



Presented on	29/11/2025
Registered on	29/11/2025
Decided on	18/03/2026
Duration	YY MM DD
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**Exh.O-2**

**BEFORE THE JUDGE, LABOUR COURT-I, AT AURANGBAD**

( Presided over by D. S. Khedekar )

**Appln.IDA No. 10/2025**  
**CNR No.MHLC20000366-2025**

- 1] **Smt. Hirabai Asaram Mote,**  
Age : 70 years old, Occu. Nil,  
R/o. House No. 252, Paithan Road,  
Near Old Hanuman Temple, Kanchanwadi,  
Chh. Sambhajnagar.
- 2] **Smt. Venubai Visram Mhaske,**  
Age: 65 years old, Occ. Nil,  
R/o Paithan Road, VithKheda, Kranti Chowk,  
Chh. Sambhajnagar.
- 3] **Smt. Raibai Manikrao Sarag (Died),**  
Through its Lrs  
**3(a) Ambadas Manikrao Sarag,**  
Age : 48 years Old, Occ. Agri,  
R/o House No. 757, Paithan Road,  
Datta Nagar, Kanchanwadi,  
Chh. Sambhajnagar.  
**3(b) Bhagwat Manikrao Sarag,**  
Age : 45 years Old, Occ. Nil  
R/o House No. 757, Paithan Road,  
Datta Nagar, Kanchanwadi,  
Chh. Sambhajnagar.
- 4] **Ganpat Laxman Ghait,**  
Age : 75 years Old, Occ. Nil,  
R/o Narla, Wadod Bazar,  
Chh. Sambhajnagar.
- 5] **Raosaheb Sheshrao Walunje,**  
Age : 77 years old, Occ. Nil,  
R/o House No. 9/2, Wami Campus,

Paithan Road, Kanchanwadi,  
Chh. Sambhajanagar.

6] **Sadiq Khairatee Baig (Died)**

Through his LR

**6(a) Smt. Rajiya w/o Sadiq Baig,**

Age : 58 years old, Occu. Nil,

R/o House No. 15-12/273, Paithan Road,  
Kanchanwadi, Chh. Sambhajanagar.

7] **Baburao Ramrao Dhas,**

Age : 56 years old, Occu : Nil,

R/o Walmi, Kanchanwadi, Chh. Sambhajanagar.

8] **Ramnath Bhivsan Magar,**

Age : 60 years Old, Occ. Nil,

R/o Behind the Hanuman Temple, Padegaon,  
Chh. Sambhajanagar.

9] **Murli Bandu Solankar,**

Age : 62 years, Occu. Nil,

R/o Domegaon, Post – Yasgaon,

Tal : Gangapur, Dist. Chh. Sambhajanagar.

**... Applicants**

### **VERSUS**

**The Director General,**

**Water and Land Management Institute (WALMI),**

Kanchanwadi, Paithan Road, Chh. Sambhajanagar. **... Respondents**

Claim :- Application under 33 C (2) of Industrial Disputes Act for recovery of the amount against respondents.

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**Appearance :-** Shri A. B. Katkar Advocate for applicants  
Opponent – ex-parte.  
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### **JUDGMENT**

(Delivered on 18/03/2026)

This is an application filed by the applicant u/s.33C(2) of the Industrial Disputes Act, 1947 against the respondent for recovery of legal dues.

**It is the case of the applicant that :**

2] The applicants are workmen as defined under Section 2(s) of the Industrial Disputes Act, 1947. The opponent is institute which is engaged in the business of Water and Land Management Institute (WALMI) and the same is an Industry as defined under Section 2(j) of the Industrial Disputes Act, 1947. The applicants were temporary employees working as Labour and opponent management has extracted work from the applicants continuously without giving any official holidays right from 1985 onwards. Large number of employees like applicants were working on daily-wages in the establishment of opponent for many years so they have raised demand that, they should be made permanent. The opponent management not followed the provisions of Factory Act, 1948 and Rules made thereunder. The activities of opponent management was such that, they needed employees at around of clock basis and they were not providing single holiday to the daily-wages workers.

