

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**WRIT PETITION No. 3525 OF 2014**

The Apex Marketing Federation Employees Union, Tilakwadi, Yavatmal,  
through its General Secretary and 2 others.

-Vrs.-

State of Mah. Department of Co-operation Marketing and Textiles, Mumbai,  
through its Secretary, & another.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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Mr. D.S. Thakur, counsel for petitioners.

Mrs. K. Deshpande, AGP for respondent no.1.

Mr. R.S. Subhedar, counsel for respondent no.2.

**CORAM : B.P. DHARMADHIKARI AND**  
**P.N. DESHMUKH, JJ.**

**DATED : 1<sup>st</sup> OCTOBER, 2015**

The petitioners who are employees of respondent no.2 seek benefit of 6<sup>th</sup> Wage Revision from 1.1.2006 till 28.2.2013. It is not in dispute that from 1.3.2013 onwards 6<sup>th</sup> Wage revision has been made applicable to them and necessary funds therefor or responsible thereto is being shouldered by respondent no.2. Respondent no.1 State Government is not required to incur any burden towards said wage revision.

2. Submission of advocate Thakur on behalf of petitioners is, the respondent no.2 employer has got necessary fund and therefore without casting any burden on public revenue, the benefit of 6<sup>th</sup> wage revision can be extended to petitioners from 1.1.2006, as has been done in case of employees of all other public sector undertakings.

3. Advocate Subhedar invites our attention to a resolution passed by Board of Directors to urge that Board of Directors has already resolved on 9.3.2010 to extend that benefit from 1.1.2006. However, he is not in a position to show a categorical submission that respondent no.2 is financially sound and without jeopardizing any of its other public liabilities and without casting any burden on public exchequer, it is in a position to bear the additional burden if wage revision is made applicable retrospectively from 1.1.2006.

4. Shri Subhedar is seeking time to file suitable affidavit explaining this position. However, he reiterates that as per his instructions Board has sufficient resources and without casting any burden on respondent no.1, the liability can be discharged.

5. Learned AGP appearing for respondent no.1 submits that respondent no.2 has forwarded proposal to respondent no. 1 and finance department of respondent no. 1 has raised certain objections.

6. Shri Thakur has invited our attention to judgment dated 3.9.2015 delivered by us in W.P. No.1196/2001 where controversy was in relation to employees of the Forest Development Corporation. He also points out that while deciding that writ petition this court has also refereed to a judgment dated 17.12.2013 delivered at Bombay in W.P. No. 1508/2013 in relation to employees of Maharashtra State Financial Corporation.

7. Learned AGP submits that in both matters, the

employer was financially sound and therefore has been permitted to release benefits of wage revision from 1.1.2006.

8. In this situation, as we find that the question was precisely formulated by us earlier on 17.8.2015, it will be futile to adjourn the matter. Accordingly, we direct respondent no. 2 to file necessary undertaking supported by resolution of Board of Directors i.e. respondent no.1 showing that it is financially sound and no burden on account of grant of wage revision from 1.1.2006 will be required to be shouldered by respondent no.1 and none of its public liabilities shall be jeopardized.

9. If such an affidavit is filed by respondent no.2 with respondent no.1 within a period of four weeks from today, respondent no.1 shall consider it and if it finds that respondent no.2 is self-sufficient and granting wage revision from 1.1.2006 shall not affect any of its liabilities, the permission to extend benefit of 6<sup>th</sup> wage revision from 1.1.2006 instead of 1.3.2013 shall be granted. This exercise shall be completed by respondent no. 1 within next eight weeks.

Leaving all rival contentions in relation to said exercise open and with these directions, we partly allow this petition and dispose of it. No costs.

**JUDGE**

**JUDGE**

Hirekhan