

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14705 OF 2018

Micro Economic Environment Solution Pvt. Ltd.Petitioner
V/S

Smt. Mangal Bhupal Khandekar And AnrRespondents

WITH

WRIT PETITION NO. 1030 OF 2019

Micro Economic Environment Solutions Pvt.ltdPetitioner
V/S

Sou.Gangubai Shivaji Kamble And AnrRespondents

WITH

WRIT PETITION NO. 1031 OF 2019

Micro Economic Evnironments Solutions Pvt.
Ltd.Petitioner
V/S

Shri. Subhash Vishnu Kamble And AnrRespondents

WITH

WRIT PETITION NO. 1032 OF 2019

Micro Economic Environment Solutions Pvt.
Ltd. Through Yashwant GaikwadPetitioner
V/S

Sou. Maya Raju Waghwekar And AnrRespondents

WITH

WRIT PETITION NO. 1033 OF 2019

Micro Economic Evnironments Solutions Pvt.
Ltd. Through Its Authorised SignatoryPetitioner
V/S

Shri. Krishna Bhupal Kamble And AnrRespondents

**WITH
WRIT PETITION NO. 1034 OF 2019**

Micro Economic Environment Solutions Pvt. Ltd. Through Yashwant Gaikwad	Petitioner
V/S	
Smt. Banu Sunil Mhetar And Anr	Respondents

**WITH
WRIT PETITION NO. 1035 OF 2019**

Micro Economic Environment Solutions Pvt.ltd	Petitioner
V/S	
Sou.Bebitai Bhaskar Sikhare And Anr	Respondents

**WITH
WRIT PETITION NO. 1036 OF 2019**

Micro Economic Environment Solutions Pvt. Ltd. Through Yashwant Gaikwad	Petitioner
V/S	
Shri. Manoj Shrirang Kamble And Anr	Respondents

**WITH
WRIT PETITION NO. 1037 OF 2019**

Micro Economic Environment Solutions Pvt. Ltd. Through Its Authorised Signatory	Petitioner
V/S	
Shri. Babaso Vinayak Sasne And Anr.	Respondents

**WITH
WRIT PETITION NO. 1038 OF 2019**

Micro Economic Environment Solutions Pvt. Ltd. Through Its Authorised Signatory	Petitioner
V/S	
Shri. Rajendra Gulab Sawant And Anr.	Respondents

**WITH
WRIT PETITION NO. 1039 OF 2019**

Micro Economic Environment Solutions Pvt.ltd Through Its Authorized Signatory V/S Shri.Raju Shripati Waghwekar And Anr	Petitioner Respondents
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**WITH
WRIT PETITION NO. 1040 OF 2019**

Micro Economic Environment Solutions Pvt. Ltd. Through Its Authorised Signatory V/S Shri. Manoj Chandramani Kadale And Anr.	Petitioner Respondents
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**WITH
WRIT PETITION NO. 1041 OF 2019**

Micro Economic Environment Solution Pvt. Ltd. V/S Shri Sarjerao Bapu Kamble And Anr	Petitioner Respondents
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**WITH
WRIT PETITION NO. 1042 OF 2019**

Micro Economic Environment Solution Pvt. Ltd. V/S Sou. Ranjan Netaji Kamble And Anr	Petitioner Respondents
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**WITH
WRIT PETITION NO. 1043 OF 2019**

Micro Economic Environment Solutions Pvt. Ltd. Through Shri. Yashwant Gaikwad V/S Smt. Jyoti Satish Povale And Anr	Petitioner Respondents
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**WITH
WRIT PETITION NO. 1044 OF 2019**

Micro Economic Environment Solutions Pvt.ltd Through Its Authorises Signatory	Petitioner
V/S	
Shri.Dinkar Sitaram Kambale And Anr	Respondents

**WITH
WRIT PETITION NO. 1045 OF 2019**

Micro Economic Environment Solutions Pvt. Ltd. Through Its Authorised Signatory	Petitioner
V/S	
Shri. Sachin Sambhaji Kamble And Anr.	Respondents