3] The applicants further contended that applicants were working as daily-wages since last so many years so there was a demand personally from the applicants as well as from the union to make these unskilled workers permanent but the benefit of their permanency should be extended to the present applicants and similarly situated employees. The opponent management have accepted the scheme of the applicants and made them permanent by orders dtd. 7.2.1996, 6.11.1996 and 30.9.1997 and all the benefits of permanency were extended.

4] It is contended that though the applicants have been made permanent but the benefit of the holidays in terms of monetary compensation has not been provided to the applicants as well as other similarly situated employees. Hence, there was a demand by individually from the applicants as well as from the Union with the opponent management or providing financial compensation / holidays salary of every employee who has worked-out on daily wages without having a single break or without having any single holiday. The applicants are required to work on National Holidays. These national holidays are complete holidays for every citizen of India whereas the applicants have been prohibited by the opponent management for holidays which is nothing but it is colourable exercise of powers vested with the opponent management and which is amounting to serious unfair labour practice on the part of opponent management.

5] It is contended that the applicants and other employees like applicants are required to and are compelled to work on daily-wages also the opponent management wanted to give holidays to the applicants and other workers so far as having claim is concerned it was pending with the opponent management and therefore, the opponent management has accepted the claim by its letter dtd. 25.5.2012 by which they have made representations to the Government of Maharashtra informing the Government that it is genuine and legitimate claim of the applicants. They have requested to the Government to make the provision of Rs. 1,50,00,000/- (Rupees One Crore Fifty Lakhs Only). In the Circular dtd. 19.11.2009

it was also agreed that the applicants are entitled by monetary gain by giving financial benefits with retrospective effect.

6] It is contended that the opponent management has calculated all the holiday right from 1985 till the employees made permanent and till the date of facility of holidays was made available to the applicants and as such every employee like applicants is entitled for Rs. 97,000/- (Rupees Ninety Seven Thousand only) as against the arrears of wages of holidays. The opponent management has worked out the statistical data and considered all the holidays in a year including the weekly holidays, Deevali Holidays and National Holidays for which normally other employees are entitled. The opponent management shown its willingness providing financial benefits to the applicants and other employees. The opponent management in its representation dtd. 25.5.2012 itself has admitted that, 155 unskilled workers have worked on daily-wages and these 155 workers are entitled for the compensation or financial benefits which comes to Rs. 1.5 Crores and they have requested the Government to release the funds. The reference of representation dtd. 25.5.2012 is mentioned herein is whole intention is that, the opponent management has accepted the genuine claim of the Maharashtra because they themselves claiming the benefit from the Government of Maharashtra though it is the concerned with the applicants.

7] It is contended that as there was no response from the opponent management the applicants were filed the Writ Petition bearing No. 11889/2015 before the Hon'ble High Court of Bombay

Bench at Aurangabad. The opponent management raised the preliminary objection about the maintainability of the Writ Petition and mentioned that there is a remedy before the Hon'ble Industrial Court or Hon'ble Labour Court under Section 33-C(2) of the Industrial Disputes Act, 1947. The Hon'ble Division Bench of Bombay High Court Bench at Aurangabad has been pleased to accept the technical objection raised by the respondent and accordingly, the said Writ Petition is disposed of. Hon'ble High Court, wherein it is observed that all the points are kept open before the appropriate forum. The applicants have filed Writ Petition before the Division Bench of High Court Bench at Aurangabad bearing Writ Petition No. 11889/2015 for making the payments of the Holidays and National Holidays on which days all the applicants have actually worked and the same is accepted fact by the respondent in view of the various orders passed by the WALMI Management and more particularly, the letter dtd. 25.5.2012 by which proposal was sent to the Government of Maharashtra for making the provisions of Rs. 1.5 Crores. The Hon'ble High Court directed the employees to oppose in Labour Court for its grievances. The 37 employees have approached before this Court and their application has been allowed. The copy of order passed by this Court is placed on record for kind perusal of this Court.

