



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.11646 OF 2019**

Head of Human Resource
Dainik Bhaskar Group, (D. B. Corp Ltd)
Divya Marathi,
Plot No.15295, Motiwala Complex,
Jalna Road, Aurangabad-431001.

..Petitioner

Versus

Shri. Dinesh Devidas Pardeshi
Age 37 years, Occ: Nil,
R/o Home No.972, Murdijapur Colony,
Mhada Colony,
Tq. Dist. Aurangabad-431 001.

..Respondent

**WITH
WRIT PETITION NO.4864 OF 2022**

1. Managing Director,
Dainik Bhaskar Group, (D. B. Corp Ltd.)
Plot No.280, Sarkhej-Gandhinagar Highway
Near YMCS Club, Ahmedabad,
Gujrat-380051.

2. Head of Human Resource
Dainik Bhaskar Group, (D. B. Corp Ltd)
Divya Marathi,
Plot No.15295, Motiwala Complex,
Jalna Road, Aurangabad-431001.

..Petitioners

Versus

1. State of Maharashtra through
Government Pleader, Bombay High Court
Bench at Aurangabad Through Secretary of
Ministry of Labour and Industries, Mantralaya, Mumbai.

2. Bhaskar S/o Narayan Kodam
Age 41 years, Occ: Service,
R/o House No.330, Huke Lane
Anand Bazar, Ahmednagar

..Respondents

**WITH
WRIT PETITION NO.4862 OF 2022**

1. Managing Director,
Dainik Bhaskar Group, (D. B. Corp Ltd.)

Plot No.280, Sarkhej-Gandhinagar Highway
Near YMCS Club, Ahmedabad,
Gujrat-380051.

2. Head of Human Resource
Dainik Bhaskar Group, (D. B. Corp Ltd)
Divya Marathi,
Plot No.15295, Motiwala Complex,
Jalna Road, Aurangabad-431001. ..Petitioners

Versus

1. State of Maharashtra through
Government Pleader, Bombay High Court
Bench at Aurangabad Through Secretary of
Ministry of Labour and Industries, Mantralaya, Mumbai.
2. Vijay S/o Govind Naval,
Age 32 years, Occ: Service,
R/o Plot No.32, Lane No.2,
Ambika Nagar, Mukundwadi, Aurangabad ..Respondents

**WITH
WRIT PETITION NO.4869 OF 2022**

1. Managing Director,
Dainik Bhaskar Group, (D. B. Corp Ltd.)
Plot No.280, Sarkhej-Gandhinagar Highway
Near YMCS Club, Ahmedabad,
Gujrat-380051.
2. Head of Human Resource
Dainik Bhaskar Group, (D. B. Corp Ltd)
Divya Marathi,
Plot No.15295, Motiwala Complex,
Jalna Road, Aurangabad-431001. ..Petitioners

Versus

1. State of Maharashtra through
Government Pleader, Bombay High Court
Bench at Aurangabad Through Secretary of
Ministry of Labour and Industries, Mantralaya, Mumbai.
2. Santosh S/o Prabhakar Paikrao,
Age 33 years, Occ: Service,
R/o C/o A.L. Pardhe, Plot No.28,
Vishal Nagar, Garkhed Parisar, Aurangabad. ..Respondents

**WITH
WRIT PETITION NO.4870 OF 2022**

1. Managing Director,
Dainik Bhaskar Group, (D. B. Corp Ltd.)
Plot No.280, Sarkhej-Gandhinagar Highway
Near YMCS Club, Ahmedabad,
Gujrat-380051.
2. Head of Human Resource
Dainik Bhaskar Group, (D. B. Corp Ltd)
Divya Marathi,
Plot No.15295, Motiwala Complex,
Jalna Road, Aurangabad-431001.
3. Editor,
Daily Divay Marathi
Shyam Talkies Complex
Near Shivaji Maharaj Putla, Nanded
Tq. & Dist. Nanded. ..Petitioners

Versus

1. State of Maharashtra through
Government Pleader, Bombay High Court
Bench at Aurangabad.
2. Vilas Santaram Ingle,
Age 50 years, Occ: Service,
R/o Acharya Kalguni Housing Society,
Pratap Nagar, Shanoorwadi, Aurangabad. ..Respondents

**WITH
WRIT PETITION NO.4858 OF 2022**

1. Managing Director,
Dainik Bhaskar Group, (D. B. Corp Ltd.)
Plot No.280, Sarkhej-Gandhinagar Highway
Near YMCS Club, Ahmedabad,
Gujrat-380051.
2. Head of Human Resource
Dainik Bhaskar Group, (D. B. Corp Ltd)
Divya Marathi,
Plot No.15295, Motiwala Complex,
Jalna Road, Aurangabad-431001. ..Petitioners

Versus

1. State of Maharashtra through
Government Pleader, Bombay High Court

Bench at Aurangabad Through Secretary of
Ministry of Labour and Industries, Mantralaya, Mumbai.

2. Vijay S/o Bhimrao Wankhede,
Age 32 years, Occ: Service,
R/o C/o House No.1-2-5-20,
Ambedkar Chowk, Bhimnagar,
Bhavsingpura, Aurangabad. ..Respondents

**WITH
WRIT PETITION NO.4860 OF 2022**

1. Managing Director,
Dainik Bhaskar Group, (D. B. Corp Ltd.)
Plot No.280, Sarkhej-Gandhinagar Highway
Near YMCS Club, Ahmedabad,
Gujrat-380051.
2. Head of Human Resource
Dainik Bhaskar Group, (D. B. Corp Ltd)
Divya Marathi,
Plot No.15295, Motiwala Complex,
Jalna Road, Aurangabad-431001. ..Petitioners

Versus

1. State of Maharashtra through
Government Pleader, Bombay High Court
Bench at Aurangabad Through Secretary of
Ministry of Labour and Industries, Mantralaya, Mumbai.
2. Arun S/o Devorao Talekar,
Age 41 years, Occ: Service,
R/o Plot No.77, Gali No.5,
Near Hanuman Nagar,
Nar Sudhakarao Naik School,
Garkheda Parisar, Aurangabad ..Respondents

**WITH
WRIT PETITION NO.4859 OF 2022**

1. Managing Director,
Dainik Bhaskar Group, (D. B. Corp Ltd.)
Plot No.280, Sarkhej-Gandhinagar Highway
Near YMCS Club, Ahmedabad,
Gujrat-380051.
2. Head of Human Resource
Dainik Bhaskar Group, (D. B. Corp Ltd)
Divya Marathi,

Plot No.15295, Motiwala Complex,
Jalna Road, Aurangabad-431001.

