

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2013 OF 1997

1. Vice Chancellor,
Marathwada Agriculture University,
Parbhani.

2. Cotton Specialist,
Marathwada Cotton Research
Station, Nanded.

..Petitioners

Versus

1. Nanded Zillha Shetmajor Union,
C/o Trade Union Centre,
Kamgarbhuvan, Nanded 2.

2. The Member,
Industrial Court, Jalna.

..Respondents

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Advocate for Petitioners : Shri M.N.Navandar

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CORAM : RAVINDRA V. GHUGE, J.

Dated: December 01, 2016

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ORAL JUDGMENT:-

1. Respondent No.2 is the Industrial Court and hence deleted from this proceeding.

2. None appears for the respondent / Union despite the matter having been shown on the Board.

3. The petitioner is aggrieved by the judgment dated 14.6.1996,

by which, the Industrial Court has allowed Complaint (ULP) No.69 of 1994 and directed the petitioner to pay the difference of unpaid wages as per the scale to which the employees mentioned in the annexure to the complaint were entitled.

4. This Court granted interim relief to the petitioner by staying the judgment and admitted the matter on 16.7.1998.

5. I have considered the strenuous submissions of Shri Navandar, who has vehemently criticized the impugned judgment. I have gone through the record.

6. His contention is that the issue as regards the payment of daily wages at the rate of Rs.19.40 per skilled worker was brought down by the petitioner to Rs.16.00 per day in the light of the objections of the Auditor. He submits that the earlier circular dated 31.5.1988 was succeeded by the circular dated 27.9.1988 and hence the daily wages to be paid to such skilled labourers would be Rs.16.00.

7. There is no dispute that as per circular dated 31.5.1988, the workmen at issue were being paid their daily wages at the rate of Rs.19.40. It is equally undisputed that they were working as skilled labourers. It is also undisputed that none of these workers held Diploma Certificates as was provided for in the said circular.

However, each of them had acquired three years' of experience of working in agricultural university and hence the petitioner granted them the daily wages at the rate of Rs.19.40.

8. It is undisputed that the circular dated 27.9.1988 was introduced subsequently and it was provided that a skilled worker would be one who has the Diploma Certificate as well as three years' of experience of working in agricultural university. As such, the word "OR" which found place in the Circular dated 31.5.1988 was removed from the circular dated 27.9.1988 and was replaced by the word "AND".

9. The respondent / employees, who were earlier granted the pay scale of skilled workers, were entitled to the same as they had three years of experience instead of the Diploma Certificate. The subsequently introduced circular mandated that such employees should fulfill both these conditions. In my view, a subsequently introduced circular cannot cause prejudice to those employees who were entitled to the pay scale on the basis of an earlier circular which was applicable to them as they were already in employment. The subsequently introduced circular would operate prospectively and would cover those employees who have joined post the introduction of the said circular.

10. The Industrial Court in paragraph No.9 of the impugned judgment has, therefore, rightly concluded that the subsequent circular cannot be prejudicial to the interest of the respondent / employees.

11. In the light of the above, I do not find the impugned judgment of the Industrial Court could be termed as perverse or erroneous. The petition being devoid of merits is, therefore, dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)

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