

Bombay High Court Indubai Sabaji Bare vs Mahatma Phule Krushi Vidyapeeth,
... on 18 February, 2016 Bench: R.V. Ghuge 1

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1039 OF 2007

1 Mahatma Phule Krishi Vidyapith,
Rahuri, through its Registrar,

Rajendrakumar B. Patil,
Age : 36 years, Occu. Service,
R/o. M.P.K.V. Campus, Rahuri,
Tq. Rahuri, Dist. Ahmednagar.

2 The Associate Dean,
Agricultural College, Dhule.
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...Petitioners

Versus

1 Sow. Jijabai Gopichand Chambhar,
Age : major, Occu. Labour.

2 Sow. Sushilabai Shankar Chavan,
Age : major, Occu. Labour.

3 Sow. Sakhubai Vitthal Patil,

Age : major, Occu. Labour.

4 Sow. Kamalbai Rachandra Jadhav,
Age : major, Occu. Labour.

5 Sow. Indubai Jagannath Wadekar,
Age : major, Occu. Labour.

6 Sow. Bhagabai Kisan Nikam,

Age : major, Occu. Labour.

7 Shri. Bhikan Kautik Bhadane,
Age : major, Occu. Labour.

8 Sow. Mirabai Motilal Patil,
Age : major, Occu. Labour.

9 Sow. Shobhabai Shravan Patil,
Age : major, Occu. Labour.

khs/Feb.2016/681-d

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All R/o. C/o. Mahatma Phule Krishi

Vidyapith, Kamgar, Karmachari Union,
Ramchandra Nagar, Dhule,
Tq and District Dhule.

10 The State of Maharastra,

Through its Secretary,
Agriculture Department,
Mantralaya, Mumbai.

...Respondents

WITH WRIT PETITION NO.681 OF 2007 1 Mahatma Phule Krishi Vidyapith,
Rahuri, through its Registrar, Rajendrakumar B. Patil, Age : 36 years, Occu.
Service, R/o. M.P.K.V. Campus, Rahuri, Tq. Rahuri, Dist. Ahmednagar. 2
The Associate Dean, Agricultural College, Dhule. ...Petitioners

Versus

1 Shri. Walmik Manik Patil,

Age : major, Occu. Labour. 2 Shri. Sudhakar Onkar Thakre, Age : major,
Occu. Labour. 3 Sow. Vimalbai Pandit Kande Age : major, Occu. Labour.
4 Shri. Gopal Eknath Wani, Age : major, Occu. Labour. 5 Sow. Sumanbai
Sukhdeo Chaudhari, Age : major, Occu. Labour. 6 Sow. Anusayabai Ukha
Marathe, khs/Feb.2016/681-d Age : major, Occu. Labour. 7 Sow. Indubai
Vinayak Patil, Age : major, Occu. Labour. 8 Shri. Prakash Ramchandra
Bhokre, Age : major, Occu. Labour. 9 Shri. Nimba Baburao Badgujar Age
: major, Occu. Labour. 10 Shri. Tarachand Punjaji Kande Age : major,
Occu. Labour. Shri. Bhatu Gulab Pawar, Age : major, Occu. Labour. 12
Shri. Nana Dada Bhadane, Age : major, Occu. Labour. 13 Sow. Kevalbai
Pandit Patil, Age : major, Occu. Labour. 14 Shri. Ashok Khandu Saindane,
Age : major, Occu. Labour. 15 Shri. Bharat Ramdas Patil, Age : major,
Occu. Labour. 16 Shri. Bhatu Shravan Mali, Age : major, Occu. Labour. 17
Shri. Ramesh Kashinath Joshi, Age : major, Occu. Labour. 18 Sow. Mirabai
Baburao Marathe, Age : major, Occu. Labour. 19 Shri. Lotan Dogha Patil,
Age : major, Occu. Labour. 20 Sow. Shantabai Kisan Chaudhari, Age : major,
Occu. Labour. khs/Feb.2016/681-d 21 Shri. Subhash Jangbahadur Gurkha,
Age : major, Occu. Labour. 22 Shri. Suresh Sitaram Marathe, Age : major,
Occu. Labour. 23 Shri. Dhanraj Ananda Suryawanshi Age : major, Occu.

Labour. 24 Shri. Dhanraj Rupchand Patil, Age : major, Occu. Labour. 25 Shri. Rajendra Punjaji Kande, Age : major, Occu. Labour. 26 Sow. Kokilabai Chintaman Baviskar, Age : major, Occu. Labour. 27 Sow. Bebibai Vithal Wagh, Age : major, Occu. Labour. 28 Shri. Shivaji Sitaram Surywanshi, Age : major, Occu. Labour. 29 Shri. Rajendra Baburao Chaudhari, Age : major, Occu. Labour. 30 Shri. Mohmad Harun Shaikh Karim, Age : major, Occu. Labour. 31 Shri. Rajendra Tarachand Chaudhari, Age : major, Occu. Labour. 32 Shri. Bhanudas Girdhar Saindane, Age : major, Occu. Labour. 33 Sow. Hirkanbai Rajaram Nhavi, Age : major, Occu. Labour. 34 Shri. Dhondubhagwan Dhangar, Age : major, Occu. Labour. khs/Feb.2016/681-d 35 Sow. Indubai Arjun Jadhav, Age : major, Occu. Labour. 36 Shri. Shivaram Bansi Borsel, Age : major, Occu. Labour. 37 Sow. Lilabai Rajdhar Patil, Age : major, Occu. Labour. 38 Sow. Hausabai Namdeo Hatkar, Age : major, Occu. Labour. 39 Sow. Shobhabai Madhukar Sonwane, Age : major, Occu. Labour. 40 Sow. Phulabai Baliram Mahajan, Age : major, Occu. Labour. 41 Sow. Sumanbai Bhagwan Chaudhari, Age : major, Occu. Labour. 42 Shri. Baku Tarachand Pawar, Age : major, Occu. Labour. 43 Shri. Gangadhar Ganesh Chatre, Age : major, Occu. Labour. 44 Sow. Shakuntalabai Tarachand Sonar, Age : major, Occu. Labour. 45 Shri. Ramesh Shrikrishna Kulkarni, Age : major, Occu. Labour. 46 Sow. Vimalbai Himat Patil, Age : major, Occu. Labour. 47 Shri. Gambhir Shamrao Deshmukh, Age : major, Occu. Labour. 48 Sow. Latabai Gajmal Patil, Age : major, Occu. Labour. khs/Feb.2016/681-d 49 Sow. Bebibai Lotan Patil, Age : major, Occu. Labour. 50 Sow. Sumanbai Shamrao Chaudhari, Age : major, Occu. Labour. 51 Sow. Sakhubai Madhav Sonwane, Age : major, Occu. Labour. 52 Sow. Mandabai Najindas Patil, Age : major, Occu. Labour. 53 Sow. Janabai Nago Marathe, Age : major, Occu. Labour. 54 Shri. Prakash Ukhandu Sonwane, Age : major, Occu. Labour. 55 Shri. Bhikan Namdeo Chonge, Age : major, Occu. Labour. 56 Sow. Sarlabai Arun Garud, Age : major, Occu. Labour. 57 Shri. Dattu Shamrao Patil, Age : major, Occu. Labour. 58 Sow. Jijabai Ananda Nikubh, Age : major, Occu. Labour. 59 Shri. Ravindra Pandit Kande, Age : major, Occu. Labour. 60 Sow. Sumanbai Vitthal Badgujar, Age : major, Occu. Labour. 61 Shri. Dagdu Bhivsen Patil, Age : major, Occu. Labour. 62 Sow. Kamalbai Ganjidhar Patil, Age : major, Occu. Labour. 63 Shri. Shantaram Tarachand Gaikwad, khs/Feb.2016/681-d Age : major, Occu. Labour. 64 Shri. Madhukar Baburao Sonwane, Age : major, Occu. Labour. 65 Sow. Kamalbai Raghunath Nerkar, Age : major, Occu. Labour. 66 Shri. Ramesh Barku Patil, Age : major, Occu. Labour. 67 Sow. Vanjatabai Baban Mahajan, Age : major, Occu. Labour. Shri. Gulab Ramdas Chaudhari, Age : major, Occu. Labour. All R/o. C/o. Mahatma Phule Krishi Vidyapith, Kamgar, Karmachari Union, Ramchandra Nagar, Dhule, Tq. And District Dhule. ... Respondents WITH WRIT PETITION NO.2452 OF 2011 1 Digambar Vitthal Kohakade, Age 50 years, 2 Deelip Ambadas Wani, Age 42 years, 3 Gangubai Bhanudas Pingle, Age 52 years, 4 Hirabai Maruti Chaudhari, Age 52 years, 5 Vithabai Santu Kale, Age 40 years, 6 Bansi Karbhari Rahane, Age 51 years. khs/Feb.2016/681-d 7 Kisan Karbhari Gawade, Age 48 years, 8 Mathurabai Bhimaji Unhwane,