..Petitioners

Versus

1. State of Maharashtra through
Government Pleader, Bombay High Court
Bench at Aurangabad Through Secretary of
Ministry of Labour and Industries, Mantralaya, Mumbai.
2. Suraj S/o Apparao Joshi,
Age 37 years, Occ: Service,
R/o Plot No.54, Meeranagar,
Padegaon, Tq. Dist. Aurangabad-431 001. ..Respondents

**WITH
WRIT PETITION NO.11665 OF 2019**

Head of Human Resource
Dainik Bhaskar Group, (D. B. Corp Ltd)
Divya Marathi,
Plot No.15295, Motiwala Complex,
Jalna Road, Aurangabad-431001.

..Petitioner

Versus

Sudhir S/o Bhaskarao Jagadale
Age 38 years, Occ: Nil,
R/o House No.343, Ajintha Road,
Near Bus Stand, Sawangi (Harsool),
Tq. Dist. Aurangabad-431 008.

..Respondent

**WITH
WRIT PETITION NO.4861 OF 2022**

1. Managing Director,
Dainik Bhaskar Group, (D. B. Corp Ltd.)
Plot No.280, Sarkhej-Gandhinagar Highway
Near YMCS Club, Ahmedabad,
Gujrat-380051.
2. Head of Human Resource
Dainik Bhaskar Group, (D. B. Corp Ltd)
Divya Marathi,
Plot No.15295, Motiwala Complex,
Jalna Road, Aurangabad-431001. ..Petitioners

Versus

1. State of Maharashtra through
Government Pleader, Bombay High Court

Bench at Aurangabad Through Secretary of
Ministry of Labour and Industries, Mantralaya, Mumbai.

2. Namdeo S/o Goroba Gaikwad,
Age 50 years, Occ: Service,
R/o C/o Adv. Gunwant Daware,
Daware Building, Abhay Book Centre,
Aurangabad Road, Naralibagh, Aurangabad ..Respondents

**WITH
WRIT PETITION NO.4865 OF 2022**

1. Managing Director,
Dainik Bhaskar Group, (D. B. Corp Ltd.)
Plot No.280, Sarkhej-Gandhinagar Highway
Near YMCS Club, Ahmedabad,
Gujrat-380051.
2. Head of Human Resource
Dainik Bhaskar Group, (D. B. Corp Ltd)
Divya Marathi,
Plot No.15295, Motiwala Complex,
Jalna Road, Aurangabad-431001. ..Petitioners

Versus

1. State of Maharashtra through
Government Pleader, Bombay High Court
Bench at Aurangabad Through Secretary of
Ministry of Labour and Industries, Mantralaya, Mumbai.
2. Dhananjay Sadashivrao Bramhapurkar,
Age 37 years, Occ: Service,
R/o C/o A. S. Shashtri, Flat No.6,
Redey Apartment in from of Manik Hospital,
Ashok Nagar, Garkheda Parisar Aurangabad. ..Respondents

**WITH
WRIT PETITION NO.4868 OF 2022**

1. Managing Director,
Dainik Bhaskar Group, (D. B. Corp Ltd.)
Plot No.280, Sarkhej-Gandhinagar Highway
Near YMCS Club, Ahmedabad,
Gujrat-380051.
2. Head of Human Resource
Dainik Bhaskar Group, (D. B. Corp Ltd)
Divya Marathi,

Plot No.15295, Motiwala Complex,
Jalna Road, Aurangabad-431001.

..Petitioners

Versus

1. State of Maharashtra through
Government Pleader, Bombay High Court
Bench at Aurangabad Through Secretary of
Ministry of Labour and Industries, Mantralaya, Mumbai.
2. Suresh S/o Sandu Borde,
Age 50 years, Occ: Service,
R/o C/o Pravin Jagtap, H-43,
Shiv Shankar Colony, Behind Tanaji Putla,
Tq. Dist. Aurangabad-431 008. ..Respondents

**WITH
WRIT PETITION NO.4866 OF 2022**

1. Managing Director,
Dainik Bhaskar Group, (D. B. Corp Ltd.)
Plot No.280, Sarkhej-Gandhinagar Highway
Near YMCS Club, Ahmedabad,
Gujrat-380051.
2. Head of Human Resource
Dainik Bhaskar Group, (D. B. Corp Ltd)
Divya Marathi,
Plot No.15295, Motiwala Complex,
Jalna Road, Aurangabad-431001. ..Petitioners

Versus

1. State of Maharashtra through
Government Pleader, Bombay High Court
Bench at Aurangabad Through Secretary of
Ministry of Labour and Industries, Mantralaya, Mumbai.
2. Bharat S/o Pandurang Deogaonkar,
Age 46 years, Occ: Service,
R/o Bhaskar Vasti Yesgaon,
Tq. Kopargaon Dist. Nagar,
C/o Sudam Jadhav Galli No.17,
Sanjay Nagar, Mukundwadi,
Tq. Dist. Aurangabad-431 008. ..Respondents

**WITH
WRIT PETITION NO.4867 OF 2022**

1. Managing Director,
Dainik Bhaskar Group, (D. B. Corp Ltd.)

Plot No.280, Sarkhej-Gandhinagar Highway
Near YMCS Club, Ahmedabad,
Gujrat-380051.

2. Head of Human Resource
Dainik Bhaskar Group, (D. B. Corp Ltd)
Divya Marathi,
Plot No.15295, Motiwala Complex,
Jalna Road, Aurangabad-431001. ..Petitioners

Versus

1. State of Maharashtra through
Government Pleader, Bombay High Court
Bench at Aurangabad Through Secretary of
Ministry of Labour and Industries, Mantralaya, Mumbai.
2. Prakash S/o Sambhaji Khandelote,
Age 48 years, Occ: Nill,
R/o C/o Gautam Jadhav
Plot No.18-A, Laghu Wetan Colony, Mukundwadi,
Tq. Dist. Aurangabad-431 008. ..Respondents

**WITH
WRIT PETITION NO.4863 OF 2022**

1. Managing Director,
Dainik Bhaskar Group, (D. B. Corp Ltd.)
Plot No.280, Sarkhej-Gandhinagar Highway
Near YMCS Club, Ahmedabad,
Gujrat-380051.
2. Head of Human Resource
Dainik Bhaskar Group, (D. B. Corp Ltd)
Divya Marathi,
Plot No.15295, Motiwala Complex,
Jalna Road, Aurangabad-431001. ..Petitioners

Versus

1. State of Maharashtra through
Government Pleader, Bombay High Court
Bench at Aurangabad Through Secretary of
Ministry of Labour and Industries, Mantralaya, Mumbai.
2. Devidas S/o Vasant Lanjewar,
Age 46 years, Occ: Service,
R/o Row House No.41, Emerald City
Garkheda Parisar, Aurangabad ..Respondents

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Mr. V. D. Sapkal, Senior Advocate a/w Mr. Ashok Patil, Mr. Pankaj Sutar, Mr. Vishwabbushan Kamble and Mr. Nikhil S. Jaju, Advocate for the Petitioners.

