



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI

ON THE 15th OF OCTOBER, 2025

MISC. PETITION No. 4617 of 2025

NAGAR PALIKA PARISHAD NAGDA DISTRICT UJJAIN

Versus

SALIM KHAN AND OTHERS

WITH

MISC. PETITION No. 2654 of 2025

ANOKH AND OTHERS

Versus

NAGAR PALIKA PARISHAD

MISC. PETITION No. 2656 of 2025

DILIP AND OTHERS

Versus

NAGAR PALIKA PARISHAD

MISC. PETITION No. 2668 of 2025

VINOD AND OTHERS

Versus

NAGAR PALIKA PARISHAD NAGDA

MISC. PETITION No. 2670 of 2025

RAVI AND OTHERS

Versus

NAGAR PALIKA PARISHAD

MISC. PETITION No. 2672 of 2025

RAKESH AND OTHERS

Versus

NAGAR PALIKA PARISHAD

MISC. PETITION No. 2673 of 2025

RADHA BAI AND OTHERS

Versus

NAGAR PALIKA PARISHAD NAGDA



MISC. PETITION No. 2674 of 2025

SATYANARAYAN AND OTHERS

Versus

NAGAR PALIKA PARISHAD NAGDA

MISC. PETITION No. 2675 of 2025

AARIF KHAN

Versus

NAGAR PALIKA PARISHAD NAGDA

MISC. PETITION No. 2676 of 2025

MAYABAI AND OTHERS

Versus

NAGAR PALIKA PARISHAD NAGDA

MISC. PETITION No. 2677 of 2025

BHURALAL AND OTHERS

Versus

NAGAR PALIKA PARISHAD NAGDA

MISC. PETITION No. 2691 of 2025

**MANGAL BHATI S/O SHRI SURAJ BHATI THROUGH GENRAL
SECRETARY BHAWANI SINGH SHEKHAWAT**

Versus

NAGAR PALIKA PARISHAD

MISC. PETITION No. 2692 of 2025

SANTOSH

Versus

NAGAR PALIKA PARISHAD

MISC. PETITION No. 2708 of 2025

**SACHIN MALWANA S/O SHRI SHANTILAL MAKWANA THROUHG
GENERAL SECRETARY BHAWANI SINGH SHEKHAWAT**

Versus

NAGAR PALIKA PARISHAD NAGDA THROUHG CHIEF

MISC. PETITION No. 2710 of 2025

**RAM LASHKARI S/O LATE SHRI NANDU LASHKARI THROUHG
GENERAL SECRETARY BHAWANI SINGH SHEKHAWAT**

Versus



NAGAR PALIKA PARISHAD NAGDA

MISC. PETITION No. 2711 of 2025

**KISHAN MEWATI S/O SHRI RAJENDRA MEWATI THROUNGH
GENERAL SECRETARY BHAWANI SINGH SHEKHAWAT**

Versus

NAGAR PALIKA PARISHAD NAGDA

MISC. PETITION No. 2712 of 2025

CHANDAN BHATI S/O SHRI MAYARAM BHATI

Versus

NAGAR PALIKA PARISHAD NAGDA

MISC. PETITION No. 2713 of 2025

**DEEPAK DUBANE S/O SHRI BANTU DUBANE THROUHG
GENERAL SECRETARY BHAWANI SINGH SHEKHAWAT**

Versus

NAGAR PALIKA PARISHAD NAGDA

MISC. PETITION No. 3299 of 2025

MUNNIBAI

Versus

NAGAR PALIKA PARISHAD NAGDA

MISC. PETITION No. 3319 of 2025

BHARAT PARMAR AND OTHERS

Versus

NAGAR PALIKA PARISHAD AND OTHERS

MISC. PETITION No. 3321 of 2025

REKHABAI

Versus

NAGAR PALIKA PARISHAD

MISC. PETITION No. 3864 of 2025

**NAGAR PALIKA PARISHAD NAGDA DISTT UJJAIN M P
THROUGH CHIEF MUNICIPAL OFFICER**

Versus

**THE STATE OF MADHYA PRADESH THROUGH COMMISSIONER
INDORE DIVISION AND OTHERS**

MISC. PETITION No. 3868 of 2025



NAGAR PALIKA PARISHAD NAGDA DISTT UJJAIN
Versus
THE STATE OF MADHYA PRADESH THOROUGH LABOUR
COMMISSIONER INDORE DIVISION AND OTHERS

MISC. PETITION No. 3942 of 2025
NAGAR PALIKA PARISHAD NAGDA
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

MISC. PETITION No. 3945 of 2025
NAGAR PALIKA PARISHAD NAGDA
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

MISC. PETITION No. 3951 of 2025
NAGAR PALIKA PARISHAD NAGDA DISTRICT UJJAIN
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

MISC. PETITION No. 4384 of 2025
NAGAR PALIKA PARISHAD NAGDA
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

MISC. PETITION No. 4389 of 2025
NAGAR PALIKA PARISHAD NAGDA UJJAIN
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

MISC. PETITION No. 4390 of 2025
NAGAR PALIKA PARISHAD
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

MISC. PETITION No. 4391 of 2025
NAGAR PALIKA PARISHAD
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

