

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition (WP) No. 2932 of 2022

Sunanda Mahadeo Karluke

Versus

State of Maharashtra through Chief Secretary, Mantralaya, Mumbai-32
and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Vivek Awchat, Advocate for the petitioner.

Shri D.P.Thakre, Addl.G.P. for the respondent

CORAM : ANIL S. KILOR, J.

DATED : 2nd JANUARY, 2023.

In this writ petition, the challenge is raised to the judgment and order dated 14th January, 2021 passed by the Industrial Court in Complaint ULP No. 32 of 2015 thereby dismissing the complaint filed by the petitioner under Section 28 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971.

2. Learned counsel for the petitioner submits that by interim order the learned Industrial Court directed the respondent to pay minimum wages and

without recording proper reasons, the complaint was dismissed.

3. Shri Thakare, learned Addl. Government Pleader appearing for the respondent no.1 supports the impugned order.

4. I have perused the impugned order and the complaint filed by the petitioner.

5. The learned Industrial Court after examining the oral as well as documentary evidence led by the complainant has categorically observed that the petitioner was working with the respondent on part time basis. Whereas the complainant contended that she is employed to do the work of sweeper and she was full time worker, however, no written appointment order was produced by the petitioner. The learned Industrial Court has further observed that the complainant failed to prove after notification dated 25th November, 1998, that minimum wages for part time sweeper are increased. Accordingly, the complaint was dismissed.

6. Interim order directing the respondents to pay minimum wages was merged with the final order and as such the interim order will not help the petitioner to claim minimum wages particularly when she failed to establish that she was working as full time worker. The learned counsel for the petitioner could

not point out how the impugned order is perverted and not based on evidence.

7. In the circumstances, I do not find any perversity in the impugned order passed by the learned Industrial Court while rejecting the complaint. Accordingly, writ petition is dismissed.

[ANIL S. KILOR, J.]

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