

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5606 OF 2021
WITH WP/5607/2021 WITH WP/5650/2021 WITH WP/5605/2021

SURAJ APPARAO JOSHI
VERSUS
THE DEPUTY LABOUR COMMISSIONER, AURANGABAD AND OTHERS

Mr.Y.I.Thole, Advocate for the petitioner.
Mr.S.R.Yadav-Lonikar, AGP for respondent Nos. 1 and 2.

(CORAM : RAVINDRA V. GHUGE , J.)

DATE : MARCH 23, 2022

PER COURT :

1. Despite service of court notice on respondent No.3/employer, no appearance has been entered, either in person or through an Advocate.
2. All these petitioners are identically placed. All have succeeded before the Labour Court in their reference cases. The employer has preferred WP Nos. 11646/2019 and 11665/2019 for challenging the said awards. As 50% of the assessed amount, which can be arrived at on the basis of the award of the Labour Court, was not deposited in this Court, no interim relief has been granted to the extent of these 2 petitions. In another 3 matters, the Management has not challenged the

Award.

3. The grievance of these petitioners in these petitions is as regards the communication by the Assistant Commissioner, Labour, Aurangabad dated 30.06.2020 conveying to the petitioners that as the Labour Court has not quantified the exact figure of the aggregate amounts to be paid, the petitioners may again approach the Labour Court.

4. I find from the awards delivered by the Labour Court that it has come to a conclusion that the recommendations of the Majethia Wage Board, published by the Central government on 11.11.2011, are applicable to these petitioners. The difference of the arrears of salary, that is, the salaries actually paid and the salaries which were payable as per the Majethia Wage Board, are to be calculated.

5. The learned Advocate for the petitioners informs that as this Court did not grant relief in these two writ petitions, these petitioners are at liberty to execute the awards. They would supply the details of the salaries actually paid to them by the employer and the Assistant Commissioner, Labour can calculate the difference by taking into

account the recommendations of the Majethia Wage Board so as to quantify the exact amounts on the basis of which a revenue recovery certificate can be issued in the light of Section 27(3) of the Working Journalists and other Newspapers Employees (Conditions of Service) and Misc. Provisions Act, 1955.

6. I am of the view that the Labour Court has concluded the issue as regards the applicability of the Majethia Wage Board Recommendations. It would have been surely advantageous if the Labour Court would have made the calculations as well, considering issue No.2 cast by the Court. Nevertheless, the Labour Court would now be *functus officio* since the awards have been pronounced on 04/01/2019 and 07/01/2019 and post publications of the awards by the Office of the Deputy Commissioner of Labour, the petitioners can not return to the same Labour Court, seeking any clarification.

7. In these peculiar facts of the cases, these petitions are disposed off.

8. The Assistant Commissioner, Labour is expected to collect the

details from these petitioners as regards the exact salaries paid to them and the salaries recommended by the Majethia Wage Board to those categories, which cover these petitioners and accordingly calculate the amounts and issue a recovery certificate.

9. The petitioners shall appear before the Assistant Commissioner, Labour on 08/04/2022 at 12.00 noon. The Assistant Commissioner, Labour would follow the procedure as is laid down in Law while computing the amounts for which the revenue recovery certificate is to be issued. The petitioners shall prepare their calculations for better assistance to the Assistant Commissioner, Labour. He would consider the said calculations and would himself carry out verification for proper quantification, by exercising the powers vested in him by Law, independently and thereafter issue the revenue recovery certificates.

(RAVINDRA V. GHUGE, J.)