Mr. Rahul D. Khadap, Advocate for Respondent No.2 in WP/11646/2019, WP/4864/2022, WP/4862/2022, WP/4869/2022.

Mr. Yatin I. Thole, Advocate for Respondent No.2 in WP/4870/2022, WP/4858/2022, WP/4860/2022, WP/4859/2022, WP/11665/2019.

Mr. Shrimant R. Kedar, Advocate for Respondent No.2 in WP/4861/2022, WP/4865/2022, WP/4868/2022.

Mr. P. M. Shinde h/f Mr. Prashant B. Jadhav, Advocate for Respondent No.2 in WP/4866/2022 and WP/4867/2022.

Mr. Vijay B. Garud, Advocate for Respondent No.2 in WP/4863/2022.

Petitioner Nos.1 and 2 and Respondent No.1 is deleted in WP/11646/2019 and WP/1665/2019 by order dated 23.09.2019.

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WITH

WRIT PETITION NO.10774 OF 2022

Sudhir S/o. Bhaskarao Jagadale,
Age 43 years, Occu. Nil,
R/o. House No.343, Ajintha Road,
Near Bus Stand, Sawangi (Harsool),
Tq. & Dist. Aurangabad.

..Petitioner

Versus

M/s. D. B. Corp Limited,
Second Floor, Motiwala Complex,
Jalna Road, Aurangabad.

Through its

Head of Human Resources.

..Respondent

...

Mr. P. M. Shinde h/f Mr. Prashant B. Jadhav, Advocate for the Petitioner.

Mr. V. D. Sapkal, Senior Advocate i/by Mr. N. S. Jaju, Advocate for Respondent.

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CORAM : SANDEEP V. MARNE, J.

RESERVED ON : 19.12.2022.

PRONOUNCED ON : 22.12.2022.

JUDGMENT:-

1. Rule. Rule made returnable forthwith. With the consent of the parties, matters are taken up for final hearing at the admission stage.

2. In these group of petitions petitioners challenge the award dated 04.01.2019 passed by the Member, Labour Court, Aurangabad in Reference IDA No.20/2017 as well as order dated 10.06.2019 rejecting Review Petition No.09/2019. By amending petitions, the order dated 14.09.2022 passed by the Additional Tahsildar, Aurangabad seeking enforcement of the awards has also been challenged.

3. Petitioner is a private limited company engaged in multi-ferrous business activities in the areas of Radio, Media (print and electronics), Textile, Real Estate etc. Petitioner claims to be one of the largest print media groups in the country with 65 newspaper editions published in 4 languages having readership of 4.4 crores across 13 States. Its annual revenues have been described in one of the litigations as more than Rs.1000/- crores.

4. Respondents in these petitions have been appointed by petitioners on various posts. For the purpose of illustration, the details of appointment of respondent no.2 in Writ Petition No.4859/2022 are discussed. Respondent no.2 was offered an appointment by petitioners on the post of Telephone Operator on 10.06.2011. Upon acceptance of an offer, appointment order came to be issued in favour of respondent no.2 on 12.06.2011 appointing him as Telephone Operator with effect from 13.06.2011. The salary package offered to respondent no.2 was in the form of Cost to Company (CTC) package of Rs.1,08,000/- per annum.

5. The Working Journalists and Other Newspapers Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (for short 'the Act of 1955') has been enacted to regulate the conditions of employment of working journalists and other newspaper employees in pursuance of recommendations of Press Commission. Section 9 of the Act of 1955 provides for fixation of wages and revision thereof in respect of working journalists by the Central Government. Section 13-C of the Act of 1955 provides for fixation and revision of wages in respect of non-journalist newspaper employees. The Government of India constituted two Wage Boards under the provisions of Sections 9 and 13-C of the Act of 1955 by Notification dated 24.05.2007. The Wage Boards submitted their recommendations to the Central Government on 31.05.2010. In exercise of powers conferred by Section 12 of the Act of 1955 the Central Government issued Notification dated 11.11.2011 for implementation of recommendations of Wage Boards in respect of working journalists and non-journalist newspapers employees. The recommendations of Wage Boards implemented by the Notification dated 11.11.2011 are popularly known as recommendations of 'Majithia Wage Board'.

6. Clause 20(j) of the Notification dated 11.11.2011 provides for exercise of option by an employee to retain existing emoluments within three weeks of publication of the Notification dated 11.11.2011. It is the case of petitioners that the respective employees in the present petitions executed such options in the form of declarations under Clause 20(j) of the Notification and thereby opted for retention of existing emoluments.

7. Applications were filed on 18.01.2017 by employees in the present petitions before the Assistant Labour Commissioner,

Aurangabad under Section 17(1) of the Act of 1955 claiming benefits under the Majithia Wage Board recommendations. The Assistant Labour Commissioner took cognizance of the application dated 18.01.2017 and made References to the Labour Court, Aurangabad for adjudication under the provisions of Section 17(2) of the Act of 1955.

8. Upon Reference being made to the Labour Court, the employees filed their statements of claim claiming differences of arrears of salary as per Notification dated 11.11.2011. The claims are resisted by petitioners by filing written statement raising various defences. The Labour Court made award dated 04.01.2019 partially answering the Reference in affirmative and declaring that all employees are entitled for difference of arrears of salary as per the Majithia Wage Boards recommendations published vide Notification dated 11.11.2011 without any interest. Petitioners are directed to pay difference of such arrears of salary within three months.

9. Petitioners sought review of the award dated 04.01.2019. However, by order dated 10.06.2019 the Labour Court was pleased to reject the Review Petitions. The present petitions are filed challenging the awards dated 04.01.2019 as well as orders passed in Review on 10.06.2019.

