

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8315 OF 2018
WITH
WRIT PETITION NO. 8316 OF 2018
WITH
WRIT PETITION NO. 8317 OF 2018
WITH
WRIT PETITION NO. 8323 OF 2018
WITH
WRIT PETITION NO. 8325 OF 2018
WITH
WRIT PETITION NO. 8328 OF 2018
WITH
WRIT PETITION NO. 8398 OF 2018
WITH
WRIT PETITION NO. 8400 OF 2018

THE COMMISSIONER OF AGRICULTURE STATE OF
MAHARASHTRA AND OTHERS
VERSUS
MARATHWADA SARVA SHRAMIK SANGHATANA AND OTHERS

AGP for Petitioners : Mr. S.R. Yadav.
Advocate for Respondents : Mr. P.V. Barde.

CORAM : RAVINDRA V. GHUGE,
Dated : 04th September, 2018.

PER COURT :

1. The petitioners/State of Maharashtra is aggrieved by the judgment and order delivered by the Labour court dated 06th November, 2017, in Application IDA Nos. 10/2015, 11/2015, 12/2015, 13/2015, 14/2015, 15/2015, 16/2015, 17/2015, by which, the said applications filed by the respondent/Union and its members under Section 33 C (2) of the IDA Act, 1947, have been

partly allowed.

2. I have heard this matter finally at admission stage by the consent of the parties.

3. The learned AGP appearing on behalf of the petitioners has strenuously criticized the impugned judgments. He draws my attention to the ten grounds formulated in the memo of these petitions. He submits that in an application for seeking recovery of money due from an employer, the applicant has to be specific in so far as the amounts of money sought to be recovered. If recovery is based on parity in wages, the applicant has to identify the comparable workers and mention the wages drawn by such permanent employees with whom the applicant could compare himself. Though incidental issues can be considered while dealing with such applications, a vague application or an annexure which lacks in details, cannot be the foundation of the judgment of the Labour Court.

4. He submits that the Labour Court has made certain observations in the impugned judgments to the extent that the petitioners are not disputing the claims of the applicants. This is

an incorrect observation as these petitioners are strenuously opposing the claims of these applicants.

5. He then submits that the impugned judgment exhibits less of reasoning and more of sympathy towards the applicants. The Labour Court should have considered their duration of service, their nature of duties and which were the permanent employees who could be compared with such applicants. It is, therefore, prayed that the impugned judgments deserve to be quashed and set aside and the applications deserve to be rejected.

6. Learned advocate for the respondent/Union and workers points out that the impugned judgments indicate that the Labour Court has carefully scrutinised the oral and documentary evidence and has partly allowed the applications. The Labour Court has taken care by not blindly relying upon the annexure placed on record by the claimants along with their applications. The Court has considered the oral and documentary evidence and has dealt with every objection of the petitioner before concluding that the applications deserve to be partly allowed.

7. He points out that these cases revolve around the details

submitted by the applicants in the annexure to the applications and the documents which were granted Exhibit numbers as U-11, U-12 and U-13. He points out the documents below Exhibit U-12 from the record and proceedings to indicate that the District Superintendent/Agricultural Officer had filed a revised list of such daily wages workers by stating the amount that were being paid to them as daily wages. A comparison is made with the payments made to permanent comparable workers and the difference of unpaid wages are also mentioned in the several charts annexed to Exhibit U-12. These charts were collectively exhibited and were proved in evidence and hence, relied upon by the Labour Court.

8. He then submits that in an identical set of facts concerning the similar Agricultural Office at Ahmednagar in Writ Petition No. 5263/2005 and 78 connected Writ Petitions in the matters of the State of Maharashtra and another Versus Sumanbai Jija Bapu Dhangar and others, this Court (Coram : S.V. Gangapurwala, J.) has delivered a judgment dated 14th February, 2014. Based on the issue that was settled before the Hon'ble Apex Court, this Court has dismissed the Writ Petitions by concluding that the payment of daily wages at the rate of 1/26th wages per day in comparison paid to the monthly wages earners, is a correct conclusion.

9. I have considered the petitions in the light of the submissions of the learned advocates and the record and proceedings. Annexure A to the applications puts forth the claims of these workers. The documents below list Exhibit U-12, would indicate that a responsible officer of the petitioner had placed the details as regards the daily wages paid to these employees, the regular wages paid to permanent comparable employees and the difference in unpaid wages. It is true that Exhibit U-12 forms the list of documents by which, the petitioners submitted such information and these documents were then produced by the applicants before the Labour Court.

10. The document at Exhibit U-11 is the information supplied by the Administrative Officer, Agricultural Commissioner, under the Right to Information Act. Exhibit U-13, is a letter regarding difference of daily wages, dated 23rd February, 2015. The record reveals that the petitioner/establishment has not disputed the information supplied to the applicants which were placed before the Labour Court, by which, the difference of unpaid wages payable to the applicants was also undisputed. The Labour Court, therefore, has rightly accepted the documents which are proved by oral evidence. Exhibit U-12 bears the signature of the Officer of

the petitioner and the petitioners have not dis-owned the said documents.

11. Considering the above and in view of the settled position of law that if regularization is not possible, daily wagers would be entitled to a daily wage at the rate of 1/26th of the salary paid to regular permanent employees who performed the same nature of work.

12. In view of the above and considering the crystallized position of law and at the same time, relying upon the judgment of this Court in Sumanbai (supra) and a similar judgment dated 08th November, 2001, delivered by this Court in Writ Petition No. 2416/2001 and group of petitions, I do not find that the Labour Court has committed any error in partly allowing the applications filed by these workers.

13. As such, this petitions being devoid of merit are therefore, dismissed. The record and proceedings received from the Labour Court, Nanded, be returned forthwith.

(RAVINDRA V. GHUGE, J.)