Age 54 years, 9 Vishnu Bhanudas Pagire, Age 55 years, 10 Lankabai Jalindar Tambe, Age 46 years, 11 Sindhu Dagdu Karande, Age 42 years, 12 Sulochana Jagannath Vairagal, Age 45 years, 13 Saraswati Tatyaba Patole, Age 39 years, 14 Latabai Dada Jare, Age 52 years, 15 Bhimbai Sukhdeo Borude, Age 53 years, 16 Bhausaheb Raghunath Gopale, Age 43 years, 17 Prabhakar Vitthal Jadhav, Age Major, 18 Bhagnath Shankar Dale, Age 53 years, 19 Haribhau Bhausaheb Patare, Age 51 years, 20 Saraswati Namdeo Yeole, age 42 years, khs/Feb.2016/681-d 21 Zumberbai Baburao Yerande, Age 44 years, 22 Hausabai Tanhaji Bhosale, Age 54 years, 23 Tanhaji Khandu Bhosale, Age 54 years, 24 Bhambai Paraji Bhojane, Age 51 years, 25 Shankar Ramdas Kalhapure, Age 49 years, 26 Ashruba Laxman Taware, Age 48 years, 27 Dadasaheb Baburao Patare, Age 44 years, 28 Kamal Dattatraya Latake, Age 50 years, 29 Gangadhar Namdeo Harichandre, Age 52 years, 30 Chima Shankar Shende, Age 45 years, 31 Karbhari Baburao Khalekar, Age 48 years, 32 Dattatraya Laxman Hadole, Age 42 years, 33 Kantabai Appasaheb Daule, Age 46 years, 34 Sarswati Laxman Pawar, Age 42 years, khs/Feb.2016/681-d 35 Kusum Rangnath Jangle, Age 47 years, 36 Gayabai Laxman Ingle, Age 52 years, 37 Kantabai Appasaheb Pansambal, Age 48 years, 38 Tanhabai Narayan Sasane, Age 54 years, 39 Alka Eknath Gayake, Age 39 years, 40 Bharat Rangnath Lawande, Age 46 years, 41 Sakharam Amruta Mate, Age 42 years, 42 Ramesh Kisan Khedekar, Age 38 years, 43 Bhagwat Narayan Sable, Age 43 years. 44 Devram Bajirao Yenare,

Age 45 years,

45 Arun Yadav Pawar,
Age 46 years,

46 Kalawati Karbhari Bhand,
Age 52 years,

47 Bapu Chandrabhan Dudhade,
Age 47 years,

48 Radhabai Karbhari Jangle,
Age 42 years,

khs/Feb.2016/681-d

- 49 Mhalubai Sakharam Bachkar,
Age 54 years,
- 50 Dropadabai Balkisan Dhokane,
Age 56 years,
- 51 Kusum Raosaheb Thombre,

Age 44 years,
- 52 Balasaheb Kundlik Ghadge,
Age 47 years,
- 53 Nagina Ayub Patel,
Age 45 years,
- 54 Pradeep Sadashiv Ghorpade,
Age 36 years,
- 55 Gorakshnath Eknath Chopade,
Age 45 years,
- 56 Sarangdhar Ramchandar Karande,

Age 47 years,

57 Vinayak Rangnath Patare,
Age 49 years,

58 Ashabee Karbhari Sayyed,

Age 41 years,

59 Hausabai Kisan Ughade,
Age 53 years,

60 Laxman Eknath Dhandwate,
Age 46 years,

61 Gangadhar Changdeo Divate,
Age 54 years,

62 Narayan Rangnath Doiphode,
Age 55 years,

khs/Feb.2016/681-d

- 63 Navnath Rambhau Mohalkar,
Age 52 years,
- 64 Sudhakar Namdeo Makasare,
Age 56 years,
- 65 Rahibai Navnath Mohalkar,

Age 53 years,
- 66 Sonubai Eknath Gaikwad,
Age 47 years,
- 67 Sukdeo Yadav Kale,
Age 42 years,
- 68 Rabhaji Kondaji Mandlik,
Age 44 years,
- 69 Vasant Yadav Kokate,
Age 35 years,
- 70 Eknath Haribhau Waghmode,

