

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2800 OF 2018

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
BANSILAL HARISHCHANDRA TARTE AND OTHERS

...

AGP for Petitioners : Mr. S.S. Dande

CORAM : R.M. BORDE &
K.K. SONAWANE, JJ.

DATE : 15th March, 2018.

PER COURT:-

1] The Tribunal has not considered the claim of the original applicants for regularization in employment, however, has issued directions to the respondent Department to pay amount of minimum wages in terms of the notification dated 15-02-2003 and revised emoluments in terms of notification dated 28-09-2010. It is not a matter of dispute that the original applicants were part time sweepers with the respondent and they have not been paid a minimum wages as prescribed under notification dated 28-09-2010. It also can not be controverted that an employee who is assigned work on clock hour basis also shall have to be considered as part time employee and shall have to be paid in accordance with the policy framed by the State Government.

2] Since the State has not observed the terms of notification referred to above and has not paid amount of minimum wages to the original applicants, the tribunal has rightly directed the State to pay the difference

in wages to them. Though, the directions have been issued in 2014, the same have not been complied with as yet. In the circumstances, while disposing of the writ petition, we direct the respondents to comply with the order passed by the Maharashtra Administrative Tribunal and to pay the difference of wages to the original applicants, if the same has not been paid to them, as expeditiously as possible and preferably within four months from today.

3] With these observations, writ petition stands rejected. The entitlement of the original applicants to raise a challenge to the decision rendered by the tribunal in respect of payment of arrears/difference of wages, shall remain unaffected by the instant order.

[K.K.SONAWANE, J]

[R.M. BORDE, J]

grt/-