10. When some of the present petitions came up before this Court on 23.09.2019, this Court refused to stay the impugned award on account of inability expressed by petitioners to deposit 50% of the awarded amount. Despite rejection of the interim stay, the impugned awards were not implemented and therefore, applications were filed before the Assistant Labour Commissioner, Aurangabad for enforcing the awards, who directed the employees

to approach the Labour Court again holding that the exact figure of the amount was not quantified. Aggrieved by the communication of the Assistant Labour Commissioner, Aurangabad dated 30.06.2020 some of the employees filed Writ Petition Nos.5606/2021, 5607/2021, 5650/2021 and 5605/2021 in this Court. The petitions were disposed of by this Court by its order dated 23.03.2022 directing Assistant Labour Commissioner to collect the details regarding exact salaries paid to them and the salaries recommended by Majithia Wage Board and accordingly calculate the amounts and issue recovery certificates. Consequent to the order passed by this Court, the Assistant Labour Commissioner issued recovery certificates dated 09.05.2022 in favour of employees. The Collector sought to direct Additional Tahsildar, Aurangabad to enforce the recovery certificates by letter dated 13.06.2022. The Additional Tahsildar, Aurangabad accordingly started recovery proceedings against petitioners and an attachment order was issued on 14.09.2022. This Court by order dated 15.09.2022 stayed the attachment order dated 14.09.2022 subject to petitioners depositing 50% of the awarded amount. Accordingly, petitioners have deposited 50% amount of the recovery certificates on 27.09.2022/03.10.2022.

11. Appearing for petitioners Mr. Sapkal the learned Senior Advocate would rely upon the provisions of sub-Section 2 of Section 17 of the Act of 1955 and contend that the Reference can be made only by the State Government and powers to make Reference under the provisions of Section 17(2) cannot be delegated to any authority by the State Government. He would contend that by Notification dated 11.05.2016 the powers to make Reference under sub-Section 2 of Section 17 of the Act of 1955 have been delegated to the Deputy/Additional Commissioner of Labour

which is *ab initio void*. He would rely upon the judgment of this Court in **All India Reporter Private Limited Vs. The State of Maharashtra and Others**, Writ Petition No.6402/2019 decided on 17.11.2022 in which this Court has struck down the Notification dated 11.05.2016 and has held that the Reference in that case made by the Additional Commissioner of Labour was not maintainable. Mr. Sapkal would submit that in the present case, the Reference has been made by the Assistant Labour Commissioner in exercise of delegated powers and since there is no provisions for delegation of powers under Section 17(2) of the Act of 1955, the Reference made by the Assistant Commissioner Labour was clearly not maintainable.

12. So far as the merits of the petitions are concerned, Mr. Sapkal would submit that the present cases are clearly covered by Clause 20(j) of the Notification dated 11.11.2011 under which the employees have executed declarations obtained for existing emoluments within the window period of three months provided in Clause 20(j). Having given up their rights to claim salaries on the basis of Majithia Wage Board by executing declarations under Clause 20(j), the employees are now estopped from taking a *volte face* and demand such wages. He would further submit that though appointed in the year 2011 and peacefully drawing salary as per the existing emoluments, the employees raised belated claims before the Assistant Commissioner of Labour in the year 2017 which were not maintainable. Mr. Sapkal would, therefore, submit that even on merits, the claims of employees were not grantable.

13. Per contra Mr. Yatin Thole, learned counsel appearing for respondent no.2 in Writ Petition Nos.4870/2022, 4858/2022,

4860/2022, 4859/2022 and 11665/2019 would oppose the petitions and support the award passed by the Labour Court. He would submit that the awards of the Labour Court have been made on 04.01.2019 and Review Petition dismissed on 10.06.2019 whereas most of petitions have filed after inordinate delay of more than three years in January 2022. He would further submit that the issue of legality of the Notification dated 11.05.2016 or the issue of validity of delegation of powers to Assistant Labour Commissioner to make Reference under Section 17(2) of the Act of 1955 are not raised either in the present petitions or before the Labour Court. He would, therefore, urge that petitioners are estopped from raising these issues directly at this stage of argument. He would submit that if petitioners had any objection about making of Reference by Assistant Labour Commissioner under Section 17(2) of the Act of 1955, it ought to have raised that objection before the Assistant Labour Commissioner. He would submit that after the Reference is answered in favour of the employees, petitioners cannot be permitted to raise such a technical issue directly before this Court that too at the stage of final argument.

14. Mr. Thole would further submit that Section 17 of the Act of 1955 constitutes a 'single scheme' to enable the employees to claim benefits of recommendations of Wage Boards. Inviting my attention to the provisions of Section 17, Rule 36 and Form 'C' to the Rules Mr. Thole would contend that the employees had rightly made the application in the format provided in Form 'C' and therefore, the objection to the delegation of powers is not maintainable. He would further submit that petitioners took chance by seeking review of the award and in review as well objection to the delegation of powers for making References under Section 17(2) of the Act of 1955 was not raised. Inviting my

attention to the orders passed by the Apex Court dated 13.10.2017 and 28.01.2019 in the case of **Avishek Raja & Ors. Vs. Sanjay Gupta & Ors.**; M.A. No.171/2019 in Writ Petition No.246/2011 Mr. Thole would contend that the scheme of the Act is such that Supreme Court expected that the Reference to be decided within six months. He would submit that as against the time limit fixed by the Supreme Court of six months, in the present case the employees are made to run from pillar to post for last more than five years on account of non-cooperative attitude of petitioners.

15. Inviting my attention to declaration dated 15.11.2011 made by respondent no.2 in Writ Petition No.4859/2022 Mr. Thole would contend that the same was involuntary in nature. He would submit that respondent no.2 (Suraj Joshi) was appointed on 13.06.2011 and executed a declaration within four months in a proforma admitting to terms such as provision of promotional avenues, economic sustainability etc. He would submit that within four months from the appointment and without getting any promotion, the employee would not have made such an declaration. He would, therefore, submit that the declarations were forcefully obtained from the employees. Referring to CTC package of Rs.1,08,000/- offered to him, Mr. Thole would contend that the same amounted to the gross salary of Rs.9000/- per month and take home salary of Rs.7000/- per month. Referring to the Explanation to Clause 20(j) of the Notification Dated 11.11.2011 Mr. Thole would contend that term 'existing emoluments' includes various heads such as basic pay, variable dearness allowance etc., whereas what is offered to employees under CTC package does not include such heads and therefore, cannot construed to mean as 'existing emoluments' within the meaning of Clause 20(j). Referring to the provisions of Section 13 of the Act of 1955, Mr.

