



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

WRIT PETITION NO.3699 OF 2023

PETITIONER :- All India Food & Allied Workers Union,
7901, Ramnagar, New Area, Pahadganj,
New Delhi through authorized Assistant
Secretary Shri James Anthony Josef (on
behalf of Employees of Maharashtra
Warehousing Corporation) Nagpur.

..VERSUS..

RESPONDENTS :- 1) The Managing Director, Maharashtra State
Warehousing Corporation, Bibwewadi,
Gultekdi, Pune.
2) The Additional Collector, Collectorate,
Civil Lines, Nagpur.
3) The State of Maharashtra, through its
Secretary, Department of Food and Civil
Supply and Consumer Protection,
Mantralaya, Mumbai 32.

Mr. P.D. Meghe, Advocate for Petitioner.
Mr. N.R. Saboo, Advocate for Respondent No.1.
Mr. D.M. Kakani, Advocate for Respondent No.2.
Mr. H.D. Dubey, A.G.P. for Respondent No.3/State.

CORAM : ROHIT W. JOSHI, J.

DATE OF RESERVING THE JUDGMENT: 20.11.2025

DATE OF PRONOUNCING THE JUDGMENT: 01.12.2025

1. Heard finally with consent of parties.

2. The petitioner is a registered Trade Union under the Trade Unions Act, 1926. Its members/employees working in the godowns of Food Corporation of India (hereinafter referred to as “FCI”) and other food grains godowns of various State Governments like Maharashtra State Warehousing Corporation (hereinafter referred to as “MSWC”). The petitioner had raised certain demands for employees working in food grains godowns of the Government of Maharashtra at Kamptee and Nagpur. As the dispute could not be resolved, the Government of Maharashtra referred the dispute to the Presiding Officer, Industrial Tribunal Maharashtra at Nagpur, for adjudication vide order dated 13.12.2022. The reference was pertaining to demand for revision of the wage structure and other demands. Reference I.T. No.1 of 2003 (wrongly written in Award as Reference B.I.R. No.1 of 2003) came to be registered pursuant to the said reference. The Reference is decided vide impugned order dated 13.07.2022. The learned Industrial Tribunal has rejected the demand of the petitioner for revision of the wage structure. Perusal of the award demonstrates that, apart from the demand for revision of the wage structure, other demands were not seriously contested by the petitioner-union. The present petition is filed challenging the said award dated

13.07.2022. Even during the course of hearing of the present petition, the petitioner-union canvassed grievance with respect to the demand for revision of the wage structure. The learned Advocate for the petitioner did not advance any submissions with respect to other demands.

3. The demand for revision of the wage structure is based on Circular No.10 of 2000 dated 28.09.2000, issued by the FCI, whereby wages payable to FCI employees have been revised w.e.f. 01.01.1998. The contention of the union is that the work performed by its members and the employees of FCI relating to loading and unloading of food grains, is identical in nature. The contention is that since the nature of work is identical, the wages payable to the employees of FCI and members of the petitioner-union should be similar, if not identical. It is the contention of the petitioner that, in the past, wages of employees working in the Nagpur and Kamptee godowns of MSWC were fixed having regard to the wages paid by FCI to its employees who are performing work of similar nature. The petitioner contends that there is an established norm and practice of extending benefit of pay fixation to employees working in godowns of Government of Maharashtra based on wages paid to employees of FCI who are engaged in similar work. The petitioner

contends that since 1998, workers engaged in job of loading and unloading of food grains at Nagpur and Kamptee godowns have not received any pay hike.

4. The respondent No.1 has opposed the petition and disputed the contention that wages are payable to members of the petitioner union engaged at Nagpur and Kamptee godowns, having regard to the wages payable to FCI employees who perform work of similar nature. The respondent No.1 has also denied that such a practice was adopted in the past. The contention of respondent No.1 is that the nature of work of loading and unloading of food grains is a scheduled activity under the provisions of the Maharashtra Mathadi, Hamal and other Manual Workers' (Regulation of Employment and Welfare Act, 1969 (hereinafter referred to as "Mathadi Act") and therefore, the wages payable to Mathadi workers are applicable to the members of the petitioner-union who are working in the said godowns. It is however contended that the members of petitioner union have not accepted membership of the Mathadi Board since they are getting wages higher than wages payable to Mathadi workers who are performing the same work in the same godowns. The learned Advocate for the respondent No.1 has contended that the members

of the petitioner-union are therefore in a beneficial position, since they are receiving wages at a higher rate compared to other employees working in the same godown who are performing the same work. As regards comparison with employees doing similar work in FCI godowns, the learned Advocate contends that the area of operation of FCI is all over India and that there is no material on record to justify payment of wages at par with FCI employees. It is thereafter stated that, workers doing work of loading and unloading of food grains in all godowns in the State of Maharashtra including Pune and Mumbai are getting wages at the same rate.

