

MHLC090002772024



Received On : 19/08/2024

Registered On : 20/08/2024

Decided On : 13/03/2026

Duration : 01 Y. 04 M. 24D.

EXH. No. O-

IN THE FIRST LABOUR COURT AT KOLHAPUR
(Presiding Officer : Madhura A. Mulik)
[JO Code MH-02960]

Application (IDA) No. 10/2024

Shri. Dadaso Tatoba Patil,
Age :- 60 Yrs., Occupation : Nil,,
R/at :-Salshi, Taluka Shuhuwadi,
District Kolhapur

...Applicant

Versus

Grampanchayat Salashi,
Tal. :- Shahuwadi, Dist. Kolhapur
Through Sarpanch

...Opponent

Appearance :-

Ld. Advocate for the applicant : Shri. B. D. Manolkar

Opponent : Ex-parte

Claim :-

Application under Section 33-C(2) of the Industrial Disputes Act, 1947
claiming unpaid salary.

-: EX-PARTE JUDGMENT :-

(Delivered on 13/03/2026)

The present application is preferred under Section 33-C(2) of the Industrial Disputes Act, 1947 claiming legal dues to the tune of Rs. 7,51,981/- along-with interest @18% p.a. against the opponent.

BRIEF FACTS OF THE CASE :-

2. It is submitted for the applicant that, he was working as a “Water Supply Employee” with the opponent Grampanchayat. From 03/07/2013, he was restrained from joining duties and the opponent illegally terminated his services. He challenged the said action of the opponent by filing Complaint (ULP) No. 80/2013 before this Court. This Court vide Judgment and Order dated 16/05/2018 allowed the complaint and directed the opponent to reinstate the present applicant on the original post with continuity of service and full back wages with consequential benefits. After decision of this Court time to time, the applicant intimated the opponent in written to comply the order and pay the legal dues. However, the opponent never responded him. Thereafter, he sent legal notice on 16/08/2019. Meanwhile he has attained the age of superannuation. However, he was given only assurance to comply the said order but no amount has been paid to him.

3. It is submitted that, the opponent Grampanchayat covers under Village Panchayat Local Authority Industry. The Minimum Wages Act, 1948 is applicable to the opponent. Therefore, the applicant was entitled to receive monthly wages and special allowance as per the provisions of the said Act. Further, considering the nature of work he was performing, he covers under semi skilled class of employee and the opponent Grampanchayat comes under Zone III. Therefore, as per the aforesaid provisions the applicant is entitled to receive monthly salary along-with special allowance towards back wages as granted by this Court. Lastly, he has sent written application on 01/03/2024 and as the opponent failed to pay his legal dues, he approached to this Court by filing present application. The applicant has attached Annexure-A with present application. Thus, he has prayed to direct the opponent to pay amount of Rs. 7,51,981/- along-with interest @18% p.a.

4. The opponent despite of service of notice failed to appear, hence, present matter proceeded ex-parte against it vide order dated 10/02/2025 passed below Exh. U-1.

5. Considering pleading of the applicant following points arise for my determination. I record my findings thereon for the reason thereof as follows :-

Sr. No.	<u>POINTS</u>	<u>FINDINGS</u>
1)	Whether the applicant proves that, there is existing rights to claim the legal dues ?	<u>In the Affirmative</u>
2)	Whether the applicant is entitled for the monetary relief as claimed ?	<u>Partly Affirmative</u>
3)	What order ?	<u>As per final Order</u>

:- REASONS :-

The applicant in support of his contentions examined himself at Exh.UW-1. In addition to that he has filed copy of Judgment and Order passed in Complaint (ULP) No. 80/2013 on 16/05/2018 at Exh. U-9, application dated 07/05/2019 sent to the opponent at Exh. U-10, notice dated 16/08/2019 sent to the opponent at Exh. U-11, postal receipts at Exh. U-12, application sent to the opponent dated 01/03/2024 at Exh. U-13, postal receipt at Exh. U-14, copies of Government Notifications in respect of minimum wages for scheduled employment and Notifications showing rate of special allowances for scheduled employment collectively filed at Exh. U-15 and also filed along-with list Exh. U-18. The applicant has closed evidence vide pursis at Exh. U-16.

