

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1314 OF 2022

The Commissioner of Agriculture
State of Maharashtra & Ors.

PETITIONERS

Versus

Yamunabai Pandurang Gadhve

RESPONDENT

ALONG WITH
WRIT PETITION NO. 1440 OF 2022

The Commissioner of Agriculture
State of Maharashtra & Ors.

PETITIONERS

Versus

Shakuntala Narayan Kate

RESPONDENT

ALONG WITH
WRIT PETITION NO. 1441 OF 2022

The Commissioner of Agriculture
State of Maharashtra & Ors.

PETITIONERS

Versus

Kondabai Sampat Gadhave

RESPONDENT

ALONG WITH
WRIT PETITION NO. 1443 OF 2022

The Commissioner of Agriculture
State of Maharashtra & Ors.

PETITIONERS

Versus

Kusumbai Sahebrao Kharat

RESPONDENT

ALONG WITH
WRIT PETITION NO. 2019 OF 2022

The Commissioner of Agriculture
State of Maharashtra & Ors.

PETITIONERS

Versus

Vishnu Babasaheb Gaikwad

RESPONDENT

ALONG WITH
WRIT PETITION NO. 2021 OF 2022

The Commissioner of Agriculture
State of Maharashtra & Ors.

PETITIONERS

Versus

Bakulabai Umaji Kurdhane
Died Kantabai Umaji Kurdhane

RESPONDENT

ALONG WITH
WRIT PETITION NO. 2022 OF 2022

The Commissioner of Agriculture
State of Maharashtra & Ors.

PETITIONERS

Versus

Shivaji Gangadhar Barse

RESPONDENT

ALONG WITH
WRIT PETITION NO. 4255 OF 2022

The Commissioner of Agriculture
State of Maharashtra & Ors.

PETITIONERS

Versus

Bhagwan Navaji Gavale

RESPONDENT

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Mrs. V.S. Chaudhari, AGP for the petitioners.

Mr. A.S. Shelke, Advocate for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

RESERVED ON : 2nd MAY 2022.

PRONOUNCED ON: 6th JUNE, 2022.

ORDER :

1. Heard the learned advocates appearing for the respective parties. All these matters are based on common sets of facts and involved common question of law.

2. The respondents in these matters filed application under Section 33 C(2) of Industrial Disputes Act, 1947 (for short 'said Act'), thereby claiming difference of unpaid wages from the petitioners. Their applications are allowed and the petitioners are directed to pay the difference of wages within two months, failing which the petitioners are directed to pay interest at the rate of 10% per annum till realisation of the said amount. The petitioners are aggrieved by the said orders.

3. Heard the learned Assistant Government Pleader and learned advocate for the respondents. The learned Assistant Government Pleader submits that the proceedings filed by the respondents under Section 33 C(2) before the Labour Court were not

maintainable. The amount payable to the respondents was not adjudicated. The Labour Court has not computed the amount payable to the respondents. The Labour Court ought to have appointed Commissioner under Section 33 C(2) (3) to compute the amount. Alternate submission is that exorbitant interest at the rate of 10% per annum is granted which should be reduced to 6% per annum.

4. The learned advocate for the respondents on the other hand submits that the respondents claimed equal pay for equal work. The Labour Court by placing reliance on the judgments of this Court allowed the applications filed by the respondents. He pointed out that in some of the matters, the Labour Court has awarded 12% interest in cases filed by similarly situated workmen who were working along with the respondents in the same nursery. Those orders are not challenged by the petitioners. By relying on various decisions of this Court passed in writ petitions, he submits that there is no substance in the petitions and the petitions are liable to be rejected.

5. Section 33-C(2) provided as follows:-

33-C. Recovery of money due from an employer.-

(1) Where any money.....

(2) Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may, subject to any rules that may be under this Act, be decided by such Labour Court as may be specified in this behalf by the appropriate Government [within a period not exceeding three months:]

[Provided that where the presiding officer of a Labour Court considers it necessary or expedient so to do, he may, for reasons to be recorded in writing, extend such period by such further period as he may think fit.]

(3) For the purposes of computing the money value of a benefit, the Labour Court may, if it so thinks fit, appoint a Commissioner who shall, after taking such evidence as may be necessary, submit a report to the Labour Court and the Labour Court shall determine the amount after considering the report of the Commissioner and other circumstances of the case.

6. On plain reading of above provisions it is not possible to accept the submissions of learned Assistant Government Pleader that

the applications filed by the respondents were not maintainable. By filing the said applications the respondents claimed difference in wages. Perusal of decisions of Labour Court shows that the applications filed by the respondents are allowed on the basis of evidence placed before it. The Labour Court has recorded a finding that the difference amount claimed by the respondents is fixed by the Petitioners No. 3 to 5 (Respondents No. 3 to 5) and approval of Petitioners No. 1 and 2 was sought for the same. Admittedly, the respondents have worked since 1988. The Labour Court has further held that by the Government Resolution dated 01.01.2016, the Government has resolved to pay the difference of wages along with interest to the daily wagers as per the Court orders. The directions given in Writ Petition No. 4897/2003 by this Court, are also taken into consideration by the Labour Court. It is further held that the respondents have proved their cases by cogent evidence, hence, the Labour Court has allowed the applications filed by the respondents.

7. Since reasoned orders are passed by the Labour Court on the basis of evidence placed before it, there is no illegality or perversity in the orders impugned in the petitions.

8. It is also to be noted here that even for the delayed period the Labour Court has not awarded any interest, only if the petitioners failed to pay the difference of wages within two months then they are directed to pay interest at the rate of 10% per annum till the realisation of the amount.

9. This Court in catena of orders passed in group of writ petitions including Writ Petition No. 5263/2005 and connected matters (Coram:-S.V. Gangapurwala, J.), Writ Petition No. 8315/2018 (Coram:- Ravindra V. Ghuge, J.) and connected matters, has rejected the similar challenge raised by the petitioners.

10. For the aforesaid reasons, this Court is of the considered view that the writ petitions are devoid of merits, as such, are dismissed.
No costs.

[NITIN B. SURYAWANSHI]
JUDGE