Age 49 years,
- 71 Rakhmabai Fakira Chitalkar,
Age 54 years,

72 Mahadeo Santram Ghadge,

Age 46 years,

73 Malan Laxman Patole,
Age 42 years,

74 Bhimraj Trimbak Thorat,
Age 54 years,

75 Hausabai Namdeo Adsure,
Age 53 years,

76 Kashinath Pandurang Thokal,
Age 42 years,

khs/Feb.2016/681-d

77 Ramesh Kashinath Gaikwad,
Age 39 years,

78 Pandharinath Karbhari Bhise,
Age 47 years,

79 Parubai Natha Sakhare,

Age 55 years,

80 Manik Motiram Ahire,
Age 42 years,

81 Kashibai Baburao Satpute,
Age 54 years,

82 Lilabai Mhatardeo Admane,
Age 54 years,

83 Suman Sampat Gawate,
Age 38 years,

84 Gayabai Gopinath Gadhe,

Age 37 years,

85 Tarabai Narayan Girgune,
Age 41 years,

86 Bhagirathi Sitaram Tanpure,

Age 55 years,

87 Annasaheb Maruti Landge,
 Age 52 years,

88 Gorakh Savleram Pawar.
 Age 47 years,

89 Shantabai Ashok Londhe,
 Age 39 years,

90 Lankabai Asaram Thorat,
 Age 55 years,

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91 Sheela Dadu Kasbe,
 Age 50 years,

92 Dagdabai Jaiwant Patole,
 Age 50 years,

93 Kusum Janardan Waghmare,

- Age 47 years,
- 94 Kalawati Pandharinath Jadhav,
Age 46 years,
- 95 Pushpa Baban Tanpure,
Age 47 years,
- 96 Rahibai Babasaheb Javare,
Age 50 years,
- 97 Sonyabapu Maruti Gadhe,
Age 50 years,
- 98 Chandrakala Babasaheb Kalhapure,

Age 52 years,

- 99 Deelip Yashwant Pawar,
Age 46 years,

Occupation - all Unemployed, All R/o Trade Union Centre, Kacheri Road, Shirampur, Tq. Shirampur, Dist. Ahmednagar. ...Petitioners Versus 1 Mahatma Phule Krishi Vidyapeeth, Rahuri, Ahmednagar, Through its Registrar. 2 Agriculture, Animal Husbandary, Dairy and Fishery Department, Government of Maharashtra, Mantralaya, Mumbai-400 032 khs/Feb.2016/681-d Through its Secretary. ...Respondents WITH WRIT PETITION NO.2536 OF 2011 1 Sindhu Bhaskar Nikalje, Age 40 years, 2 Manik Rabhaji Adhav, age 42 years, 3 Sopan Gunaji Gawade, Age 47 years, 4 Vitthal Dashrath Jadhav, Age 52 years, 5 Baby Vitthal Jadhav, Age 44 years, 6 Suresh Sadanand Salve, Age 39 years, 7 Namdeo Shankar Dongare, Age 42 years, 8 Shanta Raghunath Zine, Age 37 years, 9 Baburao Vishwanath Kokare, Age 52 years, 10 Anjabapu Manohar Jadhav, Age 49 years, 11 Rakhma Babu Rathod, Age 44 years, 12 Shivaji Laxman Dalvi, Age 41 years, khs/Feb.2016/681-d 13 Indubai Haribhau Gawade, Age 45 years, 14 Pralhad Rangnath Lavande, Age 48 years, 15 Kisan Kanhu Kokate, Age 49 years, 16 Bhausahab Madhav Auti, Age 42 years 17 Venubai Rangnath Khalekar, Age 51 years, 18 Janabai Ramdas

Sathe, Age 46 years, 19 Bhagwan Appaji Jagtap, Age 39 years, 20 Ravan Yashwant Doiphode, Age 43 years, 21 Meerabai Karbhari Deshmukh, Age 49 years, 22 Ulhasabai Santram Thorat, Age 52 years, 23 Gangubai Namdeo Khomne, Age 53 years, 24 Gangubai Vaijinath Raut, Age 47 years, 25 Hirabai Parasram Jagtap, Age 42 years, 26 Gangubai Motiram Ahire, Age 53 years, khs/Feb.2016/681-d 27 Baban Ganpat Dahale, Age 52 years, 28 Prabhakar Shrimant Dhage, Age 42 years, 29 Rahibai Kisan Sontakke, Age 37 years, 30 Bhambai Ananda Pawar, Age 43 years, 31 Bhausaheb Philip Salve, Age 38 years, 32 Raghunath Namdeo Handal, Age 43 years,] 33 Laxmibai Babasaheb Nagre, Age 48 years, 34 Hiranman Vitthal Kale, Age 49 years, 35 Bhivsen Vitthal Sarode, Age 41 years, 36 Radhabai Narayan Ingle, Age 38 years, 37 Hira Karbhari Deshmukh, Age 35 years, 38 Latika Petras Borde, Age 40 years, 39 Mahemuda Najeer Shaikh, Age 42 years, 40 Bhausaheb Dagdu Bhand, Age 45 years, khs/Feb.2016/681-d 41 Namdeo Namaji Jadhav, Age 45 years, 42 Jamal Sujatkhan Pathan, Age 42 years, 43 Begum Jamal Pathan, Age 47 years, 44 Mathura Ananda Gaikwad, Age 37 years, 45 Sitabai Rambhau Phatak, Age 52 years, 46 Latabai Balasaheb Patole, Age 36 years, 47 Jijabai Tukaram Sambare, Age 43 years, 48 Sindhubai Phulaji Pawar, Age 39 years, 49 Mangal Gulab Gawali, Age 36 years, 50 Radhakishan Savitra Sale, Age 48 years, 51 Ashok Gangaram Kalhapure, Age 36 years, 52 Laxmibai Sheshrao Gadwe, Age 44 years, 53 Vimal Sakharam Shinde, Age 53 years, 54 Alka Navnath Patole, Age 38 years, khs/Feb.2016/681-d 55 Anna Namdeo Patole, Age 48 years, 56 Shantabai Murlidhar (Kushaba) Kamble, Age 47 years, 57 Suman Gabaji Pisal, Age 36 years, 58 Bhagwat Murlidhar Tanpure, Age 53 years, 59 Trimbak Ramji Bhise, Age 55 years, 60 Mainabai Shakruddin Pathan Age 44 years, 61 Manjula Bhausaheb Kolshe, Age 48 years, 62 Chandrakala Shankar Jadhav, Age 39 years, 63 Raosaheb Jagannath Chopde, Age 35 years, 64 Alka Sadashiv Sale, Age 32 years, 65 Jaidev Kashinath Patare, Age 40 years, 66 Balu Rambhau Waghmare, Age 44 years, 67 Ashok Jagannath Mhaske, Age 45 years, 68 Dropadi Nivrutti Kohakade, Age 53 years, khs/Feb.2016/681-d 69 Shantabai Sadashiv Jadhav, Age 47 years, 70 Yamuna Bapu Borude, Age 41 years, 71 Indubai Sabaji Chand, Age 37 years, 72 Shivram Laxman Jadhav, Age 36 years, 73 Vimal Sudhakar Makasare, Age 52 years, 74 Gayabai Kashinath Kakade, Age 32 years, 75 Bhimraj Bhanudas Ghorpade, Age 47 years, 76 Suman Balasaheb Waghmode, Age 38 years, 77 Annasaheb Ganpat Dhere, Age 46 years, 78 Sindhubai Baburao Bhise, Age 39 years, 79 Rangnath Jagannath Dhasal, Age 41 years, 80 Padmabai Narayan Latake, Age 53 years, 81 Anjana Gujaba Lakade, Age 47 years, 82 Vishwanath Laxman Tekale, Age 56 years, khs/Feb.2016/681-d 83 Sindhubai Vishwanath Tekale, Age 49 years, 84 Mhatardeo Maruti Admane, Age 54 years, 85 Meerabai Vijay Adhav, Age 37 years, 86 Padma Yamaji Todmal, Age 50 years, 87 Rubabi Yasin Shaikh, Age 52 years, 88 Indubai Ganpat Khawale, Age 50 years, 89 Nivrutti Keru Sonwane, Age 50 years, 90 Malan Sheshrao Tarte, Age 50 years, 91 Baban Hari Chavan, Age 49 years, 92 Lilabai Baban Chavan, Age 47 years, 93 Kanifnath Jagannath Dhasal, Age 47 years, 94 Genu Babaji Mane, Age 50 years, 95 Baby Saheblal Shaikh, Age 50 years, 96 Suman Paraji Jagdhane, Age 50 years,