8] The applicants further contended that being aggrieved and dissatisfied of the order passed by this Court, the WALMI Management has approached the Hon'ble High Court Bench at Aurangabad. The Hon'ble High Court has partly allowed the Writ Petition and reduced the amount from Rs. 1,00,000/- (Rupees One Lakh Only) to Rs. 97,000/- (Rupees Ninety Thousand Only) as

granted by this Court and further reduced the interest from 10% to 7%. It is pertinent to note that when this Writ Petition have been heard the Hon'ble High Court has granted relief to all other similarly situated employees i.e. present applicants though they have not approached to any court for seeking relief but fact remains that, all the employees have approached the Hon'ble Division Bench in Writ Petition No. 11889/2015. This fact has been noticed by the Hon'ble High Court therefore, the Hon'ble High Court has expanded its scope and granted relief to present applicants though they have not approached this Court. The Hon'ble High Court has directed the opponent management to deposit Rs. 1.5 crores in the Hon'ble High Court and accordingly, the opponent management has deposited Rs. 1.5 crores before the Hon'ble High Court.

9] The applicants further contended that the opponent management has raised the grievance in Review Petition and requested the Hon'ble High Court to review the order as the persons who have not approached the Court. The Hon'ble High Court has granted relief in their favour. This point has been considered by the Hon'ble High Court in its Judgment and order dtd. 4.11.2020 and allowed the Review Petition partly but further taken precaution and allowed the present applicants to approach this Court for seeking relief under Section 33-C(2) of Industrial Disputes Act, 1947 for claiming the unpaid wages. To avoid multiplicity of litigation the relief was granted to all the present applicants but considering the strong objection by the respondent management the Hon'ble High Court has reviewed its order. The amount which was lying before the Hon'ble High Court has been remitted to this Hon'ble Court as

observed in para No. 29 of the Judgment and order dtd. 4.11.2020. Hence, the intention of the Hon'ble Court to protect the interest of present applicants and also to protect the amount which is payable by respondent management to the present applicants. The amount deposited by the management is secured by the Hon'ble High Court and the applicants are permitted to approach this Court under Section 33-C(2) of the Industrial Disputes Act. In view of this circumstances, the applicants have approached before this Court by filing the present application for seeking relief as the similarly situated employees have been successfully receiving the amount. To avoid discrimination the Hon'ble High Court with the broad view protected the interest of present applicants while remitting the amount to the Labour Court.

10] The applicants further contended that there are 9 employees who approached before this Court for similar prayers but their application has been unfortunately dismissed in default and their names are also included in the present application because the Hon'ble High Court observed that all the employees are entitled for the amount. Hence, the technicality of dismissal of their complaint shall not come in way for entitlement of the amount. As the scope for these employees also is enlarged in this Court in earlier Judgment while dismissing the Writ Petition filed by opponent management. Other employees were successfully who have approached the Hon'ble Court and their application have been allowed and have been permitted to withdraw their amount by the Hon'ble High Court in its Judgment and order dtd. 4.11.2020. The applicants are entitled for the relief which was granted by the Hon'ble High Court initially but subsequently in Review Petition modified the same because of the

serious grievance made by the opponent management. The applicants have approached before this Court by filing the present application within a stipulated period as relief granted by the Hon'ble High Court. As such the present application is filed within limitation for filing application under Section 33-C(2) of the Industrial Disputes Act. There is no limitation Act applies but in the present case the Hon'ble High Court has given scope and enlarged the issue of limitation and permitted the applicants to approach individually or commonly for seeking relief from this Court. Therefore, it is prayed that the application may kindly be allowed and the respondent may kindly be directed to pay Rs. 97,000/- along with interest @ 10% per annum from the date of permanency as per orders dtd. 7.2.1996, 6.11.1996 and 30.9.1997 till realization of the amount.

