



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1021 WRIT PETITION NO. 3030 OF 2023

LAHU DAULAT PATIL

VERSUS

THE EXECUTIVE DIRECTOR JALGAON JILHA SAHKARI DUDH UTPADAK
SANGH MARYADIT

...

Mr. Sandesh R. Patil – Advocate for Petitioner

Mr. D.B. Thoke – Advocate for Respondent

...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 18.12.2025

PER COURT :

1. Heard learned Counsel for the respective parties.
2. By way of this petition, the petitioner challenges the judgment and order dated 23.06.2022 passed by the learned Industrial Court, Jalgaon, in Complaint (ULP) No.5/2016, whereby the complaint filed by the petitioner came to be partly allowed. The learned Industrial Court directed that wages from 01.01.2016 till the date of retirement alongwith all the consequential benefits be paid to the petitioner within three months from the date of order under challenge.
3. Learned Counsel for the petitioner submits that the petitioner is entitled to wages from 10.01.2003. The learned Industrial Court erred in restricting the monetary benefits to only three years preceding the date of filing of the complaint, despite the fact that the petitioner led evidence and proved entitlement from 10.01.2003.

4. In support of his contentions, learned Counsel for the petitioner placed reliance on the judgment of the Hon'ble Supreme Court in Keraleeya Samajam and Anr. Vs. Pratibha Dattatray Kulkarni (dead) Through L.Rs. and Ors., reported in **2021 SCC OnLine SC 853** and invited attention of this Court to paragraphs 4 and 5, which read thus :

“4. Therefore the entitlement of the teacher's salaries as per the 5th and 6th Pay Commission to the teaching and non-teaching staff of the second petitioner – school is not required to gone into and only issue which is required to be considered is whether the arrears ought to have been restricted to three years preceding the filing of the writ petition?

5. Having heard Shri Shekhar Naphade, learned Senior Advocate appearing on behalf of the petitioners and learned counsel appearing on behalf of the respondents and considering orders passed in earlier round of litigations which ended up to this court the liability of the management to pay the salaries to the teaching and nonteaching staff as per the 4th Pay Commission and 5th Pay Commission ended in favour of the teaching and nonteaching staff working with the petitioners. Therefore as and when the 6th Pay Commission recommendations was made applicable as such it was the duty cast upon the petitioners' institution to pay the salary/wages to the teaching and nonteaching staff as per the applicable pay scale as per the 6th Pay Commission recommendation and for which the staff was not required to move before the Deputy Director (Education) again and again. Therefore, the submissions on behalf of the petitioners that as the respondents approached the Deputy Director (Education) subsequently and

therefore the question with respect to the limitation will come into play and therefore the respondents shall be entitled to the arrears of last three years preceding the filing of the writ petitions cannot be accepted.”

5. The Hon’ble Apex Court, while considering the issue relating to payment of salary as per the 5th and 6th Pay Commission, has categorically held that once entitlement is established, the arrears cannot be restricted to only three years preceding the filing of the proceedings.

6. Learned Counsel for petitioner further placed reliance on the judgment of this Court in **Sudhakar Mangesh Patil and Ors. Vs. Shri. P.K. Anna Patil Janta Sahakari Bank Ltd. (under liquidation) and Anr.**, in *Writ Petition No.8885 of 2016* along with *Writ Petition No.8886 of 2016*, particularly on paragraph 9, which reads as under :

“9. It is trite law that the claims as regards unpaid wages or any component of wages or any such amounts which the employer was under a legal obligation to pay, would amount to a recurring cause of action. The failure to pay such amounts can be rectified by the employer by making the payment even after a passage of time from the date the amount was due and payable. Item 9 of Schedule IV of the MRTU & PULP Act, 1971 can, therefore, be invoked in the matter of such nature.”

7. Here also applying the said principle to the facts of the present case, it is evident that the petitioner has proved entitlement to wages from 10.01.2003. Therefore, the restriction imposed by the learned

Industrial Court limiting the entitlement to three years preceding the filing of the complaint is unsustainable.

8. In view thereof, the Writ Petition is partly allowed. The judgment and order dated 23.06.2022 passed by the learned Industrial Court, Jalgaon, in Complaint (ULP) No.5/2016 is modified to the extent that the petitioner shall be entitled to wages from 10.01.2003.

9. It is made clear that the petitioner shall not claim any interest on the aforesaid amount.

[SIDDHESHWAR S. THOMBRE]
JUDGE

Pooja Kale/