khs/Feb.2016/681-d 97 Balasaheb Ramchandra Khawale, Age 46 years, 98 Nanasaheb Punja Kusmude, Age 50 years, 99 Changuna Santu Kusmude, Age 38 years, 100 Kishor Dayanand Tambe, Age 38 years, 101 Bhausaheb Gangaram Jadhav, Age 40 years, 102 Salim Rasul Pathan, Age 45 years, 103 Jagannath Laxman Bare, Age 53 years, 104 Hamida Chand Shaikh, Age 50 years, 105 Lahanu Gangaram Jadhav, Age 55 years, 106 Raosaheb Sayaji Gaikwad, Age 52 years, All are major, Occupation of all Unemployed, All R/o Trade Union Centre, Kacheri Road, Shrirampur, Tq. Shrirampur, Dist. Ahmednagar. ... Petitioners Versus 1 Mahatma Phule Krishi Vidyapeeth, Rahuri, Ahmednagar, Through its Registrar khs/Feb.2016/681-d 2 Agriculture, Animal Husbandary, Dairy and Fishery Department, Government of Maharashtra, Mantralaya, Mumbai - 400 032 Through its Secretary. ... Respondents WITH WRIT PETITION NO.2537 OF 2011 1 Balu Ananda Waghmare, Age 35 years, 2 Sopan Dada Bachkar, Age 39 years, 3 Jalindar Devram Dhanwade, Age 42 years, 4 Gorakshnath Ganpath More, Age 44 years, 5 Gangubai Baburao Hodgar, Age 47 years, 6 Nagina Manjur Shaikh, Age 39 years, 7 Indubai Kisan Nikale, Age 42 years, 8 Kisan Premaji Nikale, Age 52 years, 9 Devram Nana Kolpe, Age 48 years, 10 Babasaheb Haribhau Shelar, Age 46 years, 11 Mathura Babasaheb Shelar, Age 38 years, khs/Feb.2016/681-d 12 Manjabapu Tulshiram Borude, Age 52 years, 13 Ranjana Kashinath Kasbe, Age 32 years, 14 Narmada Bhagwan Waman, Age 43 years, 15 Chandrakala Bhausaheb Kadam, Age 45 years, 16 Suman Kisan Kokate, Age 42 years, 17 Sarubai Chandrabhan Pawar, Age 47 years, 18 Muktaji Jagannath Pote, Age 53 years, 19 Pandurang Waman Adagale, Age 49 years, 20 Kantabai Bhaskar Sonar, Age 54 years, 21 Changdeo Eknath Thorat Age 49 years, 22 Shri Vijay Narayan Pardeshi, Age 38 years, 23 Jalindar Ranu Sale, Age 35 years, 24 Baban Nathu Auti, Age 38 years, 25 Sudam Tukaram Handal, Age 42 years, khs/Feb.2016/681-d 26 Appasaheb Namdeo Doule, Age 52 years, 27 Babasaheb Vishwanath Bhalerao, Age 49 years, 28 Rangnath Laxman Jangle, Age 54 years, 29 Raghu Sakharan Bachkar, Age 46 years, 30 Navnath Dagdu Patole, Age 42 years, 31 Bhausaheb Mahipati Kohkade, Age 49 years, 32 Indubai Yohan Pawar, Age 52 years, 33 Eknath Jijaba Thorat, Age 55 years, 34 Hirabai Balu Pawar, Age 42 years, 35 Bhimabai Dagdu Dhas, Age 38 years, 36 Indubai Sitaram Gaikwad, Age 49 years, 37 Bhausaheb Dagdu Gawate, Age 47 years, 38 Bajirao Kashinath Jadhav, Age 49 years, 39 Ashok Baba Wani, Age 39 years, khs/Feb.2016/681-d 40 Natha Genu Sakhare, Age 46 years, 41 Shamrao Rambhau Waghmare, Age 46 years, 42 Raosaheb khobraji Zende, Age 41 years, 43 Abdul Aziz Sattar Shaikh, Age 52 years, 44 Ratan Dattu Pawar, Age 38 years, 45 Gangubai Babasaheb Sale, Age 35 years, 46 Kushaba Nevji Bachkar, Age 45 years, 47 Tanhabai Kushaba Bachkar, Age 51 years, 48 Nanasaheb Sukhdeo Karale, Age 43 years, 49 Ashok Bhausaheb Sherkar, Age 32 years, 50 Jalindar Laxam Suryawanshi, Age 45 years, 51 Anjanabai Chhabu Gire, Age 37 years, 52 Dattu Jijaba Kolekar, Age 42 years, 53 Salim Gafur Shaikh, Age 36 years, khs/Feb.2016/681-d 54 Hausabai Dattu Kolekar, Age 53 years, 55 Indubai Bhikaji Patole, Age 55 years, 56 Shantabai Nivrutti Adhav, Age 49 years, 57 Tarabai Balu Patole, Age 52 years, 58 Bhausaheb Shankar Jare, Age 49 years,

