



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

WRIT PETITION NO. 324 OF 2024

Manoj Ukandrao Pakade, Aged 48 years, Occ: Service,
R/o Nandgaon Khandeshwar, District Amravati.

PETITIONER

VERSUS

1. The State of Maharashtra, Through its Secretary,
Technical Education, Mantralaya, Mumbai-32.
2. Principal, industrial Training Institute,
Nandgaon Khandeshwar, District Amravati.
3. Principal, Industrial Training Institute, Ner,
District Yavatmal.
4. Joint Director of Vocational Education and Training,
Regional Office, Amravati, Tah. and Dist. Amravati.

RESPONDENTS

Shri T.J. Patil and Shri S.S. Ansari, counsel for the petitioner.
Shri H.R. Dhumale, Assistant Government Pleader for the respondent nos.1 and 4.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : APRIL 22, 2026

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.

2. By this petition, the petitioner-Employee has sought directions to the respondents to pay him the wages as per the pay-scale applicable to the Class-IV employees from 01.11.1988 by modifying the order dated 27.07.2017 passed by the Industrial Court which had directed to pay the wages with effect from 26.10.2016.

3. The petitioner is an employee who claims to have been working with the respondents since 01.11.1988 on daily wages on the post of Watchman. The petitioner has filed a complaint before the Industrial Court, Yavatmal under Section 28 of the Maharashtra Recognition of

Trade Unions and Prevention of Unfair Labour Practices Act, 1971 seeking permanency and direction for payment of wages at par with the Class-IV employees. The complaint filed by the employee came to be allowed by judgment and order dated 27.07.2017 by which the Industrial Court directed consideration of the petitioner's claim for permanency and directed to pay the complainant the wages at par with the minimum of the pay-scale of regularly engaged Class-IV employees with effect from 26.10.2016 alongwith arrears of wages.

4. Although the petitioner's complaint was allowed by the Industrial Court, he has filed the instant petition seeking directions for payment of arrears of wages from the date of his initial appointment i.e. from 1988 by alleging that he was deprived from the status of a permanent employee and now, in view of the findings recorded by the Industrial Court about unfair labour practices being committed by the respondents, the directions to grant him arrears of wages from 1988 ought to have been issued.

5. A perusal of the impugned judgment and order passed by the Industrial Court shows that after considering the evidence about working of the employee i.e. the petitioner herein, from several years, it has been inferred that the respondents have engaged in unfair labour practices and accordingly the directions are issued for considering the claim of the employee for permanency.

6. The learned Assistant Government Pleader for the respondent nos.1 and 4 has pointed out that in accordance with the judgment and order of the Industrial Court, the permanency is already granted to the employee and according to his seniority, the petitioner has been promoted to the post of Junior Clerk-cum-Typist in Class-III cadre from 01.06.2022. It has to be noted that apart from the directions for grant of permanency, the Industrial Court has directed payment of wages to the complainant at par with the minimum of the pay-scale of the Class-IV employees by considering the position of law as laid down by the Hon'ble Supreme Court in *State of Punjab & Others Versus Jagjit Singh & Others* [(2017) 1 SCC 148]. After considering the facts of the case and the legal position, it has been observed that although the employee has worked from 1988 on daily wage basis or temporary basis, the employee became entitled for grant of equal pay for equal work in accordance with the position of law as laid down in the abovesaid judgment and accordingly the direction are issued to pay the arrears of wages.

7. Pertinent to note, the first complaint filed by the complainant in 1996 was dismissed in default and the second complaint filed in 2006 was withdrawn by him and thereafter he filed the third complaint. It has also to be noted that the employee has filed the complaint in the year 2012 itself and the issue of limitation was also raised by the respondents which is dealt with by the Industrial Court. As such, the complainant failed to establish his entitlement towards arrears of wages since 1988, however his entitlement on the basis of abovesaid judgment of the Hon'ble Supreme

Court was found just and reasonable. By recording elaborate reasons, the Industrial Court has directed the payment of wages at par with Class-IV employees. Further, it has to be noted that the petitioner has been granted permanency and even the promotion, as mentioned above. There is nothing on record to show that the employee was appointed in 1988 by a duly conducted recruitment process, neither the employee has filed any appointment order of the year 1988. As such, the only claim for arrears of wages from 1988 till 2016, without there being any permanency for that period would be a burden on the State Exchequer.

8. On perusal of the reasons recorded by the Industrial Court, I do not find any perversity in the impugned order warranting indulgence under Article 227 of the Constitution of India. Hence, the writ petition is dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)