

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

19 WRIT PETITION NO. 2174 OF 1999

ZILLA PARISHAD AURANGABAD
VERSUS
DEORAO TUKARAM AWARE

...

20 WRIT PETITION NO. 2176 OF 1999

ZILLA PARISHAD AURANGABAD
VERSUS
BHAGAJI MAHATARJI PAWAR

...

21 WRIT PETITION NO.2177 OF 1999

ZILLA PARISHAD AURANGABAD
VERSUS
BABURAO TOTARAM SONWANE

...

22 WRIT PETITION NO. 2178 OF 1999

ZILLA PARISHAD AURANGABAD
VERSUS
RAMA SHEKUAPPA DNYANE

...

23 WRIT PETITION NO. 2179 OF 1999

ZILLA PARISHAD AURANGABAD
VERSUS
KADUBA MAHADU WAGH

...

Advocate for Petitioner : Shri C.V.Thombre.
Shri A S Shelke, Advocate For R/sole.

CORAM : P.R.BORA, J.

DATE : 18th April, 2017.

PER COURT :

1) Since common order passed by the Labour Court at Aurangabad in Application (IDA) No. 319/1985 with four other applications, is impugned in these writ petitions, common arguments were heard in all these petitions and I deem it appropriate to decide these petitions by common reasoning.

2) The applications, under Section 33(c) (2) of the Industrial Disputes Act, 1947, were filed by the Respondents/workmen, claiming difference of wages as per the Maruf Settlement and the recommendations of Bhole Commission. Though the applications were resisted by the Zilla Parishad on certain grounds, the Labour court has turned down the said objections and has allowed the applications filed by the Respondents/workmen. The Labour court, vide the

impugned order, has directed the Zilla Parishad to pay the difference of wages as shown in the Statement annexed to the impugned Award.

3) Shri Thombre, learned Counsel appearing for the petitioner – Zilla Parishad, sought to canvass that Maruf Agreement and the recommendations of Bhole Commission were not applicable to the respondents/employees and as such, the Labour Court could not have granted any benefit, as claimed by the respondents/employees. The contention so raised by Shri Thombre, is liable to be rejected at the threshold for the reason that in the earlier petition, similar benefits were awarded and the said order has been complied with by the Zilla Parishad. Moreover, in the written statement filed by the Zilla Parishad before the Labour Court, no such objection has been raised. On the contrary, the Zilla Parishad has taken a plea that the respondents/employees are paid the entire monetary benefits.

4) The learned Labour Court in para 7 of the Award has observed thus, -

"7. After careful perusal of the Maruf Agreement, it is revealed that all the employees working in Zilla Parishad on road, canals and building repair works are entitled to the pay scale w.e.f. 1.4.70 and as per the Bhole Commission Award the employees are entitled for highest pay scale from 1.4.1976. It has come on record that the applicant of A(IDA) No.139/85 Rama Shekuappa was working since 29.9.78, the applicant of A(IDA) No.321/85, Bhagaji Mhatarba Pawar was working since 8.2.79, applicant of A(IDA) No.322/85 Kaduba Mahadu Wagh was working since 25.3.79, the applicant of case A.(IDA) No.323/85 was working since 20.4.78 and the applicant of A.(IDA) No. 324/85 was working since 20.4.1978 with the non-applicant therefore, as per the Bhole Commission Award the applicants are entitled to claim the benefits and high pay scale i.e. Rs.200-3-230-5-255-EX-280 w.e.f. 1.4.76. Admittedly, all the

applicants had filed the cases for the recovery of difference of actual paid wages and the the wages as per the Bhole Commission Award from their appointment till 12.1.81, 20.9.81, 25.3.81, 2.3.80, and 29.2.80 respectively and my predecessor was pleaded to allow those applications observing that the applicants are entitled to claim the pay scale as per the Bhole Commission Award and accordingly the non-applicant paid the difference of wages to the applicant and the non-applicant is also paying the wages as per the pay scale from the date of completion of five years of services of the applicants. In view of this and in the light of the above discussed facts it can be safely said that the applicants are entitled for difference of actual paid wages and the wages as per the Bhole Commission Award."

- 5) Considering the discussion made by the Labour Court, it does not appear to me that any

error has been committed by the Labour Court in assessing and awarding the amount of difference of wages, as mentioned in the Statement annexed to the Award. The writ petitions being devoid of any substance, stand rejected, however, without any order as to costs. Rule discharged.

(P.R.BORA,J.)

bdv/