

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 934 OF 2022

DIST. : OSMANABAD

1. Rahimatbi Shaikh Babulal,
Age: 60 years, Occu: Service
(as Anshkalin/part time Sweeper)
R/o. C/o. Office Superintendent
Of police, Osmanabad.

2. Laxmibai w/o Vaijainath Sarvade
Age: 78 years, Occup:- at present
not in service since October, 2021
(as Anshkalin/part time Sweeper)
R/o. C/o. Office Superintendent,
Of police, Osmanabad.

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APPLICANTS

V E R S U S

1. The State of Maharashtra
Through the Secretary
Home Department, Maharashtra State,
Mantralaya, Mumbai-32.

2. The Director General of Police,
D.G.P. Office, Shahid Bhagat Singh,
Marg, Colaba, Mumbai-32

3. The Inspector General Of Police,
Aurangabad Range, Aurangabad,
Tq & Dist. Aurangabad.

4. The Superintendent Of Police,
Osmanabad, Tq & Dist. Osmanabad.

...RESPONDENTS

APPEARANCE :- Shri K.G. Salunke, learned Advocate for
the applicant.
: Shri N.U. Yadav, learned Presenting
Officer for the respondents.

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**
DATE : 3rd May, 2023

O R A L - O R D E R

1. Heard Shri KG Salunke, learned counsel for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. By filing the present application the applicants have claimed the difference of wages, which are already crystalized by the respondents. Both the applicants are working as Part Time Sweepers with the respondent No. 4. The government has taken a decision for the first time in the year 2003 to pay to the Part Time Sweepers also wages according to the provisions of Minimum Wages Act. Thereafter another decision was taken vide G.R. dated 28.9.2010, wherein zone-wise entitlement of the wages of the Part Time Sweepers was also prescribed. It is the contention of the applicants that applicant No. 1 namely

Rahimatbi Shaik Babulal is held entitled to receive arrears to the tune of Rs. 1,33,830/- and applicant No. 2 namely Laxmibai Vaijainath Sarvade is held entitled to receive arrears to the tune of Rs. 1,23,757/-. Prayer is made for direction against the respondents to release the aforesaid arrears in favour of the applicants.

3. In the affidavit in reply the entitlement of the applicants has not been denied. It is stated that proposal is forwarded to the Government and since adequate grants are not received the arrears have not been paid to the applicants.

4. After considering the facts as aforesaid it appears to me that when according to G.R. dated 28.9.2010 right has been accrued in favour of the applicants to receive the wages as prescribed in the said G.R. and accordingly arrears have been calculated, the Government is under an obligation to pay the arrears to the applicants. The documents filed on record by the respondents reveal that the grants are sought from the Government by moving proposal in that regard in the year 2021, however, till today no progress is seen. In view of the fact that entitlement of the applicants is not disputed the Original Application deserves to be allowed. Hence, the following order:-

ORDER

(i) Respondents are directed to release amount of Rs. 1,33,830/- in favour of applicant No. 1 and Rs. 1,23,757/- in favour of applicant No. 2 within the period of 3 months from the date of this order.

(ii) The Original Application stands disposed of in the aforesaid terms.

VICE CHAIRMAN**Place : Aurangabad****Date : 3rd May, 2023**