



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

WRIT PETITION NO.7764 OF 2019

PETITIONERS : 1 Maharashtra State Road Transport
Ori. Respondents. Corporation, Amravati, through It's
Divisional Controller, Amravati Division
Amravati.

2 **The Depot Manager,**
Maharashtra State Road Transport Amravati
Depot, Amravati, Tq. and Dist. Amrvati.

..VERSUS..

RESPONDENT :
Amendment & convert
as per court order dated
14.11.2024.

Smt. Kalabai Kishor Pachal,
Aged about 54 yrs, Occ. Service, R/o.
Frezarpura, Amravati, Tq. and Dist.
Amravati.

(Dead through LRs.)

LRs of Respondent Sole Smt. Kalabai K.
Pachal

Ravi Kishor Pachhel,
Aged 46 yrs., Occ.: Labourer, R/o. Near
Hanuman Mandir, Sudharshan Nagar,
Frezarpura, Rukhmini Nagar, Amravati.

Mr P. S. Gawai, Advocate for Petitioners.

Mr N. R. Saboo, Advocate for Respondent.

CORAM : **SIDDHESHWAR SUNDARRAO THOMBRE**

DATE : **21st NOVEMBER, 2025.**

ORAL JUDGMENT

. Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsels appearing for the parties at the stage of admission.

3. By way of the present petition, the petitioners challenge the order dated 22.07.2019 passed in Complaint (ULP) No.1 of 2011 by the learned Industrial Court, Amravati, whereby the learned Industrial Court allowed the complaint of the present respondent.

4. Mr. P. S. Gawai, learned counsel for the petitioners submits that the respondent herein was an alleged daily wager and therefore, she filed a complaint before the learned Industrial Court with a prayer that she may be conferred benefits applicable to a permanent employee. By relying upon the circular dated 08.08.2005, the counsel points out that circular was applicable only to part-time employees and not to daily wager employees. He submits that if an employee wants to get the benefit, then the employee has to comply with all the conditions of Clause 19 of 1985 Settlement, and until all the conditions of 1985 Settlement are fulfilled, the employees are not entitled to any benefit

including benefits of Clause 49 of 1956 Settlement. He further submits that the learned Industrial Court has not recorded any finding to that effect and no proper reasoning was given as to why the circular dated 08.08.2005 was applied.

5. In support of his contentions, he relied upon the judgment of the Single Bench of this Court passed in *Writ Petition No. 3466 of 2011 (Maharashtra State Road Transport Corporation vs. Shri Arjun Gangaram Wajgikar and Others*, decided on 06.03.2012 and the order dated 10.09.2018 passed by this Court in *Writ Petition No.3124 of 2016 (Pradeep Vyankatrao Shinde vs. Divisional Controller MSRTC, Nagpur and Another*. He points out that this Court has already considered this issue and held that there was no compliance with Clause 19 of 1985 Settlement, and therefore, the employees are not entitled to the benefits.

6. Per contra, Mr. N. R. Saboo, learned counsel for the respondent supports the order passed by the learned Industrial Court.

7. I have gone through the order passed by the learned Industrial Court as well as the circular dated 08.08.2005 and the judgment and order referred supra.

8. The employee, who worked for several years as a sweeper, filed a complaint before the Industrial Court praying that, as she worked on a daily wage basis, therefore, she is entitled to receive the benefits applicable to regular employees. In support of her contention, she relied upon the circular dated 08.08.2005. The learned Industrial Court observed that if benefits can be conferred upon part-time employees, then why not extend them to daily wage employees. Therefore, relying upon the circular, the Industrial Court allowed the complaint filed by the respondent – original complainant and directed the petitioner – original respondents to extend the benefits and privileges of permanent employee to the original complainant.

9. It is a fact that, after going through the order of the learned Industrial Court, it is clear that the evidence was also considered by the Industrial Court, which found that she had worked with the petitioner/original respondents since 1987, and

was receiving a meager amount of Rs.50. Accordingly, the Industrial Court allowed the complaint and directed the benefits based on the circular.

10. In view of the above facts, I do not find any reason to interfere with the order dated 22.07.2019 passed in Complaint (ULP) No.1 of 2011 by the learned Industrial Court, Amravati. Hence, I proceed to pass the following order :

ORDER

i) Writ Petition No.7764 of 2019 is **dismissed**. No order as to costs.

11. Rule is discharged accordingly.

(SIDDHESHWAR S. THOMBRE, J.)

TAMBE.