**WITH
WRIT PETITION NO. 1046 OF 2019**

Micro Economic Environment Solutions Pvt. Ltd. Through Its Authorised Signatory	Petitioner
V/S	
Sou. Shobha Mayappa Kamble And Anr.	Respondents

**WITH
WRIT PETITION NO. 1047 OF 2019**

Micro Economic Environment Solutions Pvt. Ltd. Through Its Authorised Signatory	Petitioner
V/S	
Sou. Parvati Devappa Kamble And Anr.	Respondents

**WITH
WRIT PETITION NO. 1048 OF 2019**

Micro Economic Environment Solutions Pvt. Ltd. Through Shri. Yashwant Gaikwad	Petitioner
V/S	
Smt. Usha Babaso Sasne And Anr	Respondents

**WITH
WRIT PETITION NO. 1049 OF 2019**

Micro Economic Environment Solutions Pvt. Ltd. Through Shri. Yashwant Gaikwad	Petitioner
V/S	
Shri. Satyavan Dharma Kamble And Anr	Respondents

**WITH
WRIT PETITION NO. 1050 OF 2019**

Micro Economic Environment Solutions Pvt.ltd Through Its Authorises Signatory	Petitioner
V/S	
Shri.Shashikant Appanna Kamble And Anr	Respondents

**WITH
WRIT PETITION NO. 1051 OF 2019**

Micro Economic Evnironments Solutions Pvt. Ltd.	Petitioner
V/S	
Shri. Sandeep Dayanand Kamble And Anr	Respondents

**WITH
WRIT PETITION NO. 1052 OF 2019**

Micro Economic Evnironments Solutions Pvt. Ltd.	Petitioner
V/S	
Sou. Sama Ramesh Kamble And Anr	Respondents

**WITH
WRIT PETITION NO. 1053 OF 2019**

Micro Economic Evnironments Solutions Pvt. Ltd.	Petitioner
V/S	
Sou.Nilam Rajkumar Kamble And Anr	Respondents

WITH
WRIT PETITION NO. 1054 OF 2019

Micro Economic Environments Solutions Pvt.
Ltd.Petitioner

V/S

Smt. Ranjana Shranappa Koli And AnrRespondents

WITH
WRIT PETITION NO. 1055 OF 2019

Micro Economic Environment Solution Pvt. Ltd.Petitioner

V/S

Shri. Vijya Yashwant Kamble And AnrRespondents

WITH
WRIT PETITION NO. 1056 OF 2019

Micro Economic Environment Solutions Pvt.
Ltd. Through Yashwant GaikwadPetitioner

V/S

Shri. Jalindar Narsing Rajput And AnrRespondents

WITH
WRIT PETITION NO. 1057 OF 2019

Micro Economic Environment Solutions Pvt.
Ltd. Through Yashwant GaikwadPetitioner

V/S

Shri. Shrirang Shripati Kamble And AnrRespondents

WITH
WRIT PETITION NO. 1058 OF 2019

Micro Economic Environment Solution Pvt. Ltd.Petitioner

V/S

Shri. Siddharth Dadu Kamble And AnrRespondents

**WITH
WRIT PETITION NO. 1059 OF 2019**

Micro Economic Environment Solution Pvt. Ltd.Petitioner
V/S
Shri. Vishwanath Vasant Kurne And AnrRespondents

**WITH
WRIT PETITION NO. 1060 OF 2019**

Micro Economic Environment Solutions Pvt.
Ltd. Through Yashwant GaikwadPetitioner
V/S
Shri. Maruti Basappa Awale And AnrRespondents

**WITH
WRIT PETITION NO. 1061 OF 2019**

Micro Economic Environment Solution Pvt. Ltd.Petitioner
V/S
Shri. Santosh Mahaveer Kamble And AnrRespondents

**WITH
WRIT PETITION NO. 1062 OF 2019**

Micro Economic Environment Solution Pvt. Ltd.Petitioner
V/S
Sou. Meena Maruti Awale And AnrRespondents