Thole would contend that the provision mandates payment of wages 'at rates not less than those specified in the order'. In support of his contention Mr. Thole has relied upon following judgments:

1. **Business Bhaskar Newspaper Vs. Government of NCT of Delhi & Ors.; Writ Petition (C) No.8550/2018** decided on 27.01.2022.
2. **Shri. Samarjit Ghosh Vs. M/s. Bennett Coleman and Co. and Another**, AIR 1987 SCC 1869.
3. **Pradhan Prabandhak/Unit Head M/s. Amar Ujala Vs. State of U.P. and 3 others; Writ Petition (C) No.11856/2018** decided on 31.05.2018.
4. **All India Reporter Karamchari Sangh & Ors. Vs. All India Reporter Limited and Ors.** decided on 02.05.1988.
5. **D. B. Corp. Ltd. Vs. State of Maharashtra & Ors.;** Writ Petition No.1821/2018 with other connected writ petitions, decided on 09.08.2018.
6. **Managing Director, Dainik Bhaskar Group, (D. B. Corp. Ltd.) & Ors. Vs. The State of Maharashtra & Anr.;** Writ Petition No.11646/2019 with other connected writ petition, decided on 23.09.2019.
7. **Suraj Apparao Joshi Vs. The Deputy Labour Commissioner, Aurangabad and Ors.;** Writ Petition No.5606/2021 with other connected writ petitions, decided on 23.03.2022.
8. **D. B. Corp Ltd. Vs. D. P. Agrawal Publications Pvt. Ltd. & Others;** CS (Comm) No.1320/2016, decided on 20.02.2019.

16. Mr. Kedar, learned counsel appearing for respondent employee in Writ Petition No.4861/2021 would invite my attention

to the recovery certificate issued therein in support of his contention that there is a huge difference of about Rs.13,000/- in monthly salary that is being paid to the employees and the one payable as per Majithia Wage Boards recommendations. He would therefore submit that, by no stretch of imagination, can be contended that the existing emoluments are more favorable to the employees than the one payable as per the Majithia Wage Board recommendations.

17. Mr. Shinde, learned counsel appearing for respondents-employees in Writ Petition No.4866/2022 and 4867/2022 would adopt the submissions of Mr. Thole and would further submit that the implementation of recommendations of Majithia Wage Board is not discretionary for petitioners and that the same is compulsory. He would rely upon the Order of the Apex Court in **Shobha Ram Vs. Ramesh Chandra Agarwal**, passed on 19-06-2017 in various Contempt Petitions relating to non-implementation of Majitia Wage Board Recommendations, in support of his contention that Section 16 of the Act of 1955 leaves option to the employees to accept only benefits which are more favorable to them than the one notified under Section 12 of the Act of 1955. Since the wages offered by petitioners are not more favorable than the one notified, the notified wages as per Majithia Wage Board would alone be payable.

18. Mr. Khadap, learned counsel appearing for respondents-employee in Writ Petition Nos.11646/2019, 4864/2022, 4862/2022 and 4869/2022 would adopt the submissions of Mr. Thole.

19. In rejoinder Mr. Sapkal would contend that the issue of jurisdiction goes to the root of the matter and that therefore, even if the same is not expressly raised, this Court is otherwise bound by the decision in **All India Reporter Private Limited** (supra). In support of his contention that an order passed in absence of jurisdiction is a nullity, Mr. Sapkal would rely upon the judgment of the Apex Court in **Sarup Singh and Another Vs. Union of India and Another**, (2011) 11 SCC 198. Mr. Sapkal would alternatively submit that the jurisdiction of the Labour Court was otherwise challenged in the written statement filed by petitioners.

20. Rival contentions of the parties now fall for my consideration.

21. Since the issue involved is about interpretation of provisions of Section 17 of the Act of 1955, it would be necessary to reproduce the said provision as under:

“17. Recovery of money due from an employer. - (1) Where any amount is due under this Act to a newspaper employee from an employer, the newspaper employee himself, or any person authorised by him in writing in this behalf, or in the case of the death of the employee, any member of his family may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery of the amount due to him, and if the State Government or such authority, as the State Government may specify in this behalf, is satisfied that any amount is so due, it shall issue a certificate for that amount to the Collector, and the Collector shall proceed to recover that amount in the same manner as an arrear of land revenue.

(2) If any question arises as to the amount due under this Act to a newspaper employee from his employer, the State Government may, on its own motion or upon application made to it, refer the question to any Labour Court constituted by it under the Industrial Disputes Act, 1947 (14 of 1947), or under any corresponding law relating to investigation and settlement

of industrial disputes in force in the State and the said Act or law shall have effect in relation to the Labour Court as if the question so referred were a matter referred to the Labour Court for adjudication under that Act or law.

(3) The decision of the Labour Court shall be forwarded by it to the State Government which made the reference and any amount found due by the Labour Court may be recovered in the manner provided in sub-section (1).

22. Thus Section 17 of the Act of 1955 provides for a complete scheme for recovery of money due from the employer. In case there is no dispute about money payable, the State Government or the authority specified by it can straightaway issue a recovery certificate and the Collector can proceed to recover amount as arrears of land revenue. If there is a dispute about the amount payable, the State Government is required to make a Reference to the Labour Court under the provisions of sub-Section 2 of Section 17 of the Act of 1955 and it is the Labour Court which will decide the dispute and forward its decision to the State Government under sub-Section 3 of Section 17. Once the State Government receives the decision of the Labour Court under Section 17(3), further proceedings of recovery are to be effected under sub-Section 1 of Section 17. This is the scheme of recovery provided for under Section 17 of the Act of 1955.

23. Careful reading of provisions of sub-Sections (1) and (2) of Section 17 of the Act of 1955 would indicate that while sub-Section (1) uses the words '*if the State Government or such authority, as the State Government may specify in this behalf,*', the words used in sub-Section (2) are '*the State Government may*'. These words '*or such authority as the State Government may specify in this behalf*' are absent in sub-Section (2) of Section 17 of the Act of 1955.