59 Mangal Sahebrao Aagwane, Age 47 years, 60 Rohidas Narhari Gaisamudre, Age 52 years, 61 Dhondabai Ananda Patolde, Age 55 years, 62 Vilas Bhagwat Takte, Age 45 years, 63 Sahebrao Vitthal Aagwane, Age 52 years, 64 Gajanan Ninu Khachane, Age 50 years, 65 Aba Vishwanath Bhalerao, Age 45 years, 66 Janabai Vitthal Doiphode, Age 50 years, 67 Lilabai Machindra Harischandre, Age 53 years, khs/Feb.2016/681-d 68 Ismail Babubhai Shaikh, Age 50 years, 69 Amina Abbas Pathan, Age 53 years, All are major, Occupation of all Unemployed, All R/o Trade Union Centre, Kacheri Road, Shrirampur, Tq. Shrirampur, Dist. Ahmednagar. ... Petitioners Versus 1 Mahatma Phule Krishi Vidyapeeth, Rahuri, Ahmednagar, Through its Registrar 2 Agriculture, Animal Husbandary, Dairy and Fishery Department, Government of Maharashtra, Mantralaya, Mumbai - 400 032 Through its Secretary. ... Respondents WITH WRIT PETITION NO.3436 OF 2011 Nanda Abhimanayu Raut, Age 45 years, R/o Gotumba Akhada, Po. Rahuri Kh, Taluka Rahuri, Dist. Ahmednagar. ... Petitioner Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar khs/Feb.2016/681-d 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ... Respondents WITH WRIT PETITION NO.4313 OF 2011 1 Arun Sakharam Bhurul, Age 45 years, 2 Sau. Kamal Sahebrao Bankar, Age 39 years, Shankar Narayan Thorat, Age 42 years, 4 Annasaheb Kashinath Harischandre, Age 52 years, 5 Jijibai Tukaram Kokate, Age 39 years, 6 Uttam Raghunath Pawar, Age 43 years, 7 Sopan Changdeo Dethe, Age 47 years, 8 Mohan Balwant Chandanshiv, Age 51 years, 9 Balu Sadu Ohol, Age 44 years, 10 Krishna Bhanudas Pagire, Age 48 years, 11 Satyabhama Dnyandeo Kalhapure, Age 49 years, 12 Bhagwan Bhagwat Kusumude, Age 50 years, khs/Feb.2016/681-d 13 Dadaji Tanhaji Sonwane, Age 56 years, 14 Kasuabai Vishwanath Sasane, Age 52 years, 15 Balu Sahadu Sambare, Age 43 years, 16 Sahebrao Sampat Bankar, Age 54 years, 17 Ashabai Keshav Kalhapure, Age 36 years, 18 Damu Vithoba Kalhapure, Age 54 years, 19 Vishnu Bhimaji Najan, Age 49 years, 20 Ashok Vitthal Thorat, Age 44 years, 21 Bhausaheb Bhagwata Kadam, Age 43 years, 22 Anusaya Bajirao Pawar, Age 47 years, 23 Mariya Genu Pawar, Age 55 years, 24 Machindra Shankar Sonwane, Age 53 years, 25 Chnguna Paraji Deshmukh, Age 52 years, 26 Shakuntala Narayan Kamble, Age 46 years, khs/Feb.2016/681-d 27 Rajaram Jairam Pawar,] Age 38 years, 28 Yamuna Ananda Bhingardive, Age 41 years, 29 Yamuna Rajaram Pawar, Age 46 years, 30 Abaji Baburao Bhalerao, Age 44 years, 31 Dhirsing Ananda Jadhav, Age 43 years, 32 Gajubai Ramdas Pisal, Age 54 years, 33 Kalawati Nana Patole, Age 48 years, 34 Kasubai Lalchand Tamnar, Age 52 years, 35 Radhabai Kisan Irule, Age 56 years, 36 Bhimraj Damodhar Gawali, Age 49 years, 37 Mandan Keru Pawar, Age 48 years, 38 Chandrbhaga Sakaram Mate, Age 39 years, 39 Bhausaheb Changdeo Kadam Age 37 years, 40 Kusum Raghunath Dehale, Age 53 years, khs/Feb.2016/681-d 41 Venubai Bhausaheb Adsule, Age 55 years, 42 Amina Akbar Shaikh, Age 52 years, 43 Sakharam Karbhari Ayaner, Age 55 years, 44 Bhambai Aba Deokar, Age 50 years,. 45 Gawalan Ganpat Thorat, Age 50 years, Occupation of all Unemployed, All R/o Trade Union Centre, Kacheri Road, Shrirampur, Tq. Shrirampur, Dist. Ahmednagar. ... Petitioners

Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Agriculture, Animal Husbandary, Dairy and Fishery Department, Government of Maharashtra, Mantralaya, Mumbai-400 032. Through its Secretary. ...Respondents WITH WRIT PETITION NO.3442 OF 2011 Jaybu Hassain Shaikh, Age 55 years, R/o Sade, Po. Sade, Taluka Rahuri, Dist. Ahmednagar. ...Petitioner khs/Feb.2016/681-d Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ...Respondents WITH WRIT PETITION NO.3437 OF 2011 Vimal Uttam Vairal, Age 46 years, R/o Sade, Po. Sade, Taluka Rahuri, Dist. Ahmednagar. ...Petitioner Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ...Respondents WITH WRIT PETITION NO.3439 OF 2011 Indubai Sabaji Bare, Age 56 years, R/o Varvandi, Po. Varvandi, Taluka Rahuri, Dist. Ahmednagar. ...Petitioner Versus 1 Mahatma Phule Krushi Vidyapeeth khs/Feb.2016/681-d Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ...Respondents WITH WRIT PETITION NO.3440 OF 2011 Anusaya Bhanudas Bhosale Age 57 years, R/o Digras, Po. Digras., Taluka Rahuri, Dist. Ahmednagar. ...Petitioner Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ...Respondents WITH WRIT PETITION NO.3441 OF 2011 Suman Gorakshanath Shinde, Age 51 years, R/o Varvandi, Po. Mulanagar, Taluka Rahuri, Dist. Ahmednagar. ...Petitioner Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum khs/Feb.2016/681-d Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ...Respondents WITH WRIT PETITION NO.3972 OF 2011 Bansi Ganpat Aavle, Age 59 years, R/o Gotumba Akhada, Po. Rahuri Kh, Taluka Rahuri, Dist. Ahmednagar. ...Petitioner Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ...Respondents WITH WRIT PETITION NO.3443 OF 2011 Fattu Rasul Pathan Age 53 years, R/o Sade, Po. Sade, Taluka Rahuri, Dist. Ahmednagar. ...Petitioner Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ...Respondents khs/Feb.2016/681-d WITH WRIT PETITION NO.3965 OF 2011 Yohan Barku Pawar Age 55 years, R/o Digras, Po. Digras, Taluka Rahuri, Dist. Ahmednagar. ...Petitioner Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ...Respondents WITH WRIT PETITION NO.3970 OF 2011 Mainabai Dinkar Waghmare, Age 55 years, R/o Digras, Po. Digras., Taluka Rahuri, Dist. Ahmednagar. ...Petitioner Versus 1 Mahatma

Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ... Respondents WITH WRIT PETITION NO.3973 OF 2011 khs/Feb.2016/681-d Narayan Bhikaji Girgune, Age 43 years, R/o Digras, Po. Digras, Taluka Rahuri, Dist. Ahmednagar. ...Petitioner Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ... Respondents WITH WRIT PETITION NO.3974 OF 2011 Shahabai Sakharam Salve, Age 58 years, R/o Digras, Po. Digras, Taluka Rahuri, Dist. Ahmednagar. ...Petitioner Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ... Respondents WITH WRIT PETITION NO.3444 OF 2011 Nasima Hasan Syed, Age 56 years, khs/Feb.2016/681-d R/o Digras, Po. Digras., Taluka Rahuri, Dist. Ahmednagar. ...Petitioner Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. .. Respondents ig WITH WRIT PETITION NO.3967 OF 2011 Popat Yadav Ghorpade, Age 53 years, R/o Sade, Po. Sade, Taluka Rahuri, Dist. Ahmednagar. ...Petitioner Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ... Respondents WITH WRIT PETITION NO.3968 OF 2011 Subhas Murlidhar Vairagal Age 42 years, R/o Sade, Po. Sade., Taluka Rahuri, Dist. Ahmednagar. ...Petitioner khs/Feb.2016/681-d Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ... Respondents WITH WRIT PETITION NO.3971 OF 2011 Rajendra Yeshwant Punde, Age 59 years R/o Mulanagar, Po. Mulanagar, Taluka Rahuri, Dist. Ahmednagar. ...Petitioner Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ... Respondents WITH WRIT PETITION NO.3975 OF 2011 Mukta Nanasaheb Krale, Age 43 years, R/o Gotumba Akhada, Po. Rahuri Ku., Taluka Rahuri, Dist. Ahmednagar. ...Petitioner Versus khs/Feb.2016/681-d 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ... Respondents WITH WRIT PETITION NO.3969 OF 2011 Babai Dashrath Bhalerao, Age 47 years, R/o Varvandi, Po. Varvandi, Taluka Rahuri, Dist. Ahmednagar. ...Petitioner Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ... Respondents WITH WRIT PETITION NO.3445 OF 2011 Gorakshanath Ramdas Adsure, Age 58 years, R/o Varvandi, Po. Varvandi, Taluka Rahuri, Dist. Ahmednagar. ...Petitioner Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through

its Registrar khs/Feb.2016/681-d 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ... Respondents WITH WRIT PETITION NO.3446 OF 2011 Ashok Shivram Barde, Age 45 years, R/o Digras, Po. Digras., Taluka Rahuri, Dist. Ahmednagar. ... Petitioner Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ... Respondents WITH WRIT PETITION NO.3966 OF 2011 Kondabai Chima Shende, Age 46 years, R/o Gotumba Akhada, Po. Rahuri Kh, Taluka Rahuri, Dist. Ahmednagar. ... Petitioner Versus 1 Mahatma Phule Krushi Vidyapeeth Rahuri, District Ahmednagar, Through its Registrar 2 Krushi, Jal Sandharan Wa Padum Khate, Maharashtra State, Mantralaya, Mumbai-400 032. ... Respondents khs/Feb.2016/681-d Appearance in WP No.1039/2007 with WP No.681/2007 Mr.Pradeep Shahane and Mr.V.P.Golewar, Advocate for the petitioners. Mr.S.T.Shelke, Advocate for respondent Nos. 1 to 9. Mr.V.S.Badakh, AGP for respondent No.10. Appearance in WP No.2452/2011 and others. Mr.S.T.Shelke, Advocate for the petitioners. Mr.Pradeep Sahane and Mr.A.S.Shelke, Advocate for respondent No.1. Mr.V.S.Badakh, AGP for respondent No.2. ig (CORAM : RAVINDRA V. GHUGE, J.) DATE : 18/02/2016 ORAL JUDGMENT : 1. All the above matters have been Admitted by this Court. 2. The common issue involved in all these matters is with regard to the claim of the daily wage employees u/s 33(C)(2) of the I.D.Act, 1947 in connection with the award dated 31/12/1984 delivered by the Industrial Tribunal in Ref.(IT) No.48/1981 and which fell for the consideration of the Apex Court in the matter of the same employer herein viz. Mahatma Phule Agricultural University and others Vs. Nasik Jilla Sheti Kamgar Union and others, 2001(III) CLR 4. 3. On identical set of facts, this Court, in a connected Writ khs/Feb.2016/681-d petition No.3182/2012 decided on 17/06/2015, in the matter of Gangadhar Shankar Dale and 11 others Vs. Mahatma Phule Krishi Vidyapeeth, has remanded the proceedings to the Labour Court since it was the contention of the University that every applicant before the Labour Court was not cross examined by the Agricultural University. 4. The first two petitions have been filed by the Agricultural University for challenging the judgment of the Labour Court Dhule dated 28/04/2006 delivered in Appl.(IDA) No.4/2003 and No.5/2003. By the said judgment, the claim of the respondents/employees was allowed by the Labour Court. 5. In the remaining group of petitions herein, the employees have challenged the judgment of the Labour Court dated 29/10/2010 and similar judgments in Application (IDA) No.44/2002 and similar group of applications by which the claims of the employees u/s 33(C)(2) have been rejected. 6. Since a common issue is involved and since the employer is the same in all these matters, coupled with the fact that all the employees are similarly situated, I have taken up all these matters together for adjudication. For the sake of clarity, the Mahatma Phule khs/Feb.2016/681-d Agricultural University shall be referred to as the "University" and all the daily wage workers involved in these matters would be referred to as the "employees". 7. Mr Shahane and Mr.A.S.Shelke, learned Advocates for the University have assailed the judgment

dated 28/04/2006 delivered by the Labour Court, Dhule by which the claims of the employees involved have been allowed. They oppose all the remaining writ petitions filed by the employees on the ground that the rejection of their 33(C)(2) applications by the Labour Court is perfectly legal and calls for no interference. 8 I have heard the learned Advocates for the respective sides at length. 9. Once this Court has taken a view in identical matters involving the same University by its judgment dated 17/06/2015, a different view is not required to be taken unless the facts are different. However, Mr.Shahane has relied upon reported judgments of the Hon'ble Supreme Court and of this Court on the basis of which he has contended that reemployed retrenched workmen u/s 25(H) of the I.D.Act, would not entitle them for restoration on the same terms and khs/Feb.2016/681-d conditions of employment as were applicable on the date of their retrenchment. It is only in this context that I have considered these submissions and have heard the learned Advocates for the employees as well. 10. In order to assess the vehement submissions of Mr.Shahane and Mr.A.S.Shelke, the earlier history in relation to the award dated 31/12/1984 in Reference (IDA) No.48/1981 needs to be considered. 11. About 2000 daily wagers had raised an Industrial Dispute with regard to their terms and conditions of employment in 1980. The said dispute was referred to the Industrial Tribunal and was registered as Ref.(IT) No.48/1981. By the judgment and award dated 31/12/1984, the service conditions applicable to the claimants were settled. All the service conditions are not relevant while deciding these petitions. The only relevant condition is that by the award, the daily wagers were held to be entitled for wages @ 1/30 of the wages being paid to the permanent employees performing the same nature of duties. 12. Thereafter, 127 daily wagers who were employed subsequently and were not members of the Union in so far as Ref.(IT) No.48/1981 khs/Feb.2016/681-d was concerned, raised an Industrial Dispute claiming the benefits of the award dated 31/12/1984 on the principle of "equal wages-equal work" and "parity in wages". The said dispute was referred to the Industrial Tribunal and registered as Ref.(IT) No.27/1984. By award dated 01/04/1985, the Reference was allowed and these 127 daily wagers were held entitled to the same scale of wages as was paid to the daily wagers covered by the award dated 31/12/1984. 13. It is noteworthy that the award dated 31/12/1984 was challenged by the University upto the level of the High Court and the challenge was turned down. The subsequent award dated 01/04/1985 was carried upto the Hon'ble Supreme Court in the matter of Mahatma Phule Agricultural University and others Vs. Nasik Zilla Sheti Kamgar Union (supra). 14. For better appreciation of the submissions of Mr.Shahane and Mr.A.S.Shelke, the following conclusions of the learned Apex Court in the Mahatma Phule judgment (supra) become relevant :- "As set out hereinabove, the Award was in respect of approximately 2,000 workmen. As regards the other remaining workmen (except for 127 workmen covered by the Award dated 1st April, 1985) who are not covered by the Award the principles khs/Feb.2016/681-d of equal pay for equal work would apply. Neither Mr.Bobde nor Mr.Ashwini Kumar could dispute that as between daily wagers the principles of equal pay for equal work would apply. Therefore, the

