

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2012 OF 1997

1. Vice Chancellor,
Marathwada Agriculture University,
Parbhani.

2. Cotton Specialist,
Marathwada Cotton Research
Centre, Degloor Road, Nanded.

..Petitioners

Versus

1. Nanded Zillha Shetmajor Union,
Registration No. NED/37
Through Trade Union Centre,
Kamgar Bhavan, Mahavirnagar,
Nanded 2. (Through it's Joint
Secretary).

2. The Member,
Industrial Court, Jalna.

..Respondents

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Advocate for Petitioner : Shri M.N.Navandar
Advocate for Respondent 1 : Shri A.S.Shelke

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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. The petitioner University is aggrieved by the judgment dated
14.6.1996, by which, the Industrial Court has allowed Complaint

(ULP) No.94 of 1994 partly. The respondent / workers, who were party to the complaint through their Union, were refused regularization in service. However, their claim for equal wages for equal work was accepted.

3. This petition was admitted on 7.9.2000 and the impugned judgment was stayed.

4. I have considered the strenuous submissions of Shri Navandar, who has vehemently criticized the impugned judgment and Shri Shelke, learned Advocate appearing on behalf of the respondent / Union.

5. The respondent / Union representing the workers mentioned in Annexure "A" to the complaint had claimed regularization as Watchman and parity in wages along with difference in unpaid wages on the principle of equal wages for equal work. After recording oral and documentary evidence, the Industrial Court has delivered a reasoned judgment, thereby concluding that the post of Watchmen with the petitioners is to be recruited by following the due procedure laid down in law. As a matter of public employment, a back-door entry cannot be legalized. The prayer for regularization was, therefore, rejected. The rejection of the said prayer has not been challenged by the respondent / union before this Court.

6. In so far as parity in wages is concerned, the circular dated 31.5.1988 prescribe different rates of wages for different categories of employees like skilled, semi-skilled and un-skilled. It is undisputed that a job of a watchman is placed in the semi-skilled category by the petitioner. It is equally undisputed that the employees mentioned in the annexure were all working as watchman on daily wages and was performing the same duties of watchman as like the other regular watchman on the roles of the petitioner. It is in this backdrop that the Industrial Court directed the petitioner to follow the rates prescribed for semi-skilled workers in its circular dated 31.5.1988 and grant the difference in wages to those workers mentioned in the annexure to the circular.

7. I do not find that the impugned judgment could be termed as perverse or erroneous. The petition being devoid of merits, is, therefore, dismissed.

8. Rule is discharged.

(RAVINDRA V. GHUGE, J.)

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