24. This Court has considered and interpreted the provision of Section 17 of the Act of 1955 in **All India Reporter Private Limited** (supra). This Court held in paragraph nos.7 to 11 as under:

“7] A perusal of Section 17(1) of the Act of 1955 indicates that without prejudice to any other mode of recovery, it would be open for a newspaper employee to seek recovery of amount due to him by making an application to the State Government. On the State Government or such authority that the State Government may satisfy in this behalf being satisfied that any amount is so due, a certificate for such amount can be issued to the Collector who can then proceed to recover that amount in the same manner as an arrear of land revenue. It is clear from the said provision that the State Government has been conferred the power of delegating the task of determining whether any amount is due as claimed by a newspaper employee. The State Government can either itself or through such authority as specified issue a certificate as provided. In contrast, when the provisions of Section 17(2) of the Act of 1955 are analyzed, it becomes clear that no such power of delegation has been conferred on the State Government. Thus, if any question arises as to the amount due under the Act of 1955, it is for the State Government either on its own motion or on upon an application made to it to refer the question to any Labour Court as permitted. In other words, the State Government has not been conferred any power to delegate the task of referring such question to any Labour Court. There is thus a clear distinction contained in the provisions of Sections 17(1) and 17(2) of the Act of 1955 inasmuch as the power of delegation conferred on the State Government under Section 17(1) is missing in Section 17(2) of the Act of 1955. In this regard, the learned Counsel for the petitioner is justified in relying upon the decision in M. Chandru (supra) wherein the Hon’ble Supreme Court has observed in clear terms that delegation of power is permissible if there exists such provision in the Principal Act. The power to delegate being a statutory requirement must find place in the Principal Act itself. It is thus clear that in the absence of any such power of delegation being conferred upon the State Government under Section

17(2) of the Act of 1955 to refer any question as to whether any amount is due under the Act of 1955 to a newspaper employee, such reference has to be made by the State Government itself.

8] The Additional Commissioner of Labour has relied upon the notification dated 11/5/2016 issued by the Industries, Energy and Labour Department of the State Government and has thereafter made the order of reference. This notification states that the State Government has been pleased to allocate the work to refer the question to any Labour Court within the meaning of Section 17(2) of the Act of 1955 to the officers mentioned in Schedule thereto. We find that in the absence of any power of delegation being conferred on the State Government under Section 17(2) of the Act of 1955, the notification dated 11/5/2016 would not have any force of law. In the absence of any enabling power to delegate the task of referring any question to the Labour Court, it would have to be held that exercise of such power by the officers mentioned in the Schedule to the notification dated 11/5/2016 would amount to usurping the authority conferred only on the State Government. The notification dated 11/5/2016 therefore does not have any statutory support of Section 17(2) of the Act of 1955. It is therefore held that it was not permissible for the Additional Commissioner of Labour to have referred the dispute to the Labour Court under Section 17(2) of the Act of 1955. Such reference under Section 17(2) ought to have been made by the State Government itself. Consequently, the Labour Court was not empowered to proceed further with the reference as made.

9] It was also submitted by the learned Counsel for the petitioner that since the members of the Union sought determination of their entitlement to higher wages, remedy under Section 17 of the Act of 1955 was not available. What was required to be resolved was an industrial dispute and therefore the members of the Union ought to have invoke appropriate jurisdiction in that regard. Reliance was placed on the decision in Sanjay Shalikram Ingle (supra). However, since it has been found that the Additional Commissioner of Labour was not empowered to make the reference under Section 17(2) of the Act of 1955 to the Labour Court, it would not be necessary at this stage to consider the said

aspect of the matter. If a reference is made by the State Government under Section 17(2) of the Act of 1955, the said aspect can be considered at that stage.

10] It was urged by the learned Counsel for the Union that the challenge to the notification dated 11/5/2016 was raised belatedly since the present Writ Petition was filed on 16/9/2019. It is found that reference to the said notification has been made for the first time in the order of reference dated 23/7/2018. After the Additional Commissioner of Labour made the order of reference to the Labour Court, the petitioner raised a preliminary objection to the tenability of the reference proceedings on 17/1/2019. That objection came to be rejected on 8/8/2019. In these facts therefore it cannot be said that the challenge to the notification dated 11/5/2016 was belated. Needless to state that in addition to a challenge to the said notification, the order of reference dated 23/7/2018 as well as the order passed by the learned Judge, 4th Labour Court, Nagpur below Exh.11 on 8/8/2019 are also under challenge in this Writ Petition. We therefore do not find that the Writ Petition has been filed belatedly for it to be not entertained on merits.

11] Hence, for the aforesaid reasons, it is held that the notification dated 11/5/2016 issued by the State Government delegating its power under Section 17(2) of the Act of 1955 to the Additional Commissioner of Labour to make a reference to the Labour Court does not have any statutory support. There is no power conferred on the State Government to delegate the power conferred upon it to refer any dispute to the Labour Court for determining whether any amount is due to the members of the Union under the Act of 1955. Consequently, the notification dated 11/5/2016 is struck down as having been issued without there being any power conferred on the State Government in that regard under Section 17(2) of the Act of 1955. Consequently, the order dated 8/8/2019 passed below Exh.11 in Reference (IDA) No. 10/2018 is also set aside and it is declared that the said reference is not maintainable before the Labour Court in view of the notification dated 11/5/2016 being struck down. The Union is free to agitate its claim in accordance with law. It is clarified that this Court has not

examined the claim on merits and all questions in that regard are kept open.”

25. Thus in **All India Reporter Private Limited** (supra) this Court has held that power of delegation is not conferred on the State Government under sub-Section (2) of Section 17 of the Act of 1955 and that therefore, the Notification dated 11.05.2016 providing for such delegation has no force of law. This Court has struck down the Notification dated 11.05.2016. Since, it is held that the State Government cannot delegate the power of making Reference under sub-Section (2) of Section 17 of the Act of 1955, this Court has further proceeded to hold that the Reference made by Additional Commissioner of Labour in that case was not maintainable.

26. The judgment in **All India Reporter Private Limited** (supra) squarely applies to the facts of the present case. In the present case as well the order of Reference has been made by the Assistant Commissioner of Labour, Aurangabad. The power is exercised by the Assistant Commissioner of Labour on the strength of the Notification dated 11.05.2016, which has been set aside in **All India Reported Private Limited** (supra). Therefore, following that judgment, the References made by the Assistant Commissioner of Labour before the Labour Court will have to be held as not maintainable.

