



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.714 OF 2019

PETITIONER : **Executive Engineer Gondia**, Irrigation
Division, Gondia, Civil Lines, In-front of
Subhash Garden Gondia, Tq. & Distt.
Gondia.

(Ori. Res. No.2)

..VERSUS..

RESPONDENTS : 1 **Govindrao Pandhari Wadichar**,
Aged about 75 years, Occu: Retired,
R/o. Pindkepar, Tq. Sakoli, District
Bhandara
(Dead) through LR's
Lrs. Of Respondent No.1
1(a) Ashok Govindrao Wadichor,
R/o. Pindkepur, Tah. Sakoli, Dist.
Bhandara.
(Added as per Court's order dated
05.08.2024.)

2 **The Secretary**,
Department of Irrigation, Mantralaya,
Mumbai.

Ms U. A. Patil, Advocate for Petitioner.
Mr P. M. Pande, Advocate for Respondent No.1.
Ms R. V. Sharma, AGP for Respondent/State.

CORAM : **SIDDHESHWAR SUNDARRAO THOMBRE**

DATE : **19th NOVEMBER, 2025.**

ORAL JUDGMENT

. Heard.

2. **Rule.** Rule Made returnable forthwith. Heard finally with the consent of the learned counsel for the parties at the stage of admission.

3. The present proceedings arise out of the order dated 08.06.2017 passed in Misc. Application (ULPA) No.3 of 2015 by the learned Industrial Court, Bhandara, whereby the Court directed the petitioner to pay an amount of Rs.1,37,137/- towards the arrears of the difference of CRTE rate and earned leaves with 6% simple interest per annum from 15.04.2008 until the actual realization of the amount.

4. Ms. U. A. Patil, learned counsel for the petitioner submits that in an earlier round of litigation, the respondent No.1 herein was paid the CRTE amount for the period from 01.03.1994 to 30.09.1996. As that amount was indeed paid, the respondent No.1 subsequently filed Criminal Complaint Case No.16 of 2005 before the learned Labour Court at Bhandara, wherein the learned Labour Court, by its order dated 16.12.2006, observed that the amount for the said period had been paid and therefore, dismissed the complaint.

4.1. Accordingly, once the complaint filed by the respondent No.1 was disposed of by observing that the CRTE difference of wages from 01.03.1994 to 30.09.1996 was already paid, there was no occasion for the respondent No.1 to file ULP Complaint No.57 of 2007. It is accordingly submitted that the order passed by the learned Industrial Court is not sustainable in the eyes of law.

5. Per contra, Mr. P. M. Pande, learned counsel for respondent No.1, submits that this is not a case where some amount was granted after 30.09.1996. As far as the period of CRTE is concerned, a certain amount was already paid, but the difference of the CRTE amount was not received by the respondent No.1 herein. Therefore, he filed Misc. ULP Complaint No.3 of 2015, in which he claimed an amount of Rs. 5,40,591/-. In paragraph Nos.5 and 6 of the said application, he specifically claimed the amount to which he is entitled, which reads as under :

“5) The applicant demanded C.R.T.E. different amount Rs.1,12,034/- with interest 10% P.A from 01.10.1996 to 01.07.2009 i.e. 12 years 9 months, therefore applicant is entitled to receive interest upon Rs.1,12,034/- at the 10% P.A. from 01.10.1996 to 01.07.2009.

6) The applicant is entitled to receive amount Rs.2,51,751/- (interest) + 1,12,034/- (C.R.T.E. wage Diff.) + 33,950/- (earn learn payment with dearness allow.) + 1,42,843/- interest on total C.R.T.E. diff. Wages amount Rs.5,40,591/-."

6. Learned counsel for respondent No.1 submits that the respondent No.1 was entitled to the difference of the CRTE amount and the same was duly considered by the learned Industrial Court. Therefore, he submits that the present petition is devoid of merits and is liable to be dismissed.

7. I have gone through the order passed by the learned Industrial Court. After reviewing the record, it reveals that initially, in Complaint ULPA No.792 of 1995, *vide* its order dated 28.06.2001, the learned Industrial Court allowed the complaint filed by the respondent No.1 and held that he is entitled to the wages/salary prescribed for the post of Labour brought on CRTE as per the order dated 26.10.1988 for the period from 01.03.1994 till 30.09.1996, i.e. the date of his retirement. As the amount was not paid pursuant to the said order, the respondent No.1 filed Criminal Complaint Case No.16 of 2005, praying that pursuant to the order passed by the Industrial Court, he had not received the CRTE wages. On 16.12.2016, the learned Labour Court observed that the complainant was paid Rs.28,765/- on 27.07.2005 towards the difference of wages by the Department for the period from 01.03.1994 to 30.09.1996, and therefore, it was observed that the amount was already paid and the complaint was dismissed.

8. It appears that consequently, the present respondent filed ULP Complaint No.57 of 2007, pointing out that for the aforesaid period, he had not received a certain amount. The learned Industrial Court *vide* its order dated 15.04.2008 allowed the said complaint and directed the petitioner to pay the pension and retirement benefits to the respondent No.1 herein with simple interest @ 6% on entire amount of retirement benefit from the date of order till its realization. Thereafter, respondent No.1 filed Misc. Application (ULPA) No.3 of 2015 before the learned Industrial Court, Bhandara, claiming that the order dated 15.04.2008 was not fully complied by the petitioners and that they failed to pay the interest @ 6% alongwith the difference of the CRTE rate with interest @ 10% p.a. and prayed that he is entitled to receive the same. The learned Industrial Court, after considering the submissions of the respondent No.1 herein and the evidence led by the authorities, allowed the complaint *vide* its order dated 08.06.2017 and directed the present petitioner to pay an amount of Rs. 1,37,137/- towards the arrears of difference of CRTE rate and earned leaves with 6% simple interest per annum.

9. This is not a case where some additional amount was claimed and paid. As the petitioner was already directed to pay the difference of CRTE wages and a certain amount was not paid, the application was filed and considered accordingly. Therefore, I do not find any reason to interfere with the order dated 08.06.2017 passed in Misc. Application (ULPA) No.3 of 2015 by the learned

Industrial Court, Bhandara. Hence, I proceed to pass the following order :

ORDER

i) Writ Petition No.714 of 2019 is **dismissed**. No order as to costs.

10. Rule is discharged accordingly.

(SIDDHESHWAR S. THOMBRE, J.)

TAMBE.