



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

WRIT PETITION NO. 1568 OF 2025

1. Municipal Council, Pusad, through its Chief Officer, Tal. Pusad, Dist. Yavatmal.
2. Municipal Council, Pusad, through its President, Tal. Pusad, District Yavatmal.

PETITIONERS

VERSUS

1. Shivaji Sambhaji Waikule, Age: Major, Occ: Service, R/o R/o Hatkeshwar Ward, Pusad, Tal. Pusad, District-Yavatmal.
2. Pramod Pundlik Bande, Aged Major, Occ: Service, R/o Itawa Ward, Pusad, Tal. Pusad, Dist. Yavatmal.
3. The Collector, Yavatmal, Collector Office, Civil Lines, Yavatmal.
4. Regional Director & Commissioner, Municipal Administration, Amravati Division, Amravati, Dist. Amravati.
5. Director, Municipal Corporation Administration, Sir Pochkhanwala Marg, Warli, Mumbai.

RESPONDENTS

Shri P.P. Deshmukh, counsel for the petitioners.
Shri S.S. Ansari with T.J. Patil, counsel for the respondent nos.1 and 2.
Ms P.T. Joshi, Assistant Government Pleader for the respondent nos.3 and 4.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : FEBRUARY 17, 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-Municipal Council, Pusad has assailed the judgment and order dated 20.03.2023 passed by the Industrial Court, Yavatmal directing payment of wages to the respondent nos.1 and 2 alongwith interest at the rate of 6%.

3. The respondent nos.1 and 2 were appointed in the year 2006 on compassionate ground in the Water Supply Department and the Works Department of the Municipal Council, Pusad. The respondent nos.1 and 2 filed Complaint ULP No.35 of 2013 under Section 28(1) read with Item 5 and 9 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short, 'the Act of 1971') and sought direction to the Municipal Council, Pusad to grant wages for the period from 01.08.2006 to 29.01.2011 and for further period upto 30.04.2013. This complaint came to be partly allowed and the Industrial Court directed the Municipal Council to pay wages to the respondent nos.1 and 2 from 30.01.2011 till 30.04.2013 alongwith interest at the rate of 6% from the date of institution of the complaint till its realization. The Municipal Council has challenged this order by way of instant petition.

4. The learned counsel for the petitioners submitted that the respondent nos.1 and 2 were not in regular establishment of the Municipal Council and they have not even signed the muster roll from February 2008 onwards. He submitted that the appointments of the respondent nos.1 and 2 was on compassionate ground, however subject to the approval by the District Collector, Yavatmal and since their appointments were not approved, they were removed from service. He therefore submitted that the claim for wages for the said period is untenable.

5. Opposing the petition, the learned counsel for the respondent nos.1 and 2 invited my attention to the observations of the Industrial Court with respect to the repeated applications submitted by the employees requesting the petitioners to allow them to sign the muster roll and submitted that the respondent nos.1 and 2 had actually worked although they were denied permission to sign the muster roll. He submitted that the employees are entitled for the wages for the period for which they have actually worked.

6. A perusal of the impugned order reveals that the Industrial Court has given due consideration to the fact that the respondent nos.1 and 2 were appointed on compassionate ground as per order dated 27.07.2006 on the pay-scales mentioned in their appointment orders. After rendering services for several years, they were discontinued. Thus, after considering the period for which the respondent nos.1 and 2 have rendered actual services, the directions are issued to grant wages for the work performed by them. It has to be noted that the fact of the working of the respondent nos.1 and 2 is proved before the Industrial Court. The only contention on behalf of the petitioners is that the respondent nos.1 and 2 have not signed the muster roll cannot be given much weightage in view of the voluminous applications for the period from 21.08.2007 to 02.05.2013, showing that the respondent nos.1 and 2 had infact requested for permission to sign the muster roll. The contentions of the respondent nos.1 and 2 about submission of the applications are not disputed and

there is no convincing reason put forth by the petitioners in this regard. Pertinent to note, the Industrial Court has also given due consideration to the orders passed by this Court in similar cases in Writ Petition Nos.5471 of 2011 and 596 of 2017.

7. In the instant case, the fact remains that the respondent nos.1 and 2 have rendered services for the period from 30.01.2011 till 30.04.2013 and hence they are entitled for wages for the said period. The Industrial Court has properly considered all the relevant documents and after appreciating the evidence available before it, has directed grant of wages for the period for which the respondent nos.1 and 2 have worked. I do not find any perversity much less illegality with the impugned order. Hence, no indulgence is warranted under Article 227 of the Constitution of India. The writ petition is accordingly dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)

APTE