11] The respondent failed to appear therefore, case was proceeded ex-parte against respondent by order dtd. 29/01/2026 below Exh. U-1.

12] On the basis of contentions of the applicant following points arise for determination of application. I have recorded my findings thereon with reasons as follows :-

No.	<u>POINTS</u>	<u>FINDINGS</u>
1	Do applicant prove that they have pre-existing right against respondent ?	<b>In the affirmative.</b>
2	Do applicants prove that they are entitled to get benefits against respondent as prayed ?	<b>Partly in the affirmative.</b>
3	What order ?	<b>As per final order</b>

### **REASONS**

13] The applicant has filed evidence affidavit at **Exh. U-10**. The applicant has filed evidence closed pursis at **Exh. U-11**. The applicant filed pursis at Exh. U-21 and thereby relied upon decision in Appln IDA 29/2020 and order in Writ Petition 2813/2025 in respect of other employees. The applicant has filed documents at **Exh. U-3** i.e. copies of appointment orders at **Exh. U-12**, copies of circulars at **Exh. U-13 to U-16**, copy of order of Hon'ble High Court at **Exh. U-17**, copy of order of Hon'ble Labour Court at **Exh. U-18**, copy of order of Hon'ble High Court at **Exh. U-19**, copy of order of Hon'ble High Court at **Exh. U-20**. Adhaar Cards of the applicants at **Article A**.

### **AS TO POINT NOS. 1 TO 3 :-**

14] The applicants have examined Baburao Ramrao Dhas witness at Exh. U-10 and reiterated the averments of the application and the documents relied upon vide Exh. U-12 to U-20. The respondents have not disputed the appointment of applicants and issuance of circular and orders of permanency relied upon by the applicant. Therefore, the statement of applicant is unchallenged and therefore, required to be accepted for decision of the relief in pursuance of permanency order dtd. 07/02/1996, 06/11/1996 and 30/09/1997 and the comparative order passed by this Court in Appln IDA No. 29/2020 on 10/10/2024 in the light of decision of Hon'ble High Court in Writ Petition No. 2827/2019 order dtd. 26/07/2019 and order in Writ Petition No. 2813/2025 passed on 30/06/2025.

15] The learned Advocate for applicants submitted that the applicants are workmen as defined under Section 2(s) of the Industrial Disputes Act, 1947. The opponent is institute which is engaged in the business of Water and Land Management Institute (WALMI) and the same is an Industry as defined under Section 2(j) of the Industrial Disputes Act, 1947. The applicants were temporary employees working as Labour and opponent management has extracted work from the applicants continuously without giving any official holidays right from 1985 onwards, therefore, they have raised demand of permanency. The opponent management not provided single holiday to the daily-wages workers.

16] It is further submitted that the opponent management have accepted the demand of the applicants and made them permanent by orders dtd. 7.2.1996, 6.11.1996 and 30.9.1997 and all the benefits of permanency were extended. Though the applicants have been made permanent but the benefit of the holidays in terms of monetary compensation has not been provided to the applicants as well as other similarly situated employees. Hence, there was a demand by individually from the applicants as well as from the Union with the opponent management or providing financial compensation / holidays salary of every employee who has worked-out on daily wages without having a single break or without having any single holiday. The applicants are required to work on National Holidays including 26<sup>th</sup> January Republic Day of Government of India, 1<sup>st</sup> May a Labour Day and 15<sup>th</sup> August Independence Day. The mangement circular dtd. 19.11.2009 speaks itself that the applicants and other employees were compelled to work on holidays.

