

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4778 OF 2018

Kalavati Ramesh Patil ...Petitioner

Versus

Prataprao Sadashiv Patare ...Respondent

WITH
WRIT PETITION NO. 4792 OF 2018

Kiran Ramesh Patil ...Petitioner

Versus

Prataprao Sadashiv Patare ...Respondent

WITH
WRIT PETITION NO. 4866 OF 2018

Jayshri Pravin Kothavale ...Petitioner

Versus

Prataprao Sadashiv Patare ...Respondent

WITH
WRIT PETITION NO. 4867 OF 2018

Deepak Ramesh Patil ...Petitioner

Versus

Prataprao Sadashiv Patare ...Respondent

Mr. P.V. Barde, Advocate for Petitioners in Writ Petition Nos.
4778/2018, 4792/2018, 4866/2018 and 4867/2018.

.....

CORAM : MANISH PITALE, J.

DATE: 29th SEPTEMBER, 2018

ORAL ORDER :

1. By these Writ Petitions, the petitioners have challenged Judgments and orders dated 28.06.2017 passed by the 1st Labour Court, Ahmednagar, whereby applications filed by the petitioners U/sec. 33-C(2) of the Industrial Disputes Act for recovery of amount from the respondent/employer have been rejected. All the petitioners in these Writ Petitions claimed to be employees of the respondent (who is common respondent in all the Writ Petitions).

2. The petitioners approached the Labour Court with the common grievance, claiming that they were working as agricultural labour in the agricultural land of the respondent located in village Ukkalgaon, Tal. Shrirampur, Dist. Ahmednagar. It was claimed that the petitioners had worked as agricultural labour for the respondent in the aforesaid agricultural land from April, 1999 to November, 2011 and that, they had not been paid any amount towards wages. On this basis, the petitioners approached the Labour Court in the year 2012 by filing the aforesaid applications.

3. The respondent denied the claim of wages made by the

petitioners stating that the petitioners were close relatives of the respondent and that he had never employed them for work on the said agricultural land. The respondent claimed that he had been working in the National Fertilizer Department at Pune and Mumbai and that when he returned post-retirement to the village, he claims that the petitioners had in fact, duped him of some money and that they had disposed of certain articles in the agricultural land. The relationship of the employer-employee was stoutly denied by the respondent. The parties placed on record documentary and oral evidence in support of their respective claims.

4. By the impugned judgments and orders, the Labour Court found that witness appearing for the petitioners in cross-examination conceded to the fact that agricultural operations were carried out in the said agricultural land by engaging labour from the village and that the petitioners used to only get work done from the said labour. It was found by the Labour Court that the petitioners had failed to place on record any iota of evidence either oral or documentary in support of their claim that they had worked as agricultural labour for the respondent continuously from April, 1999 to November, 2011. The Labour Court found that crucial admissions made by the aforesaid witness appearing on behalf of the petitioners demonstrated that there was in fact

no employer-employee relationship and that therefore, there was no question of determining quantum of wages payable to the petitioners even on the basis of their claim as per the Minimum Wages Act.

5. Mr. Barde, the learned Counsel appearing for the petitioners placed reliance on the Judgment of this Court in the case of ***The Godrej and Boyee Manufacturing Company Pvt. Ltd. Vs. Kherulla Hasanali Pathan & Anr. 2005 (I) ALL MR 626 and Mahesh Pokardas Umashankar Mangal Prasad and Ors. 2000 (3) MR 754*** and contended that the Labour Court had committed an error in the present case by proceeding on the basis that since there was no mention of wages fixed for payment to the petitioners even in their applications, the grievance of the petitioners could not be entertained. It was submitted that even if there was no mention of the wages that were fixed for the petitioners, the applications of the petitioners could have been decided on the basis that they were entitled to minimum wages for the labour that they had performed on the agricultural land of the respondent.

6. A perusal of the impugned judgments and orders shows that the Labour Court has analyzed the evidence and material on record in detail and it has found that the petitioners failed to

prove the basic premise of employer-employee relationship with the respondent and therefore, their applications U/Sec. 33-C(2) of the Industrial Disputes Act for recovery of the amount due from the respondent, could not be granted. It is not that the Labour Court rejected the applications only on the ground that fixed wage was not pleaded by the petitioners.

7. Therefore, the reliance placed by the learned Counsel appearing for the petitioners on the aforesaid Judgments of this Court would not take the case of the petitioners any further.

8. An analysis of the impugned Judgments and orders makes it clear that the nature of oral and documentary evidence placed on record by the petitioners clearly fell short of demonstrating the relationship of employer-employee between the respondent and the petitioners. The Labour Court was correct in observing that it was hard to believe that the petitioners continued to work as agricultural labour for a long period from April, 1999 to February, 2011 with the respondent without any wages or without even any knowledge of fixed wage to be paid by the respondent to them. As the basic premise could not be proved by the petitioners with sufficient material and evidence on record, the Labour Court was justified in rejecting their applications by the impugned Judgments and orders.

9. In the light of the above, there is no merit in the present Writ Petitions and they are dismissed.

(MANISH PITALE)
JUDGE

mta