

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6152 OF 2019

The Commissioner of Agriculture State of
Maharashtra & Ors.

...Petitioners

Versus

Joint Secretary : Shri Uddhav Nandao
Shinde, Marathwada Sarva Shramik
Sanghatana & Ors.

...Respondents

.....

Mr. S.P.Tiwari, A.G.P. for the Petitioners.

Mr. P.V.Barde, Advocate for the Respondent No.1.

.....

CORAM : RAVINDRA V. GHUGE, J.

DATE : 12-07-2019.

PER COURT :

01. The learned Advocate for the respondent union and workers points out that this Court has dealt with an identical issue involving the same parties in Writ Petition No. 8315-17, 8323, 8328, 8398 and 8400 of 2018 vide Order dated 4.9.2018. He, therefore, prays that the said Order has to be made applicable to this case as well.

02. The learned A.G.P. has strenuously canvassed the ten grounds formulated in the memo of the petition and submits that the same view need not be taken in this

matter. He further submits that the rate of interest granted in those matters on the unpaid amounts was @ 6% per annum and in this case it is 10% granted by the Labour Court.

03. I have considered his submissions and have gone through the petition-paper book and the earlier Order passed on 4.9.2018. The petitioner in those matters is the same as in this petition and the workers in those matter are identically placed as in this petition. Therefore, I do not find any reason to take a different view. However, as in the earlier matters, the rate of interest was @ 6% per annum, this petition can be partly allowed to the extent of reducing the interest.

04. In view of the above, I pass the same Order by reproducing paragraphs Nos. 11 and 12 of the Order dated 4.9.2018 as under :

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 $1/26^{\text{th}}$ 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 **State of Maharashtra and another V/s Sumanbai Jija Bapu Dhangar and Ors.** (Coram :S.V.GANGAPURWALA) dated 14.2.2014.

05. This petition is, therefore, partly allowed only to the extent of reducing the rate of interest from 10% to 6% per annum.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-