

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

WRIT PETITION NO. 9969 OF 2015

**SHASHKIYA DHANYA GODAM HAMAL PANCHAYAT BEED
THROUGH ITS PRESIDENT RAJKUMAR DEVIDA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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**Advocate for Petitioner : Mr. Mayure Pramod C
AGP for Respondents 1 to 4 : Mr. P.S.Patil
Adv. for resp. no. 5 : Mr. S.P.Chapalgaonkar**

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CORAM : R.M.BORDE AND K.L.WADANE, JJ.

DATED : 18th APRIL, 2017

O R D E R :

The controversy raised in this petition is set at rest in view of the affidavit presented by the Chief Secretary, Government of Maharashtra on 17.3.2017. In paragraphs 9 to 13 it is recorded by the Chief Secretary as below : -

"9. Accordingly, the petitioner submitted its representation on 21.6.2014 to the Respondent no.5, who in accordance with the provisions of the Act and the scheme of 1993 and taking into consideration rest of the relevant factors, fixed the rates for the period 2011-14 vide order dated 15.7.2014. The Respondent no.1 vide order dated 8.10.2014 gave concurrence to the above fixed rates.

10. The Respondent No.1 in the interest of the Mathadi workers issued the Government Resolution dated 29.4.2008 thereby prescribing that the wages and the levy fixed for the registered Mathadi Labours should not be less than the prevailing fixed or agreed amount of rates. The said Resolution dated 29.4.2008 was accepted by the Food & Civil Supplies Department as is revealed from its Resolution dated 6.8.2011. However, the Food and Civil Supplies Department issued confirmation to the rates fixed by the Respondent no.3 vide their letter dated 5.8.2015. The copy of G.R. Dated 29.4.2008 and the letter dated 5.8.2015 are annexed herewith and marked as Exhs. 'G' and 'H' respectively.

11. It is submitted that the authority competent to fix the rate of wages of the Mathadi workers is, the Respondent no.5 which is established as per Section 6 of the Mathadi Act, 1969, and the rate of wages are required to be fixed in conformity with the provisions of the Act, 1969 and the Scheme for the welfare of the workers framed thereunder. The Respondent nos. 3 and 4 are the Principal Employers as is defined in Section 2 Clause 7 of the Mathadi Act, 1969. They merely engage the Mathadi workers and make payments as fixed. The Government Resolution dated 6.8.2011 also reveals that the Respondent nos. 3 and 4 are supposed to make the payments in accordance with rates and levy fixed in accordance with Mathadi Act.

12. I further say and submit that in order to bring an end to the dual authority in fixing rates of labours it

has become necessary that the base rate throughout the State for a particular type of work be fixed unanimously by both the departments i.e. the Labour Department and the Food and Civil Supplies Department in due consideration to the provisions of the Mathadi Act.

13. In view of the fact and circumstance explained above the contradictory stand taken by the Respondent nos.2, 3 and 4 was purely with a bonafide intention to prevent financial burden on the Government exchequer and in the public interest."

2. Since the Government has taken the decision to fix the rate of wages of Mathadi workers as prescribed by respondent no.5, which is established in view of Section 6 of the Mathadi Act, 1969, it is incumbent upon the employer to make payment in accordance with the wages so fixed.

3. The learned A.G.P. appearing for the State informs that the differential wages payable to Mathadi workers would be paid in consonance with the decision taken by the Government as recorded above, as expeditiously as possible, preferably

within a period of six months from today. The statement is accepted. Affidavit of respondent nos. 3 and 4 in that regard has also been placed on record.

4. In this view of the matter, the grievance raised in this petition stands redressed.

5. Writ Petition is accordingly disposed of.

(K.L.WADANE, J.)

(R.M.BORDE, J.)

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