Heard Ld. Adv. Shri. B. D. Manolkar for the applicant at length.

AS TO POINT NOS. 1 TO 3 :-

6. All these points are interlinked with each-other, therefore, for the sake of brevity and convenience they are taken into consideration altogether. These points pertain to pre-existing right of the applicant to claim the legal dues and his entitlement to that amount as claimed by him. Before perusing evidence on record, it is required to see provision of Section 33-C(2) of the Industrial Disputes Act, 1947. The section reads as follow: -

“Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may, subject to any rules that may be made under this Act, be decided by such Labour Court as may be specified in this behalf by the appropriate Government [within a period not exceeding three months].”

7. The applicant to prove his contentions examined himself at Exh. UW-1 and thereby reiterated all the facts and circumstances mentioned in his main application. The applicant has claimed the amount in present matter as a pre-existing right on the basis of Judgment and Order passed by this Court in Complaint (ULP) No. 80/2013 on 16/05/2018. It is seen from copy of the said Judgment that, this Court by declaring engagement of the opponent into unfair labour practices directed the opponent to cease and desist from such practice and by setting aside his termination order, it is directed to reinstate the applicant on the original post with continuity of service and full back wages with consequential benefits. It is seen that, in view of the said Judgment, the applicant have pre-existing right to claim the legal dues from the opponent.

8. The documents produced by the applicant shows that, after passing of the said Judgment, he has sent notices dated 07/05/2019, 18/06/2019 and 01/03/2024 and claimed the back wages as granted by this Court. The said notices and postal acknowledgments are filed at Exh. U-10 to U-14. It is seen that, though the applicant requested the opponent to pay back wages as per the order passed by this Court and to reinstate him in services, however, the opponent neither replied the said notice nor paid dues to him.

9. The applicant has submitted Annexure-A along-with main application. He has calculated due amount considering minimum wages payable to him as per the Minimum Wages Act, 1948 and special allowance as per the Government Notification issued time to time. It is seen that, the applicant has produced copy of Notification dated 16/03/1999, 25/04/2007 and 07/08/2013 to show that being Water Supply Employee, he covered under semi skilled class of employee. He further relied upon Notifications of Minimum Wages as well as rate of Special Allowances payable in Maharashtra State to the employees working in scheduled employment. It has been observed that, the applicant has calculated due amount on the basis of the said documents and which find correct. As stated earlier, the present matter proceeded ex-parte against the opponent. In this situation, contentions of the applicant remained unchallenged and unshaken.

10. Considering oral as well as documentary evidence on record, it is very clear that, the applicant have pre-existing right on the basis of Judgment and Order passed by this Court in Complaint (ULP) No. 80/2013 and therefore, he is entitled to receive amount of Rs. 7,51,981/- from the opponent towards legal dues. The applicant has also claimed interest @18% on the said amount. However, there is no provision under the Industrial Disputes Act, 1947 to grant interest on amount claimed under Section 33-C(2). Thus, the applicant is not entitled to receive the interest. Thus, the present application deserves to be allowed partly. Accordingly, I answer point No. 1 in the

Affirmative, point No. 2 **Partly Affirmative** and in answer to point No. 3, I proceed to pass following order :-

-: ORDER :-

1. The application is party allowed.
2. Opponent shall pay amount of Rs. 7,51,981/- (In words Rupees Seven Lakh Fifty One Thousand Nine Hundred and Eighty One Only) to the applicant towards legal dues within 3 months from the date of this order.
3. No order as to costs.

Kolhapur
Date :- 13/03/2026.

(Madhura A. Mulik)
Presiding Officer,
Labour Court No.1, Kolhapur.

Argued on : 06/03/2026

Judgment dictated directly on : 13/03/2026
computer

Judgment checked & signed on : 13/03/2026