rest of the workers would also become entitled to payments and benefits as given under the Award dated 20 th February, 1985 in (IT) No.48 of 1981. there is no justification in the Universities in not making payments and giving those benefits to the remaining workers on the same basis. We, therefore, direct that the benefits of the Award dated 20 th February, 1985 in (IT) No.48 of 1981 be given even to the workmen who were not covered by the said Award (except the : 127 workmen covered by Award dt. 1 st April 1985 in (IT) No.27 of 1984. Even in respect of these workmen Universities shall forthwith work out the amounts payable and pay the same.” 15. Mr.Shahane and Mr.Shelke have relied upon the following judgments of this Court as well as the Hon’ble Supreme Court :- 1. Indian Hume Pipe Company Ltd., Vs. Bhimarao Baliram Gajbhiya, 2. Delta Wires (Private) Ltd., Vs. General Labour Union (Red.Flag and another, [1995 - II L.L.N. 962], 3. Mukund Nana Edke Vs. Dainik Gavkari and another, [2009(12) FLR 394], 4. Central Inland Water Transport Corporation Ltd., Vs. Workmen and another, [1974(29) FLR 57], 16. The common view in the ratio laid down in the above cited khs/Feb.2016/681-d judgments is that Section 25-H of the I.D.Act speaks of reemployment and not reinstatement. Therefore, the reemployed workmen will not be entitled to claim the same terms and conditions of employment as were applicable to them prior to their retrenchment. It is concluded that by virtue of reemployment, earlier terms and conditions of employment shall not be restored. 17. Mr.Shahane and Mr.Shelke submit that the above cited judgments were not brought to the notice of this Court when the judgment dated 17/06/2015 was delivered in WP No.3182/2012. They have put forth these submissions in the light of the conclusion of this Court in paragraph No.21 and 22 of the said judgment which reads as under :- “21. In so far as the issue of pending cases against termination filed by the daily wagers is concerned, the University has re- deployed those terminated daily wagers, whose cases are pending before the competent Court. As such, they are working as temporary employees on daily wages. Even if they work for a single day, the principle / conclusion set out by the Apex Court as reproduced above, would apply to them and they would be entitled for wages @ 1/30th of the basic wages and dearness allowance payable to regular employees even for that single day worked. khs/Feb.2016/681-d 22. In the light of the above, the impugned judgment and order dated 30/12/2011, delivered by the Labour Court in Application (IDA) No.4 of 2013 is quashed and set aside. The matter is remitted to the Labour Court for enabling the University to cross-examine those complaints before the Court. The issue of applicability of the award to the claimants has been decided in this judgment and, therefore, is not open to the Labour Court for adjudication.” 18. Mr.Shahane and Mr.Shelke, therefore, submit that this Court has concluded that the daily wagers would be entitled for 1/30 th of the basic wages and dearness allowance payable to regular employees. They contend that this Court has treated the daily wagers who have been reemployed u/s 25-H as if they have been reinstated in service. 19. Section 25-H of the I.D.Act, 1947 reads as under :- “25(H) Re-employment of retrenched workmen.- Where any workmen are retrenched, and the employer proposes to take into his employment any persons, he shall, in such manner as

may be prescribed, give an opportunity 2 to the retrenched workmen who are citizens of India to offer themselves for re-employment and such retrenched workman] who offer themselves for re-employment shall have preference over other persons.” khs/Feb.2016/681-d 20. The University, in April 2001, had retrenched 2292 employees who were daily wagers on the ground that the lands being cultivated by the University were being returned to the State. Within 3 (three) months in July 2001, hundreds of the retrenched daily wagers were reemployed at various locations of the University. These workers have alleged foul play on the ground that they were retrenched in April 2001 and reemployed in July 2001 which was only a device of the University to cause a break in their service. 21. Mr.Shahane and Mr.Shelke submit that whether it was a bonafide retrenchment or not is a matter which is subjudice and would be considered by the Court before which such matters are pending. Prior to delivering of a judgment in those cases, the contention that the retrenchment was mischievous or vexatious, cannot be advanced. 22. The issue before this Court is as to whether by virtue of the judgments cited by Mr.Shahane, the award dated 31/12/1984 would be made applicable to every daily wager or not. It cannot be ignored that though the award dated 31/12/1984 covers the claim of the daily wagers, the reproduced portion of the judgment of the Hon’ble Apex Court in the case of Mahatma Phule (supra) would be the khs/Feb.2016/681-d guiding principle in my view. The University had challenged the award dated 01/04/1985 upto the Apex Court on the ground that the award dated 31/12/1984 should be restricted only to those daily wagers concerned with Ref.(IT) No.48/1981. The learned Apex Court has rejected the said contention by invoking the principle of “equal pay for equal work” and “parity in wages” as can be seen from the reproduced portion in paragraph No.14 hereinabove. 23. Mr.Shahane and Mr.Shelke have vehemently contended that if a fresh daily wager is engaged, he would be entitled for the benefit of the award dated 31/12/1984 (wrongly typed as 20/02/1985 in the judgment of the Hon’ble Apex Court in the judgment delivered in Mahatma Phule Agricultural University and others (supra). However, this would not apply to a reemployed retrenched workman since he would stand on a different footing. 24. I could appreciate the submissions of Mr.Shahane in the light of the judgments cited to the extent of the terms and conditions of employment existing as on date of a retrenchment of an employee and that the same would not be applicable if he is reemployed. However, once the award is delivered settling the rates of wages of daily wagers, as has been done by the award dated 31/12/1984 in Ref.(IT) khs/Feb.2016/681-d No.48/1981 and the learned Apex Court has invoked the principle of “equal wages for equal work” in identical set of facts and has, therefore, made the same rates of wages applicable to those daily wagers who were not part of Ref.(IT) No.48/1981, the submissions of Mr.Shahane and Mr.Shelke are rendered fallacious. 25. The learned Apex Court in the case of Punjab National Bank and Others Vs. Manjeet Singh and another [2006(8) SCC 647] has dealt with the issue of the applicability of an award u/s 18(3)(d) of the I.D.Act, 1947. Mr.Shahane and Mr.Shelke contend that the ratio laid down in the said judgment would not be applicable

