O.A. No. 402/2015 and in pursuance of the order passed in the said

O.A. the following amounts are paid to the said applicants by way of difference in wages : -

Applicant No.	Name of applicant	Amount (Rs.)
4.	Maroti Shankar Panchal	7,841/-
5.	Ananda Piraji Manpure	7,841/-
8.	Raju Pundalik Dubukwad	8,030/-
12.	Maroti S/o Shivdas Waghmare	7,841/-

6. Learned Presenting Officer submitted that this fact has not been disclosed by the applicants in the present O.A. Learned Presenting Officer submitted that the applicants have also not provided any particulars specifying their claim. Learned P.O. submitted that such a vague claim cannot be entertained. Learned P.O. submitted that the respondents have now principally agreed to pay the wages to the Part Time Sweepers as per the Notifications issued time to time like the Notification dated 28.9.2010. Learned P.O., therefore, prayed for rejecting the O.A.

7. The applicants in their application have agreed that from the year 2015-16, the applicants are being paid the wages as per the Notification dated 28.9.2010. It is their grievance that the respondents have however, not paid the

difference in the wages from 28.9.2010 till 13.3.2015. It is also their contention that the respondents have also not paid the difference in the wages on the basis of Notification dated 15.2.2003.

8. 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 brought to my notice by learned Presenting Officer, 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.

9. The information, which has been brought to my notice by the learned PO from the documents, which are submitted in O.A. No. 557/2019, which is also heard today and in the said matter also learned counsel Shri Shamsunder B. Patil is representing the applicants therein, it is revealed that each of the present applicant had previously also filed OAs and on the basis of the orders passed in the said matters, the respondents have disbursed the difference in the wages, particulars which are provided hereinabove. The applicants have not disclosed the said information in the present O.A.

10. As I have noted hereinabove, the applicants have not provided even minimum particulars, which are required for deciding the claim of the applicants, which is in fact monetary claim. If the applicants would have been paid the amounts as aforesaid as has been pointed out by the learned P.O., the applicants must be held to have demanded the said amount twice. In fact, unless sufficient particulars are provided in respect of each of the applicant, explaining the period of work, the wages received for that work and the wages payable as per the Notification dated

28.9.2010 and for the further period as per the Notification dated 7.3.2018, no executable order can be passed. Mere giving declaration that the applicants are entitled for the wages as per the said Notification is not enough. In fact, such orders have been passed earlier and the respondents have principally agreed to pay to their Part Time Sweepers the wages according to the said notice. The question is now to assess the arrears to be paid to the applicants, I reiterate that unless the applicants provided the particulars, mere on vague submissions, no executable order can be padded. If any of the Part Time Sweeper including the applicants makes out any specific case and provide the particulars as aforesaid, the Tribunal would be certainly in a position to pass the effective executable order. In the instant matter, in absence of such particulars it is difficult to pass any executable order.

11. With the observations as above, the present Original Application stands disposed of without any order as to costs.

**VICE CHAIRMAN**