

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5475 OF 1997

The State of Maharashtra,
Through Executive Engineer,
Mula Irrigation Division,
Ahmednagar

– PETITIONER

VERSUS

1. Zoribi Sannu Shaikh,
R/o Chanda, Tq.Newasa,
Dist.Ahmednagar,

2. The Learned Judge,
1st Labour Court,
Ahmednagar

– RESPONDENTS

Mr.N.T.Bhagat, AGP for the petitioner/State.
Mr.S.T.Shelke, Advocate for respondent No.1.
Respondent No.2 is deleted.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 09/02/2017

ORAL JUDGMENT :

1. Respondent No.2 is the Learned Judge, Labour Court, Ahmednagar and hence deleted from the proceedings.

2. The petitioner in this petition has challenged the judgment dated 30/04/1996 delivered by the Labour Court in a group of about 35 matters. The respondent herein was a party to Application (IDA)

No.1406/1992. Identical judgments were delivered by the Labour Court in Application (IDA) Nos. 1380/1992 to 1414/1992. According to the learned AGP, this petition was left out from the group of writ petitions No.5440/1997 to 5488/1997, decided by this Court on 02/02/2017.

3. Both the learned Advocates submit that the judgment delivered on 02/02/2017 in the group of about 34 matters would cover this petition also which has been inadvertently left out of the group.

4. In the light of the above and for the reasons recorded in the judgment dated 02/02/2017, this petition is partly allowed and by modifying the impugned judgment dated 30/04/1996, the petitioner is directed to calculate the difference in amounts as under :-

<u>PERIOD</u>	<u>DIFFERENCE IN UNPAID WAGES</u>
01/03/1975 to 31/03/1976	Rs.2.70 Ps.
01/04/1976 to 30/04/1977	Rs.3.28 Ps.
01/05/1977 to 31/08/1977	Rs.3.42 Ps.
01/09/1977 to 31/12/1977	Rs.3.58 Ps.
01/01/1978 to 31/07/1978	Rs.3.71 Ps.
01/08/1978 to 31/03/1979	Rs.3.95 Ps.

5. Considering the above rates, the average difference would be Rs.3.44 paise per day. The petitioner shall, therefore, calculate the following amount to be paid to the employee in this petition :-

$$3.44 \times 20 \text{ days} \times 12 \text{ months} \times 4 \text{ years} = \textbf{Rs.3,302/-}$$

6. The petitioner/Establishment shall pay the aforesaid amount to the respondent/employee within a period of 10 (Ten) weeks from today alongwith interest @ 6% p.a. from May, 1996 till actually paid.

7. However, if the respondent has been brought on CRTE, he is at liberty to make a representation to the petitioner/Establishment for calculating the difference in wages as per the wages admissible for the employees working on CRTE. After receiving the said representation, the petitioner shall consider it strictly in accordance with its rates of wages admissible and shall calculate the said amount and pass an order on the said representation.

8. The said order shall be communicated to the respondent/employee within a period of 3(three) weeks from the date of its passing and thereafter, the payments, if any, shall be made by the State accordingly. If the respondent is aggrieved by the same, he would be at liberty to resort to the remedy under Item 9 of Schedule

IV of the MRTU and PULP Act, 1971 or by raising an industrial dispute under Section 2(k) of the I.D.Act, 1947.

9. Rule is made partly absolute in the above terms.

(RAVINDRA V. GHUGE, J.)