17] It is further submitted that the respondent management has accepted the claim by its letter dtd. 25.5.2012 by which they have made representations to the Government of Maharashtra informing the Government that it is genuine and legitimate claim of the applicants. They have requested to the Government to make the provision of Rs. 1,50,00,000/- (Rupees One Crore Fifty Lakhs Only). In the Circular dtd. 19.11.2009 it was also agreed that the applicants are entitled by monetary gain by giving financial benefits with retrospective effect. The opponent management has calculated all the holiday right from 1985 till the employees made permanent and till the date of facility of holidays was made available to the applicants and as such every employee like applicants is entitled for Rs. 97,000/- (Rupees Ninety Seven Thousand only) as against the arrears of wages of holidays.

18] It is further submitted that the respondent management in its representation dtd. 25.5.2012 itself has admitted that, 155 unskilled workers have worked on daily-wages and these 155 workers are entitled for the compensation or financial benefits which comes to Rs. 1.5 Crores and they have requested the Government to release the funds. The reference of representation dtd. 25.5.2012 . The opponent management has accepted the genuine claim of the Maharashtra because they themselves claiming the benefit from the Government of Maharashtra though it is the concerned with the applicants. The applicants have filed Writ Petition before the Division Bench of High Court Bench at Aurangabad bearing Writ Petition No. 11889/2015 for making the payments of the

Holidays and National Holidays on which days all the applicants have actually worked and the same is accepted fact by the respondent.

19] It is undisputed facts on record thst in view of the various orders passed by the WALMI Management and more particularly, the letter dtd. 25.5.2012 by which proposal was sent to the Government of Maharashtra for making the provisions of Rs. 1.5 Crores. The Hon'ble High Court directed the employees to approach in Labour Court for its grievances. The 37 employees have approached before this Court and their application has been allowed. The Hon'ble High Court has partly allowed the Writ Petition and reduced the amount from Rs. 1,00,000/- (Rupees One Lakh Only) to Rs. 97,000/- (Rupees Ninety Thousand Only) as granted by this Court and further reduced the interest from 10% to 7%. Hon'ble High Court has granted relief to all other similarly situated employees i.e. present applicants though they have not approached to any court for seeking relief but fact remains that, all the employees have approached the Hon'ble Division Bench in Writ Petition No. 11889/2015.

20] The Hon'ble High Court therefore, has expanded its scope and granted relief to present applicants though they have not approached this Court. The Hon'ble High Court has directed the opponent management to deposit Rs. 1.5 crores in the Hon'ble High Court and accordingly, the opponent management has deposited Rs. 1.5 crores before the Hon'ble High Court. To avoid multiplicity of litigation the relief was granted to all the present applicants but considering the strong objection by the respondent management the Hon'ble High Court has reviewed its order. The amount which was

lying before the Hon'ble High Court has been remitted to this Hon'ble Court as observed in para No. 29 of the Judgment and order dtd. 4.11.2020. Hence, the intention of the Hon'ble Court to protect the interest of present applicants and also to protect the amount which is payable by respondent management to the present applicants.

21] The amount deposited by the management is secured by the Hon'ble High Court and the applicants are permitted to approach this Court under Section 33-C(2) of the Industrial Disputes Act. In view of this circumstances, the applicants have approached before this Court by filing the present application for seeking relief as the similarly situated employees have been successfully receiving the amount. To avoid discrimination the Hon'ble High Court with the broad view protected the interest of present applicants while remitting the amount to the Labour Court. There are 9 employees who approached before this Court for similar prayers but their application has been unfortunately dismissed in default and their names are also included in the present application because the Hon'ble High Court observed that all the employees are entitled for the amount. Hence, the technicality of dismissal of their complaint shall not come in way for entitlement of the amount. The applicants lastly prayed that the application may kindly be allowed. The opponent may kindly be directed to pay Rs. 97,000/- along with interest @ 10% per annum from the date of permanency as per orders dtd. 7.2.1996, 6.11.1996 and 30.9.1997 till realization of the amount.

22] It is not disputed that the applicants were temporary employees working as Labour and opponent management has

extracted work from the applicants continuously without giving any official holidays right from 1985 onwards. There fore they have raised demand of permanency. The opponent management not provided single holiday to the daily-wages workers. The opponent management have accepted the demand of the applicants and made them permanent by orders dtd. 7.2.1996, 6.11.1996 and 30.9.1997 and all the benefits of permanency were extended.