**WITH
WRIT PETITION NO. 1063 OF 2019**

Micro Economic Environment Solution Pvt. Ltd.Petitioner
V/S
Shri. Ashok Shivaji Vathare And AnrRespondents

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**WITH
WRIT PETITION NO. 1064 OF 2019**

Micro Economic Environment Solution Pvt. Ltd.Petitioner
V/S
Sou. Vatsal Ashok Gadgade And AnrRespondents

**WITH
WRIT PETITION NO. 1065 OF 2019**

Micro Economic Environment Solution Pvt. Ltd.Petitioner
V/S
Sou. Sunita Nandu Kamble And AnrRespondents

**WITH
WRIT PETITION NO. 1066 OF 2019**

Micro Economic Environment Solution Pvt. Ltd.Petitioner
V/S
Smt. Laxmi Rajaram Chavan And AnrRespondents

**WITH
WRIT PETITION NO. 1120 OF 2019**

Micro Economic Environment Solutions Pvt.ltd
Through Its Authorized SignatoryPetitioner
V/S
Sou.Vimal Balaso Powale And AnrRespondents

**WITH
WRIT PETITION NO. 1124 OF 2019**

Micro Economic Environment Solutions Pvt.
Ltd. Through Shri. Yashwant GaikwadPetitioner
V/S
Sou.Lata Raju Kamble And AnrRespondents

**WITH
WRIT PETITION NO. 1125 OF 2019**

Micro Economic Environment Solutions Pvt.
Ltd. Through Yashwant GaikwadPetitioner
V/S
Sou. Jayashree Bhagwan Kurne And AnrRespondents

**WITH
WRIT PETITION NO. 1126 OF 2019**

Micro Economic Environment Solution Pvt. Ltd.Petitioner
V/S
Shri. Goutam Shamrao Kamble And AnrRespondents

**WITH
WRIT PETITION NO. 6996 OF 2018**

Micro Economic Environment Solution Pvt. Ltd.Petitioner
V/S
Smt.Ujawala Sunil Tivde And AnrRespondents

**WITH
WRIT PETITION NO. 8170 OF 2018**

Micro Economic Environment Solution Pvt. Ltd.Petitioner
V/S
Sou.Jayashree Subhash Kamble And AnrRespondents

**WITH
WRIT PETITION NO. 9506 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner
V/S
Shri. Satyawar Dharma Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 10776 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur, Through
Its Chief OfficerPetitioner
V/S
Smt. Sunita Nandu Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 10782 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur, Through
Its Chief OfficerPetitioner
V/S
Shri. Subhash Vishnu KambleRespondents

**WITH
WRIT PETITION NO. 10784 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur, Through
Its Chief OfficerPetitioner
V/S
Smt. Meena Maruti Aavle And Anr.Respondents

**WITH
WRIT PETITION NO. 10785 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur, Through
Its Chief OfficerPetitioner
V/S
Shri. Jalandar Narsingh Rajput And Anr.Respondents

**WITH
WRIT PETITION NO. 10788 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur, Through
Its Chief OfficerPetitioner
V/S
Shrimati Vatsala Ashok Gadgade And Anr.Respondents

**WITH
WRIT PETITION NO. 10790 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur , Through
Its Chief OfficerPetitioner
V/S
Shri. Kamal Dilip Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 10957 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner
V/S
Smt. Shobha Mayappa Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 10958 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur , Through
Its Chief OfficerPetitioner
V/S
Shri. Gautam Shyamrao Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 10959 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur, Through
Its Chief OfficerPetitioner
V/S
Shri. Vijay Yashwant Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 10960 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur, Through
Its Chief OfficerPetitioner
V/S
Smt. Laxmi Rajaram Chavan And Anr.Respondents

**WITH
WRIT PETITION NO. 10961 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur, Through
Its Chief OfficerPetitioner

V/S

Smt. Jyoti Satish Povale And Anr.Respondents

**WITH
WRIT PETITION NO. 10962 OF 2017**

Jaisingpur Nagar Parishad , Jaisingpur , Through
Its Chief OfficerPetitioner

V/S

Shri. Sarjerao Bapu Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 10963 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner

