

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 WRIT PETITION NO. 8469 OF 2022

KAMALBAI W/O SITARAM KHARATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. P. S. Koshti h/f Mr. G. T. Kharate
AGP for Respondents : Mr. S. G. Sangle

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**CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.**

DATED : 26 SEPTEMBER 2022

PER COURT :-

1. The petitioner has put forth prayer clause “B” as under : -

“B) By issuing writ of mandamus or any other appropriate writ, order or directions in the like nature directing the respondents to decide the applications of the petitioner requesting therein for part payment of arrears alongwith interest thereupon and to initiate appropriate action against the culprits who are responsible for non-payment of arrears of the petitioner also the initiate appropriate action against the persons who are protecting the culprits are responsible for non-payment of arrears of petitioner;”

2. It is contended that the Agriculture Officer-respondent no.6 has communicated to the Sub Divisional Agriculture Officer-respondent no.5 vide communication dated 29.12.2021 that the part payment of the unpaid salary of the petitioner has been made and some portion of the salary, along with interest, is claimed by the petitioner, who

has started a fast unto death. Despite the same, no steps have been taken. The petitioner has succeeded in seeking regularization by preferring Complaint (ULP) No. 557 of 1994 (old No.19/1991), vide judgment dated 16.06.1995 delivered by the Industrial Court. She has been granted regularization on 28.09.2017.

3. The learned AGP appearing on behalf of the respondents submits that if an employee has worked, the said employee has to be paid his daily wages/monthly wages, as the case may be. In case of a dispute, the said issue will have to be gone into by respondent nos. 5 and 6.

4. In view of the above, this petition is disposed off with a direction to respondent nos. 5 and 6 to consider the grievance of the petitioner in the light of the judgment of the Industrial Court and proceed to make the payment, if it is undisputed and in the absence of any legal impediment, as expeditiously as possible and preferably on or before 31.01.2023.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]