5. The respondent No.2/Collector, has also advanced submissions on similar lines and has argued that the impugned award does not warrant any interference.

6. I have perused the impugned award with able assistance of the learned Advocates. I have also perused the deposition of the witnesses examined by the petitioner along with relevant documents on record.

7. The principal contention of the petitioner is that, its members doing work of loading and unloading of food grains must get wages at par with FCI. In this regard, it will be appropriate to refer to Paragraph-33 of the award wherein the learned Tribunal has

reproduced important admissions which were extracted during the course of cross-examination of Mr. James Joseph (witness No.1 for the petitioner). The said witness has stated that he was not aware as regards turn over of FCI and its profits from the activities conducted in the State of Maharashtra. The said witness was also not aware about the wages that were paid to employees working at FCI godowns and other private godowns. Most importantly, he has denied the suggestion that the wage revision was being demanded because wage revision was granted to employees of FCI. As regards, nature of work performed by employees of FCI, he has stated that he had collected relevant material in this regard but did not file it on record before the learned Tribunal. Likewise, the said witness admitted that documents pertaining to profit and losses account, balance sheet etc., of FCI were also not placed on record.

8. Similarly, the second witness examined by the petitioner, namely, Mr. Ghanshyam Shivankar, admitted that the demand was raised by the petitioner without gathering relevant information regarding wages being paid to employees working in private godowns in Maharashtra. The said witness also admitted that information with respect to quantity of work performed by employees of FCI was also not collected. The said witness admitted

that there was no material on record in order to make comparison of work done by the employees of FCI and members of the petitioner-union.

9. After taking into consideration the material admissions, the learned Industrial Tribunal has arrived at a conclusion that the material on record was grossly insufficient to make a comparison of the quantity of work performed by FCI employees and members of the petitioner-union and income of both establishments so as to determine the wages of members of the petitioner-union having regard to the wage structure of FCI employees. The learned Tribunal has also observed in paragraph-30 of the award that there was no material on record even to compare the wages for FCI employees and employees of petitioner-union.

10. The learned Tribunal has also referred to authorities on the issue of pay revision, which lay down general parameters for such revision, including the industrial-cum-regional formula, the capacity of the employer to bear the additional financial burden arising from the wage rise and wage comparisons with similarly placed employees in the region. Relying on these principles, the Tribunal has concluded that the petitioner-union failed to justify its demand.

11. Having perused the depositions of witnesses and the findings recorded by the Tribunal, this Court is of the opinion that the findings recorded by the learned Tribunal are based on proper appreciation of evidence on record. This Court is in agreement with the learned Tribunal that the petitioner-union did not produce appropriate material on record to justify the demand for a pay rise. There is no evidence for comparison of the extent of work of loading and unloading of food grains performed by FCI employees and members of the petitioner-union in a calendar month. Likewise, there is no material for comparison of wages as well. Apart from this, there is no material on record to make a rough assessment of financial capacity of FCI and income of MSWC godowns. Having regard to the aforesaid, in considered opinion of this Court, the award passed by the learned Tribunal does not warrant any interference.

12. It must be stated that the contention with respect to provisions of Mathadi Act, are not dealt with by the learned Tribunal. It is apparent from the record that a serious contention was raised by the respondent No.1 before the learned Tribunal that the nature of employment is a scheduled employment under the Mathadi Act and that, except the members of the petitioner-union,

all other labours are registered employees of the Mathadi Board, who are getting wages at a lesser rate as compared to the members of the petitioner-union, although, the work performed by both sets of employees is the same. During the course of hearing of the present petition also the learned Advocate for the respondent No.1 raised the said contention. The learned Advocate for the petitioner did not dispute the statement that other workers registered with Mathadi Board were getting lower wage for same work in the same godown.

13. In the considered opinion of this Court, when two sets of employees are performing the same work in the same establishment, then the demand for pay revision by the set employees which is already getting payment at a higher rate cannot be justified.

14. It will be pertinent to mention that, in view of the provisions of the Mathadi Act, every establishment to which the Act applies is required to engage Mathadi workers only for scheduled employment. The Mathadi Board is a statutory board. The members of the petitioner-union are clearly at an advantageous position compared to other workers who are registered with the Mathadi Board and performing the same work.

15. Having regard to the aforesaid, in the considered opinion of this Court, no case for interference is made out. The writ petition is therefore **dismissed** with no order as to costs.

(ROHIT W. JOSHI, J.)

C.L. Dhakate