



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

1 WRIT PETITION NO. 5680 OF 2023

**SARPANCH GRAM PANCHAYAT BELPANDHARI AND ANOTHER
VERSUS
BABASAHEB KUNDALIK KHARCHAND AND ANOTHER**

....

Mr. N. S. Shah, Advocate for the Petitioners

Mr. S. B. Pulkundwar, Advocate for Respondent No.2

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CORAM : ARUN R. PEDNEKER, J.

DATE : 06.10.2025

PER COURT :-

1. Heard the learned counsel for the petitioners. The petitioners are challenging the order passed in Complaint (ULP) No.31 of 2016, whereby the complaint was partly allowed and the respondent employee was directed to pay minimum wages for a period from the month of October 2013 to November 2014.

2. The learned counsel for the petitioners submits that the complaint is filed in the year 2016 and the same is barred by limitation.

3. From the facts stated in the complaint, it is noted that the respondent-employee was working until March 2016. The complaint was filed on 22.03.2016, and the employee had claimed back wages, special pay, and allowances. He also contended that he was entitled to salary and wages under the Minimum Wages Act. However, during the course of evidence, he was not able to demonstrate that his services continued beyond 2014. As such, the Court restricted his claim to the period from October 2013 to November 2014. It is also undisputed that the notification under the Minimum Wages Act is applicable to him. The difference in the amount was calculated and paid. The employee was paid Rs. 1,000/- per month towards wages, and upon computing the difference in wages, the petitioners are directed to pay Rs. 1,36,145/- within a period of two months from the date of the order.

4. The learned counsel for the petitioner submits that the complaint is barred by limitation, as the employee is not able to demonstrate employment beyond November 2014, and the limitation period under Section 28 of the MRTU and PULP Act is 90 days. He submits that the complaint was filed beyond the prescribed period of 90 days. He relies upon the judgment of this Court in **Vasudeo**

Dharanidhar Joshi vs. Bombay Textile Research Association & Anr., 2004 (4) ALL MR 694, and contends that only in cases involving a continuing cause of action can a complaint be filed beyond the limitation period. It is further submitted that the complaint was filed after a gap of nearly two years and is, therefore, barred by limitation. The complainant filed the case on 22.03.2016, contending that he was in employment till then. However, he was not able to establish his continuous employment till 2016. However, he proved his employment till 2014. The amount directed to be paid is difference in wages, and it is undisputed that he was entitled to receive the same, as the provisions of the Minimum Wages Act are applicable. Moreover, it is established that he had worked at least during the period from October 2013 to November 2014. The delay caused can also be condoned.

5. Considering the above, no case is made out to interfere with the impugned order, the Writ Petition is therefore dismissed, leaving the question of law.

[ARUN R. PEDNEKER, J.]