23] It is the grudge of the applicants that though they have been made permanent but the benefit of the holidays in terms of monetary compensation has not been provided to the applicants as well as other similarly situated employees. Hence, they raised demand to the opponent management for providing financial compensation / holidays salary of every employee who has worked-out on daily wages without having a single break or without having any single holiday.

24] It is also not disputed that the opponent management in its representation dtd. 25.5.2012 has admitted entitled for the compensation or financial benefits which comes to Rs. 1.5 Crores of these 155 workers and thereby the opponent have requested the Government to release the funds. The opponent management has accepted the claim as they themselves claiming the benefit from the Government of Maharashtra though it is the concerned with the applicants.

25] It is also admitted fact that the other employees had filed Writ Petition before the Division Bench of Hon'ble High Court

Bench at Aurangabad bearing Writ Petition No. 11889/2015 for making the payments of the Holidays and National Holidays on which days all the applicants have actually worked. Wherein the Hon'ble High Court directed the employees to oppose in Labour Court for its grievances. The 37 employees have approached before labour Court and their application has been allowed. The Hon'ble High Court has partly allowed the Writ Petition and reduced the amount from Rs. 1,00,000/- (Rupees One Lakh Only) to Rs. 97,000/- (Rupees Ninety Thousand Only) as granted by this Court and further reduced the interest from 10% to 7%. The Hon'ble High Court has granted relief to all other similarly situated employees in Writ Petition No. 11889/2015.

26] The Hon'ble High Court has expanded its scope and granted relief to present applicants also, though they have not approached to Labour Court. The Hon'ble High Court has directed the opponent management to deposit Rs. 1.5 crores in the Hon'ble High Court and accordingly, the opponent management has deposited Rs. 1.5 crores before the Hon'ble High Court. The relief was granted to all the present applicants but considering the strong objection by the respondent management the Hon'ble High Court has reviewed its order. The amount deposited by the management is secured by the Hon'ble High Court and the applicants are permitted to approach this Court under Section 33-C(2) of the Industrial Disputes Act. Under such circumstances, the applicants have pre-existing right to approached before this Court by filing the present application under Section 33-C(2) for seeking relief as the similarly situated employees have been successfully receiving the amount.

27] The Hon'ble High Court protected the interest of present applicants and therefore, the applicants other employees approached this Court for granting relief by the Hon'ble High Court for claiming under Section 33-C(2) of I. D. Act, 1947 and their application was allowed and they were permitted to withdraw the amount of Rs. 97,000/- along with interest @ 7% per annum from the date of filing of application till its actual realization of amount. For the aforesaid reasons and the order of Hon'ble High Court referred hereinabove in Writ Petition No. 2813/2025 and in view of decision in Writ Petition No. 11889/2015 the each applicant is entitled for the legal dues of Rs. 97,000/- @ 7% interest from the date of filing of application till its actual realization in view of decision in Writ Petition No. 2813/2025 on 30/06/2025. Consequently, I answer point Nos. 1 and 2 partly affirmatively and proceed to pass following order;

<b><u>ORDER</u></b>	
1.	The application is partly allowed.
2.	The respondent is directed to pay Rs. 97,000/- to each applicant along with interest @ 7% per annum on due amount from the date of filing of application till it's realization.
3.	Parties to bear their own costs.

**[Dictated and pronounced in open Court]**

**[D. S. Khedekar]**

Presiding Officer & Judge,  
Labour Court-1, Aurangbad

Date :- 18/03/2026

**CERTIFICATE**

I affirm that the contents of this PDF file Judgment are same, word to word, as per the original judgment.

Name of Stenographer : Mrs. G. G. Deshmukh-Dahibhate  
Court : Labour Court-1, Aurangabad