27. Faced with the above situation, the learned counsels appearing for respondent-employees have made strenuous efforts to distinguish the judgment in **All India Reporter Private Limited** (supra). Firstly, reliance is placed on the judgment of the Apex Court in **Shri. Samarjit Ghosh** (supra) in which it is held in paragraph no.6 as under:

“6. When all the provisions of s. 17 are considered together it is apparent that they constitute a single scheme. In simple terms the scheme is this. A newspaper employee, who claims that an amount due to him has not been paid by his employer, can apply to the State Government for recovery of the amount. If no dispute arises as to the amount due the Collector will recover the amount from the employer and pay it over to the newspaper employee. If a question arises as to the amount due, it is a question which arises on the application made by the newspaper employee, and the application having been made before the appropriate State Government it is that State Government which will call for an adjudication of the dispute by referring the question to a Labour Court. When the Labour Court has decided the question, it will forward its decision to the State Government which made the reference, and thereafter the State Government will direct that recovery proceedings shall be taken. In other words the State Government before whom the application for recovery is made is the State Government which will refer the question as to the amount due to a Labour Court, and the Labour Court upon reaching its decision will forward the decision to the State Government, which will then direct recovery of the amount.”

Relying on **Samarjit Ghosh** (supra), it is contented that the provisions of Section 17 of the Act of 1955 are held to be constituting a ‘single scheme’. In that judgment, the Apex Court has explained the scheme of Section 17 of the Act of 1955 and has not dealt with the issue as to whether the delegated authority can make Reference under Section 17(2) of the Act of 1955. In fact the Apex Court has also used the word ‘State Government’ for making Reference under Section 17(2) of the Act of 1955. Therefore, the judgment in **Samarjit Ghosh** (supra) is of no assistance to respondent-employees.

28. Reliance is placed on the judgment of the Single Judge of the Allahabad High Court in **M/s. Amar Ujala** (supra) in which the judgment in **Shri. Samarjit Ghosh** (supra) has been referred and it is held as under:

“In the instant case, when the entire section 17 of the Act, 1955 is read as a whole, it cannot be said that the legislature intentionally omitted the words "such authority, as specified by the State Government", from sub-section (2) of section 17 of the Act because by providing the power of delegation in sub-section (1) of section 17 of the Act, keeping in mind the scheme of the entire section 17 of the Act, 1955, the State Government was empowered to delegate its power to deal with applications contemplated under Section 17 of the Act, 1955. Otherwise also, the State Government under its general power of delegation by notification can delegate exercise of its administrative power.

In the instant case, the State Government had empowered the Deputy Labour Commissioner to dispose of application under Section 17 of the Act which would include power to refer to the labour court as it was a step-in-aid for disposal of the application under sub-section (1) of Section 17 of the Act. Therefore the specified authority did not lack jurisdiction to make a reference to the labour court. Accordingly, the reference order does not suffer from jurisdictional error.”

Thus in **M/s. Amar Ujala** (supra) a Single Judge of the Allahabad High Court has held that omission of words ‘such authority, as specified by the State Government’ in sub-Section (2) of Section 17 of the Act of 1955 is not intentional and that the State Government is empowered to delegate its powers under Section 17(2) of the Act of 1955. It is further held that the State Government otherwise has general power of delegation in exercise of administrative powers.

29. Thus the view taken by a Single Judge of the Allahabad High Court in **Amar Ujala** (supra) appears to be directly contrary to the view taken by this Court in **All India Reporter Private Limited** (supra). It also appears that the decision of the Allahabad High Court in **Amar Ujala** (supra) was not brought to the notice of this Court while deciding **All India Reporter Private Limited** (supra). However, there are two reasons why I must follow the judgment of this Court in **All India**

Reporter Private Limited (supra). Firstly, it is judgment of the Bombay High Court which is binding on me, whereas judgment rendered by a Single Judge of the Allahabad High Court would only have persuasive value. Secondly, the judgment of this Court in **All India Reporter Private Limited** (supra) is rendered by the Division Bench, whereas one in **Amar Ujala** (supra) is of Single Judge of the Allahabad High Court. Therefore, the judgment in **All India Reporter Private Limited** (supra) is binding on this Court and is required to be followed as a precedent.

30. As observed earlier the present case is fully covered by the judgment of this Court in **All India Reporter Private Limited** (supra), which this Court is bound to follow. Following the said decision, the References made by the Assistant Commissioner of Labour, Aurangabad under the provisions of sub-Section 2 of Section 17 of the Act of 1955 are required to be held as not maintainable. Consequently, the Awards passed by the Labour Court are liable to be set aside.

31. True it is that the issue of delegation of powers to make reference under Section 17(2) of the Act of 1955 was not raised before the Labour Court by the Petitioners nor has been raised in the present petition. However it is a pure question of law and goes to the root of the matter. Therefore notwithstanding absence of pleadings, the same can always be considered and decided by this court. The Apex Court, in its recent judgment in *Saurav Jain & Anr Vs. A. B. P. Design & Ors*, 2021 SCC Online 552 has dealt with the issue of permissibility of raising issues of law directly in appeals and has held as under:

34. With regard to new grounds being raised before this Court in a special leave petition under Article 136, we note that under

Order 21 Rule 3(c) of the Supreme Court Rules 2013, SLPs are to be confined to the pleadings before the court whose order is challenged. However, with the leave of the Court, additional grounds can be urged at the time of the hearing.

35. This Court in Bharat Kala Bhandar (P) Ltd. v. Municipal Committee¹⁴ dealt with a civil appeal where a contention had not been raised in the suit or in the grounds of appeal before the High Court, and was advanced before this Court for the first time. Although the Court noted that the scope of the appeal cannot be broadened at the instance of the parties, if a plea raises a question of considerable importance, it can be entertained by this Court. In a similar vein, this Court in Vasant Kumar Radhakisan Vora v. Board of Trustees of the Port of Bombay¹⁵, noted that pure questions of law which go to the root of the jurisdiction in a case can be raised for the first time in an appeal under Article 136 of the Constitution.