V/S

Shri. Santosh Mahavir Kamble And Anr. ...Respondents

**WITH
WRIT PETITION NO. 10964 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur , Through
Its Chief OfficerPetitioner

V/S

Shri. Siddharth Dadu Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 10965 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner

V/S

Smt. Ranjana Netaji Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 10966 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner
V/S
Shri. Manoj Chandramani Kdale And Anr.Respondents

**WITH
WRIT PETITION NO. 11004 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur, Through
Its Chief OfficerPetitioner
V/S
Smt. Vimal Balaso Povale And Anr.Respondents

**WITH
WRIT PETITION NO. 11005 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur, Through
Its Chief OfficerPetitioner
V/S
Shri. Shashikant Aanapaa Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 11006 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur, Through
Its Chief OfficerPetitioner
V/S
Shri. Raju Shreepati Waghvekar And Anr.Respondents

**WITH
WRIT PETITION NO. 11007 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner
V/S
Smt. Ranjana Sharnapaa Koli And Anr.Respondents

**WITH
WRIT PETITION NO. 11008 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner
V/S
Shri. Shreerang Shreepati Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 11009 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner
V/S
Smt. Jayshree Bhagwan Kurane And Anr.Respondents

**WITH
WRIT PETITION NO. 11010 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner
V/S
Shri. Rajendra Gulab Savant And Anr.Respondents

**WITH
WRIT PETITION NO. 11011 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner
V/S
Shri. Vishwanath Vasant Kurane And Anr.Respondents

**WITH
WRIT PETITION NO. 11012 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner
V/S
Smt. Lata Raju Kamble And Anr. ...Respondents

**WITH
WRIT PETITION NO. 11013 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner
V/S
Shri. Sachin Sambhaji Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 11014 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner
V/S
Smt. Neelam Rajkumar Kamble And AnrRespondents

**WITH
WRIT PETITION NO. 11015 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur, Through
Its Chief OfficerPetitioner
V/S
Shri. Maruti Basapaa Aavale And Anr.Respondents

**WITH
WRIT PETITION NO. 11016 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur, Through
Its Chief OfficerPetitioner
V/S
Smt. Manisha Nivrutti Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 11017 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur , Through
Its Chief OfficerPetitioner
V/S
Smt. Parvati Devappa Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 11018 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner
V/S

Shri. Krushna Bhupal Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 11024 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur, Through
Its Chief OfficerPetitioner
V/S

Smt. Usha Babaso Sasne And Anr.Respondents

**WITH
WRIT PETITION NO. 11499 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner
V/S

Shri. Ashok Shivaji Vethare And Anr.Respondents

**WITH
WRIT PETITION NO. 11502 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner
V/S

Smt. Malan Prakash Chavan And Anr.Respondents

**WITH
WRIT PETITION NO. 11504 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner
V/S

Shri. Dinkar Sitaram Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 11505 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur, Through
Its Chief OfficerPetitioner
V/S
Smt. Jayshree Subhash Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 11506 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur, Through
Its Chief OfficerPetitioner
V/S
Smt. Sama Ramesh Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 11507 OF 2017**

Jaisingpur Nagar Parishad, Jaisingpur Through
Its Chief OfficerPetitioner
V/S
Smt. Mangal Bhupal Khandekar And Anr.Respondents

**WITH
WRIT PETITION NO. 11509 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner
V/S
Shri. Manoj Shrirang Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 11513 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur , Through
Its Chief OfficerPetitioner
V/S
Smt. Babytai Bhaskar Shikhare And Anr.Respondents

**WITH
WRIT PETITION NO. 11514 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur, Through
Its Chief OfficerPetitioner
V/S
Smt. Sunita Nandu Kamble And Anr.Respondents

**WITH
WRIT PETITION NO. 11525 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur, Through
Its Chief OfficerPetitioner
V/S
Smt. Gangubai Shivaji Kamble And Anr. ...Respondents

