

((1))

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

WRIT PETITION NO.8035 OF 2015

Limbaji Kondiba Chirukhe & anr. ... PETITIONERS

VERSUS

Union of India and others ... RESPONDENTS

.....

Mr. Shripad Kulkarni, Advocate for petitioners
Mr. D.G. Nagode, Standing Counsel for R.No.1.
Mrs. G.L. Deshpande, A.G.P. for State
Mr. S.A. Deshmukh, Advocate for respondent No.7

.....

WITH

WRIT PETITION NO.7903 OF 2015

Shaikh Shaboo Shaikh Usman & anr. ... PETITIONERS

VERSUS

Union of India and others ... RESPONDENTS

.....

Mr. Shripad Kulkarni, Advocate for petitioners
Mr. Bhushan Kulkarni, Standing Counsel for R.No.1.
Mrs. G.L. Deshpande, A.G.P. for State
Mr. S.A. Deshmukh, Advocate for respondent No.7

.....

WITH

((2))

WRIT PETITION NO.7889 OF 2015

Nana s/o Sampat Patole & anr. ... PETITIONERS

VERSUS

Union of India and others ... RESPONDENTS

.....

Mr. Shripad Kulkarni, Advocate for petitioners
Mr. D.G. Nagode, Standing Counsel for respondent No.1.
Mrs. G.L. Deshpande, A.G.P. for State
Mr. S.A. Deshmukh, Advocate for respondent No.7

.....

CORAM: PRASANNA B. VARALE AND
R.G. AVACHAT, JJ.

DATED : 6th JUNE, 2019.

ORAL ORDER :

By these three petitions, the petitioners have approached this Court with a grievance that though these petitioners have worked for a considerable period on the work known as the road work from Rala to Anwi - Rala Sandwa to Hirrashi and Ralashiv to Hiwra Keligavhanshiv, the due payable amount of their labour is not paid to them.

((3))

2. Notice was issued by this Court on 3.8.2015. In spite of the notices being issued to the respondents, and the learned counsel appearing for the respective respondents, no replies are filed. Considering the nature of grievance raised and on perusal of the documents placed on record, we are of the opinion that the petitions can be safely disposed with directions to the respondent authority namely the respondent No.3 District Collector, Jalna.

3. A copy of panchanama placed on record, undated – at Exhibit B. Perusal of the copy of panchanama shows that, the panchanama was effected in presence of the authority formed as “a redressal forum” under the title and caption as “The Complaint Redressal Authority – Mahatma Gandhi Gramin Rojgar Hami Yojana, Jalna, District Jalna”. There are as many as 12 signatories to this panchanama. It is stated in the panchanama that, the construction work was seen completed prior to a year of the panchanama. The panchanama then states that, the list of the labourers and other documents were submitted to the Tahsildar, Badnapur. It also refers to the administrative and technical approval to

the work as well the work order.

4. Another document placed on record at Exhibit C is the report of the redressal authority. This is forwarded to the Hon'ble Planning Minister, Planning Department, New Delhi on 2.7.2015. It is stated in the report that, though on a complaint filed by one Shri Manoj Kolase, notices were issued to the Tahsildar, calling upon the Tahsildar to remain present and to provide certain explanation. It is stated in the report that, the Tahsildar failed to attend any of the meeting and on two occasions, the representative of the Tahsidlar was present. The authority inspected 2 - 3 sites and found some substance in the grievance raised before it. The authority then expressed its inability to arrive at a conclusive finding due to the negative response from the office of the Tahsildar. Ultimately, the authority opined that, it would be in the fitness of the things that an independent enquiry committee is appointed for clarification of the issue.

5. Then there are certain representations placed on record, submitted to the Collector, Jalna and Tahsildar,

((5))

Badnapur. It was the submission of the learned counsel that the necessary amount due and payable to the petitioners ought to have been deposited in their respective Bank Accounts and though there is an observation of the redressal forum, till date of filing of the petition the amount is not deposited in the Accounts of the respective petitioners.

6. The learned counsel for the petitioners, in his oral submissions, further submitted that, a stand was taken before the complaint redressal authority that the amount due and payable to these petitioners is already paid, but no documentary material was submitted before the redressal forum in support of the said stand. The submission of the learned counsel is, by accepting the report of the complaint redressal authority, the directions be issued to the respondents to pay the amount to these petitioners and further compensation be awarded to the petitioners for refusing their wages for more than one year. We are afraid that, such a prayer only on the backdrop of a panchanama, undated, and the report, which clearly states that the authority is unable to arrive at any finding in absence of the

((6))

documents or record, can be granted admitting the entitlement of the petitioners. Needless to state that, for directions to pay certain monetary benefits, this Court would require an admitted right and in turn acceptance of the fact that this monetary benefit due and payable to the petitioners by the respondents. This is not the position in the petition, as such the prayers made in the petition neither can be allowed nor the oral submissions of the learned counsel before us can be accepted.

7. On the backdrop of these facts, we deem it appropriate to dispose of the petitions with directions to the District Collector, Jalna (respondent No.3) to consider the representation dated 26.3.2015 on the backdrop of the report submitted by the authority on 2.7.2015 to the planning authority. The Collector, Jalna is at liberty to call for all the relevant record and material from its subordinate officers. The Collector, Jalna may also appoint an officer to conduct the enquiry into the grievance raised by the petitioners about non payment of their wages and seek report of the officer or the Committee, as the case may be, so as to arrive at a

((7))

conclusion. The Collector, Jalna, after undertaking this exercise, to decide the representation on merits as early as possible and not later than ten weeks from the date of this order. With these directions, the petitions are disposed of.

(R.G. AVACHAT)
JUDGE

(PRASANNA B. VARALE)
JUDGE

fmp/-