36. In Chandrika Misir v. Bhaiya Lal¹⁶, this Court was hearing a special leave petition concerning the possession of parties over the suit property which was the subject of the U.P. Zamindari Abolition and Land Reforms Act (Act 1 of 1951). While adjudicating on whether the suit was barred by limitation, Justice DG Palekar, speaking for a two Judge bench, observed that the civil court did not have jurisdiction to entertain the suit at all. Although the plea of bar on jurisdiction had not been raised in the courts below, the Court held that:

“6. It is from this order that the present appeal has been filed by special leave. It is to be noticed that the suit had been filed in a civil court for possession and the Limitation Act will be the Act which will govern such a suit. It is not the case that U.P. Act 1 of 1951 authorises the filing of the suit in a civil court and prescribes a period of limitation for granting the relief of possession superseding the one prescribed by the Limitation Act. It was, therefore, perfectly arguable that if the suit is one properly entertainable by the civil court the period of limitation must be governed by the provisions of the Limitation Act and no other. In that case there would have been no alternative but to pass a decree for possession in favour of the plaintiffs. But the unfortunate part of the whole

case is that the civil court had no jurisdiction at all to entertain the suit. It is true that such a contention with regard to the jurisdiction had not been raised by the defendant in the trial court but where the court is inherently lacking in jurisdiction the plea may be raised at any stage, and, it is conceded by Mr. Yogeshwar Prasad, even in execution proceedings on the ground that the decree was a nullity. If one reads Sections 209 and 331 of the U.P. Act 1 of 1951 together one finds that a suit like the one before us has to be filed before a Special Court created under the Act within a period of limitation specially prescribed under the rules made under the Act and the jurisdiction of the ordinary civil court is absolutely barred.”

(emphasis supplied)

37. In *Most Rev. P.M.A. Metropolitan v. Moran Mar Marthoma*[17](#) as well, a three Judge bench of this Court entertained an objection as to maintainability of the suit under Section 9 of the CPC, despite the plea not having been raised before the courts below. The Court observed that the plea of a bar or lack of jurisdiction can be entertained at any stage, since an order or decree passed without jurisdiction is non-est in law.

38. The position of law has been consistently applied even in criminal proceedings under Article 136 of the Constitution. In *Masalti v. State of Uttar Pradesh*[18](#), the confirmation of the death sentence of a number of accused persons by the High Court was under challenge before this Court. Chief Justice Gajendragadkar, speaking for a four judge Bench of this Court, observed that:

“11. We are not prepared to accept Mr. Sawhney's argument that even if this point was not raised by the appellants before the High Court, they are entitled to ask us to consider that point having regard to the fact that 10 persons have been ordered to be hanged. It may be conceded that if a point of fact which plainly arises on the record, or a point of law which is relevant and material and can be argued without any further evidence being taken, was urged before the trial court and after it was rejected by it was not repeated before the High Court, it may, in a proper case, be

permissible to the appellants to ask this Court to consider that point in an appeal under Article 136 of the Constitution; after all in criminal proceedings of this character where sentences of death are imposed on the appellants, it may not be appropriate to refuse to consider relevant and material pleas of fact and law only on the ground that they were not urged before the High Court. If it is shown that the pleas were actually urged before the High Court and had not been considered by it, then, of course, the party is entitled as a matter of right to obtain a decision on those pleas from this Court. But even otherwise no hard and fast rule can be laid down prohibiting such pleas being raised in appeals under Article 136.”

(emphasis supplied)

39. Based on the position of law, we find it just to allow the appellant to raise the ground of jurisdiction before us. Allowing the ground to be raised would not require the submission of additional evidence since it is a pure question of law and strikes at the heart of the matter. We shall now turn to the merits of this argument.

The Objection of the counsels for the respondent-employees about the issue of delegation not being raised before Labour Court deserves rejection.

32. So far as the issue of delay in filing the present petition, no doubt some of these petitions are filed after delay of 3 mong years. However it is not that the Petitioners acquiesced in the decisions of the Labour Court. They did institute Writ Petition No. 11646/2019 immediately after passing of award by the Labour Court. Ideally the other petitions should also have been filed contemporaneously. However since the issue involved in all petitions is the same and since all petitions can be decided by a common judgments, it would not be appropriate to segregate the petitions by dates of filing and dismiss some of them on the ground

of delay. Considering the fact that the Petitioners did file one of the petitions timely, it cannot be stated that they are guilty of laches.

33. The rest of the arguments on merits of the matters are not required to be dealt with at this stage as References made by the Assistant Commissioner of Labour are held to be faulty. Mr. Sapkal has also relied upon the judgment of this Court in **Sanjay Shalikram Ingle Vs. Lokmat, 2010 (4) All M. R. 210**, in which this Court was dealing with the issue of maintainability of complaints filed under the provisions of Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short 'the Act of 1971') for ascertainment of the claims to wages under the Majithia Wage Board recommendations. While holding that such complaint filed under the provisions of the Act of 1971 to be maintainable this Court held as under:

“These observations therefore clearly show that forum under S.17 of the Working Journalist Act is available only when an ascertained sum is to be recovered and not otherwise. Here, first the classification of respondent newspaper and categorization is essential and then only the wages and other benefits relevant for petitioners can be determined. Petitioners are praying for that determination and also for compensation and interest for subjecting them to unfair labour practice. This compensation can not be awarded to them in proceedings under S. 17. In any case as S. 17 is not equivalent to S.33-C-2 of Industrial Disputes Act, no inquiry into any dispute as to classification or categorization and annual turn over of the respondent news paper is possible under it. The finding of Industrial Court about availability of remedy under S.17 to petitioners is unsustainable. It is obvious that theory of an alternate efficacious remedy was/is not relevant at all.”

34. Thus having held that References made by the Assistant Commissioner of Labour, Aurangabad are in contravention of the provisions of sub-Section (2) of Section 17 of

the Act of 1955, following the decision in **Sanjay Shalikram Ingle** (supra) the remedy of filing complaint under the provisions of the Act of 1971 would possibly be open for respondent-employees in addition to the State Government itself making a Reference under the provisions of sub-Section (2) of Section 17 of the Act of 1955.

35. Writ Petition No. 10774 of 2022 has been filed claiming interest on the amounts awarded by the Labour Court. Since the Awards are being set aside, there is no question of payment of any interest. Therefore Writ Petition No. 10774 of 2022 is liable to be dismissed.

36. Accordingly, writ petitions (except Writ Petition No. 10774 of 2022) are allowed. The awards passed by the Labour Court are set aside. It shall be open to respondents-employees to exercise such remedies for enforcement of their rights to claim wages as per recommendations of Majithia Wage Board as may be available under law. Writ Petition No. 10774 of 2022 is dismissed. The amount deposited by petitioners in this Court shall be withdrawn by them after a period of eight (08) weeks from today.

37. Rule is made absolute in above terms. Rule is discharged in Writ Petition No. 10774 of 2022.

(SANDEEP V. MARNE)
JUDGE