to the instant case as this case deals with the rights of reemployed retrenched workmen. 26. Section 18(3) of The I.D.Act, 1947 reads as under :- 18. Persons on whom settlements and awards are binding - 18(3) A settlement arrived at in the course of conciliation proceedings under this Act or an arbitration award in a case where a notification has been issued under sub- section (3A) of section 10A] or 6 an award 7 of a Labour Court, Tribunal or National Tribunal] which has become enforceable] shall be binding on- khs/Feb.2016/681-d (a) all parties to the industrial dispute; (b) all other parties summoned to appear in the proceedings as parties to the dispute, unless the Board, 5 arbitrator,] 8 Labour Court, Tribunal or National Tribunal], as the case may be, records the opinion that they were so summoned without proper cause; (c) where a party referred to in clause (a) or clause (b) is an employer, his heirs, successors or assigns in respect of the establishment to which the dispute relates; (d) where a party referred to in clause (a) or clause (b) is composed of workmen, all persons who were employed in the establishment or part of the establishment, as the case may be, to which the dispute relates on the date of the dispute and all persons who subsequently become employed in that establishment or part thereof. 27. In paragraph Nos.16 and 17 of the Punjab National Bank judgment (supra), the Hon'ble Apex Court has concluded that such workmen, who are not parties to the award and are subsequently employed in the Establishment would also be covered by the award made by the Industrial Tribunal. In the instant case, the learned Apex Court has already put to rest the challenge of the University in the Mahatma Phule judgment (supra) and has concluded that all the daily wagers working with the University would be covered by the award dated 31/12/1984. khs/Feb.2016/681-d 28. Issue therefore is as to whether the retrenched workmen, who are reemployed can be placed even lower than the daily wagers who were working in the Establishment or are subsequently inducted as fresh candidates. I am in respectful agreement with the view taken by the learned Apex Court and this Court in the judgments cited by Mr.Shahane. However, it cannot be ignored that the University is attempting to create a new class of reemployed retrenched workmen, who are sought to be placed even lower than the daily wagers who were covered by the award dated 31/12/1984 and those daily wagers, who were granted the benefits of the said Award by the learned Apex Court in the Mahatma Phule judgment (supra). 29. It is at this stage that the principle of parity amongst identically placed daily wagers and the principle of 'equal wagers for equal work' would have its application. In the reproduced portion from the judgment of the learned Apex Court in the Mahatma Phule case (supra) would clearly indicate the view of the Court that there needs to be parity in wages between daily wagers and the principle of equal pay for equal work would apply. 30. In the light of the above, I find no reason to accept the khs/Feb.2016/681-d contention of Mr.Shahane and Mr.Shelke that the judgment dated 17/06/2015 delivered by this Court in WP No.3182/2012 needs to be recalled to the extent of the conclusions drawn in paragraph Nos. 21 and 22 reproduced above. 31. Turning to the first two petitions filed by the University for challenging the judgment of the Labour Court dated 28/04/2006 allowing the claims of the

employees in the light of the award dated 31/12/1984 is concerned, I find that the Labour Court has considered the claim of the employees only for the period for which they have worked after being reemployed. Since I have concluded that a category of daily wagers even below the category of other daily wagers benefited by the Award dated 31/12/1984 cannot be carved out, I do not find that the Labour Court has committed any error in allowing the claims of the employees to that extent. No interference is, therefore, called for in the impugned judgments of the Labour Court dated 28/04/2006. 32. These two petitions are therefore dismissed. Rule is discharged. 33. In so far as the other petitions are concerned, which stand on khs/Feb.2016/681-d identical set of facts as in the case of Gangadhar Shankar Dale and 11 others Vs. Mahatma Phule Krishi Vidyapeeth (supra) (in WP No.3182/2012), it cannot be ignored that the University had desired to cross examine each of the employees. 34. Notwithstanding the above, though the Labour Court has taken the pains to write a lengthy judgment running into 28 pages, it has declined to adjudicate upon the claim of the employees only for the reason that the dispute as regards whether there exist employer- employee relationship between the employees and the University cannot be gone into by the Labour Court. Another conclusion drawn is that the applications u/s 33(C)(2) are premature and the Labour Court has no jurisdiction to entertain and adjudicate upon the points of dispute involved in the application under consideration. The Labour Court has further observed that the rights of the parties cannot be adjudicated upon u/s 33(C)(2) of the I.D. Act, 1947 for want of jurisdiction. As the question of maintainability of the applications is involved, the said applications are premature. 35. I cannot concur with the conclusions of the Labour Court as are found in paragraph No.16 of the impugned judgments referred to above. The Labour Court has lost sight of the fact that the claim of khs/Feb.2016/681-d the employees was with regard to payment of wages @ 1/30 th of the wages paid to regular employees. According to the employees, the employer has paid lesser wages and therefore the dues need to be recovered from the employer. As this Court has settled the issue of the applicability of the award dated 31/12/1984 in the light of the view taken by the learned Apex Court in the case of Mahatma Phule Agricultural University (supra), the applications u/s 33(C)(2) of the I.D. Act filed by the employees deserve to be remitted back to the Labour Court for a decision afresh on their merits. 36. Since in the instant cases, the Labour Court has declined to exercise its jurisdiction erroneously and the matters are being remitted back on the said count, I am not imposing costs on the University as was done in the case of Gangadhar Shankar Dale (supra). 37. In the light of the above, all petitions filed by the employees are partly allowed and all the impugned judgments are quashed and set aside. All these applications u/s 33(C)(2) filed by these employees are remitted back to the Labour Court at Ahmednagar. The litigating sides shall appear before the Labour Court on 07/03/2016. Formal notices need not be issued by the Labour Court. khs/Feb.2016/681-d 38. Both the litigating sides are at liberty to lead additional oral and documentary evidence. The Labour Court shall not discard the evidence recorded earlier and shall proceed to decide the applications on

their own merits. If the University finds that the evidence adduced by the employees is similar or identical, they may choose to cross examine few of the applicants beneficiaries and / or a responsible office bearer of the Union, as it may deem fit. 39. The Labour Court shall endeavour to decide these applications on or before 28/02/2017. 40. Rule is made partly absolute in the above terms. (RAVINDRA V. GHUGE, J.) khs/Feb.2016/681-d