**WITH
WRIT PETITION NO. 11533 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur, Through
Its Chief OfficerPetitioner
V/S
Smt. Ujwala Sunil Tiwade And Anr. ...Respondents

**WITH
WRIT PETITION NO. 11535 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner
V/S
Shri. Babaso Vinayak Sasane And Anr.Respondents

**WITH
WRIT PETITION NO. 11536 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur, Through
Its Chief OfficerPetitioner
V/S
Smt. Maya Raju Waghvekar And Anr.Respondents

**WITH
WRIT PETITION STAMP NO. 14277 OF 2018**

Micro Economic Environment Solutions Pvt.
Ltd. Through Yashwant GaikwadPetitioner
V/S
Smt. Manisha Nivrutti Kamble And AnrRespondents

**WITH
WRIT PETITION STAMP NO. 23293 OF 2017**

Jaisingpur Nagar Parishad Jaisingpur, Through
Its Chief OfficerPetitioner
V/S
Smt. Banoo Sunil Mehtar (beg) And Anr.Respondents

**WITH
WRIT PETITION STAMP NO. 23447 OF 2017**

Jaisinghpur Nagar Parishad Jaisinghpur Through
Its Chief OfficerPetitioner
V/S
Shri. Sandeep Dayanand Kamble And Anr.Respondents

Mr.Manoj.A.Patil For Petitioner in WP Nos.14705/18,1030/19
to 1066/19, 1120/19,1124/19,1125/19,1126/19, 6996/18,
8170/18, st.14277/18.

Mr.K.S.Bapat i/b Ms. Desai and Desai Associates for Petitioners
in WP Nos. 9506/17, 10776/17, 10782/17, 10784/17,
10785/17, 10788/17, 10790/17,10957/17 to 10966/17,
11004/17 to 11018/17, 11024/17, 11499/17, 11502/17,
11504/17, 11505/17, 11506/17, 11507/17, 11509/17,
11513/17, 11514/17, 11525/17, 11533/17, 11535/17,
11536/17, st. 23293/17 & st.23447/17

Mr.Sandeep S.Mutalik a/w Mr.Sandeep Mahadik, for Respondents No.1 in all matters.

Mr.Jayesh K.Desai I/b M/s.Desai & Desai Associates, for Respondent No.2 in WP Nos.14705/18,1030/19 to 1066/19, 1120/19,1124/19,1125/19,1126/19, 6996/18, 8170/18, st.14277/18.

Mr.Manoj G.Patil for Respondents No.2 in WP Nos.9506/17,10776/17,10782/17,10784/17,10785/17,10788/17, 10790/17,10957/17 to 10966/17, 11004/17 to 11018/17, 11024/17, 11499/17, 11502/17, 11504/17 to 11507/17, 11509/17,11513/17, 11514/17, 11525/17, 11533/17, 11535/17, 11536/17, st.23293/17 & st.23447/17

CORAM : M.S.KARNIK, J.

DATE : 28th MARCH, 2019

P.C. :

. Rule. The respondents waive service. By consent, Rule made returnable forthwith and heard finally.

2. Jaisingpur Nagar Parishad by this Petition under Articles 226 & 227 of the Constitution of India has challenged the order dated 28/04/2017 passed by the Competent Authority under the Minimum Wages Act, 1948 (for short 'the said Act'). The employees under the banner of General Labour Union had filed a Complaint before the Government Labour Officer claiming that they have not being paid difference of minimum wages as well as they have not been paid provident fund and

other benefits contemplated under the labour legislation. The employees filed application before the Competent Authority under the said Act for payment of difference of the minimum wages to the extent as stated in the schedule of the application. The Municipal Council filed written statement on 07/09/2015. The Municipal Council also filed their written argument on 28/12/2015.

2. Competent Authority by the impugned order dated 28/04/2017 allowed the application and directed payment of the difference of the minimum wages. Apart from allowing the claim, Competent Authority imposed penalty of 10 times the differential amount of claim.

