

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7935 OF 2024

Sangli Miraj & Kupwad Cities
Municipal Corporation Sangli
V/S
Sadashiv Shankar Choughule

....Petitioner

....Respondent

WITH
WRIT PETITION NO.7940 OF 2024

Sangli Miraj & Kupwad Cities
Municipal Corporation Sangli
V/S
Anant Bhausaheb Rikibe

....Petitioner

....Respondent

Ms. Sayli Gangal a/w Mr. Amey Sawant a/w Mr. Vikram Walawalkar *for the Petitioner.*
Mr. Nilesh Wable a/w Ms. Stefy J. Dias i/b Mr. Umeh Mankapure *for Respondents.*

CORAM: SANDEEP V. MARNE, J.
DATE : 23 OCTOBER 2024.

P.C.:

1. Writ Petition No.7940 of 2024 is not on Board. At the request of the learned counsel appearing for Petitioner Writ Petition No.7940 of 2024 is taken on Board.

2. These Petitions challenge orders dated 22 December 2023 passed by the Member, Industrial Court, Sangli, partly allowing Complaint (ULP) Nos.63 of 2016 and 426 of 2015. The Industrial

Court has not granted the relief of permanency to the Respondents. However the limited relief granted by the Industrial Court in favour of Respondents is payment of wages in the minimum of the pay-scale as per the law expounded by the Apex Court in **State of Punjab and others vs. Jagjit Singh and others**, (2017) 1 SCC 148.

3. Ms. Gangal, the learned counsel appearing for Petitioner-Municipal Corporation would submit that the onus was on the Respondents to plead and prove that the nature of duties and responsibilities performed by them are identical to that of regular employees of the Municipal Corporation. She would submit that no evidence is produced by the Respondents to prove the same. That Respondents are merely badli workers and therefore there cannot be similarity in the duties and responsibilities between them and the regular employees. However after appreciating the evidence on record the Industrial Court has recorded a finding of fact that in paragraphs 26 and 27 of the orders that there is no difference in between nature of duties and responsibilities of permanent gardener and badli gardener. In the present Petition, it is not demonstrated as to how there is any difference in the duties and responsibilities of badli and permanent workers.

4. In similar case of ***Sangli Miraj and Kupwad Cities Municipal Corporation vs. Jamir Majid Shaikh*** in Writ

Petition No.8389 of 2024, this Court has passed following order on 13 January 2024:

“1. By this petition, the Petitioner-Municipal Corporation challenges Judgment and Order dated 14 March 2024 passed by the Member, Industrial Court, Sangli in Complaint (ULP) No.53 of 2015. The Industrial Court has directed the Petitioner-Municipal Corporation to pay wages to the Respondent at the minimum of the pay scale applicable to a permanent oilman/pump operator, from the date of the order.

2. The complaint was filed seeking a broader relief of regularisation in service of Respondent, who is working as Badli worker. The Industrial Court has however, not granted him relief under Item 6 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Laws Practices Act, 1971 (**MRTU & PULP Act**). But it felt it appropriate to grant limited relief of payment of wages in the minimum pay scale. In fact, this is the law laid down by the Apex Court in **State of Punjab and Ors. vs. Jagjit Singh and Ors., 2017 1 SCC 148**. The Tribunal rejected prayer for regularisation but granted lesser relief of minimum wages as per the law laid down by the Apex Court in **Jagjit Singh** (supra). No infirmity is noticed in the order passed by the Labour Court. Hence, the writ petition is rejected.”

5. I do not see any material difference between the facts of the case in **Jamir Majid Shaikh** (supra) and the present case. Therefore there is no warrant for this Court to take a different view. The main relief sought for by the Respondents for grant of permanency is already rejected and the Industrial Court has granted limited relief of payment of wages in the minimum pay scale, which is now the law of land applicable to the Government

and its instrumentality as per the judgment of the Apex Court in ***Jagjit Singh*** (supra).

6. Resultantly, I do not find any valid reason to interfere in the impugned orders. Writ Petitions are accordingly **rejected**.

(SANDEEP V. MARNE, J.)

Digitally signed
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