3. Learned Counsel for the petitioners submitted that the proceedings conducted before the Competent Authority were conducted in a haphazard manner. He would submit that though in the impugned order, it is stated that the respondent – employees filed the affidavit of evidence on 23/05/2016,

however, this is not borne out from the roznama which is annexed along with the Petitions. He would further submit that the copy of the affidavit of evidence should have been supplied to the petitioners. In his submission, apart from the procedure as contemplated by Rule 32 of the Maharashtra Minimum Wages Rules, 1963 (for short 'the said Rules') is not complied with, even the requirement of the Rule 34A regarding maintenance of roznama is also not followed. He submits that while imposing penalty 10 times of the differential amount of minimum wages, no reasons whatsoever have been given by the Competent Authority. Learned Counsel would submit that it is ultimately a question of public funds involved. The procedure as contemplated by Rules ought to have been followed by the Competent Authority. He submits that opportunity should be given to the petitioners to represent their case effectively before the Competent Authority in the interest of justice.

4. Learned Counsel for the Contractor in connected matters has adopted the arguments of Shri Bapat. He also

requests for an opportunity to appear before the Authority. He submits that no notice is issued to the Contractor. He invited my attention to the roznama which does not reflect the service of the notice on the contractors.

5. Learned Counsel for the respondent No.1 opposes the Petitions. He would submit that adequate opportunity was given to the petitioners to appear before the authority. He invited my attention to the roznama to contend that the petitioner - Municipal Council though appeared initially, has remained absent in the proceedings thereafter. He would submit that the Contractor has not even bothered to appear in the proceedings. He therefore prays that the impugned order be not interfered with.

6. Heard learned Counsel for the parties. I have gone through the impugned order and the roznama as well. The petitioner - Municipal Council has filed its written statement and written argument. Perusal of Rule 34A of the said Rules would

indicate the manner in which roznama has to be maintained. Upon going through the roznama, it is evident that the roznama does not contain the factum of respondent No.1 filing the affidavit of evidence. I find that that the roznama has not been maintained in the manner as expected under Rule 34 A of the said Rules. Be that as it may, in my opinion, apart from this, it is necessary and in the interest of justice to provide one opportunity to the petitioners to represent their case effectively before the Competent Authority. It is obvious that after filing the written statement and written argument, the petitioner-Municipal Council has failed to remain absent. It is therefore necessary to put the Municipal Council to some terms so as to protect the interest of respondent No.1. It is the case of the Contractor that he was not in receipt of any notice as regards the proceedings. Though roznama does not indicate the service of notice, learned Counsel for the respondent No.1 invited my attention to the letter dated 05/02/2016 which is in fact the notice addressed to the Contractor. Even this aspect is not borne out from the roznama.

7. It is in this view of the matter, with a view to give an opportunity to the petitioner- Municipal Council and the petitioner - Contractor in connected Petitions to make an effective representation that I am inclined to remit the matters back to the Competent Authority for hearing the same afresh. Hence, the following order.

ORDER

- (i) The impugned orders dated 28/04/2017 of the Competent Authority in all the Petitions are quashed and set aside.
- (ii) The Competent Authority to decide the applications afresh on its own merits after giving an opportunity to the petitioners and the respondent No.1.
- (iii) The authorised representative of petitioner - Municipal Council and Petitioner- Contractor undertake to remain present before the Competent Authority on 15/04/2019 at 3.00 p.m. when the Competent Authority may fix the further schedule of hearing.
- (iv) The Competent Authority to decide the applications

expeditiously and in any case, within a period of 4 months from 15/04/2019.

(v) The petitioners undertake to co-operate with the Competent Authority and assure the Court that they will not seek unnecessary adjournments.

(vi) The petitioner - Municipal Council to deposit claim amount of Rs.518736/- as granted by the Competent Authority with the Competent Authority within a period of 6 weeks from today.

(vii) The Competent Authority to invest the said amount in a fixed deposit in any Nationalised Bank till the decisions on the applications.

(viii) All the contentions are kept open.

8. Rule is partly made absolute in the above terms with no order as to costs.

(M.S.KARNIK, J.)