MISC. PETITION No. 4395 of 2025
NAGAR PALIKA PARISHAD



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Versus

THE STATE OF MADHYA PRADESH AND OTHERS

MISC. PETITION No. 4610 of 2025

***NAGAR PALIKA PARISHAD NAGDA UJJAIN THOUGH CHIEF
MUNICIPAL OFFICER***

Versus

ANITA BAMODIYA AND OTHERS

MISC. PETITION No. 4618 of 2025

***NAGAR PALIKA PARISHAD NAGDA UJJAIN THROGUH CHIEF
MUNICIPAL OFFICER***

Versus

MANISH AND OTHERS

MISC. PETITION No. 4620 of 2025

***NAGAR PALIKA PARISHAD NAGDA DISTT UJJAIN M P
THROUGH CHIEF MUNICIPAL OFFICER***

Versus

RADHESHYAM AND OTHERS

MISC. PETITION No. 4621 of 2025

***NAGAR PALIKA PARISHAD NAGDA DISTT UJJAIN M P
THROUGH CHIEF MUNICIPAL OFFICER***

Versus

OMBABU AND OTHERS

MISC. PETITION No. 4641 of 2025

***NAGAR PALIKA PARISHAD NAGDA DISTT UJJAIN THROUGH
CHIEF MUNICIPAL OFFICER***

Versus

SHUSHILABAI AND OTHERS

MISC. PETITION No. 4643 of 2025

***NAGAR PALIKA PARISHAD NAGDA DISTT UJJAIN M P
THROUGH CHIEF MUNICIPAL OFFICER***

Versus

NRASINGH AND OTHERS

Appearance:

Shri Vedant Singh Thakur – Learned counsel for the Nagar Palika



Parishad.

Shri Ajay Bagadiya – Learned senior counsel alongwith Shri Shashank Sharma – Learned counsel for the workmen.

Shri Sudeep Bhargava – Learned Dy. Advocate General for the State.

ORDER

Per: Justice Vivek Rusia

Misc.Petitions No. 4617/2025, 3864/2025, 3868/2025, 3942/2025, 3945/2025, 3951/2025, 4391/2025, 4395/2025, 4390/2025, 4389/2025, 4384/2025, 4610/2025, 4618/2025, 4620/2025, 4621/2025, 4641/2025 and 4643/2025.

This order shall govern the disposal of the aforesaid Petitions. Regard being had to the similarity of the controversy involved in these petitions, they have been heard analogously and disposed of by this singular order. For the sake of convenience, facts of M.P. No. 4617 of 2025 are taken.

Nagar Palika Parishad has filed this bunch of Miscellaneous petitions under Article 227 of the Constitution of India, challenging the award passed on 20.09.2024 (pronounced on 30.09.2024) by the M.P. Industrial Tribunal, Indore, in nine reference cases, namely: Reference No.66/I.D./2023, Reference No.68/I.D./2023, Reference No.69/I.D. 2023/Reference No.70/I.D./2023, Reference No.71/I.D./2023, Reference No.72/I.D./2023, Reference No.74/I.D./2023, and Reference No.03/I.D./2023. The petitioner is also challenging the order dated 02.06.2025 passed by the Additional Labour Commissioner, M.P., Indore, under Section 33-C(1) of the Industrial Disputes Act, 1947 and the proceedings of prosecution of CMO due to non-compliance of the award.

Facts of the case, in short, are as under: -

2. The petitioner is a Municipal Council established under the



provisions of the M.P. Municipalities Act. The petitioner engaged daily wage earners from time to time to do the activities of the Council. The respondent No.2 is a registered trade union having Registration No.6938; the members of the trade union are the daily wage employees working in the Municipal Council, Nagda. The respondent No.1 and others were engaged as a daily wager between the years 1982 to 2014, and since then, they have been continuously working and getting the minimum wages fixed by the State Government from time to time.

3. The State Government came up with the Circular No.F 5-1/2013/1/3, Bhopal dated 07.10.2016 for granting the benefit of Viniyamitikaran by giving the status of permanent employee(Sthayi karmi) in three categories namely unskilled, semi-skilled and skilled to a daily wagers who have been continually working in Government departments, Local Bodies like Municipal Corporation/ Municipalities , Mandal the Gram Panchayats etc.

3. After awaiting a number of years when the benefits of the above policy were not given to them ,the respondent union raised a dispute under Section 10(1) of the Industrial Disputes Act, 1947 before the Dy. Labour Commissioner, M.P., seeking regularization/ Viniyamitikaran under Circular dated 07.10.2016 and wages of arrears w.e.f. 01.09.2016. The conciliation proceedings ended into failure; thereafter, the State Government referred the dispute to the Labor Court on the following terms of reference.

“क्या आवेदक को म. प्र. शासन, सामान्य शासन विभाग मंत्रालय के परिपत्र दिनांक 07 अक्टूबर 2016 के अनुसार वेतन, वेतन का महंगाई भत्ता व वेतनमान का भुगतान करने एवं विनियमितिकरण किए जाने तक प्रतिमाह कम दिये जा रहे वेतन, वेतन का महंगाई भत्ता व वेतनमान जोड़कर प्राप्त करने के पात्र हैं? यदि नहीं तो आवेदक किस सहायता के पात्र हैं एवं इस संबंध में अनावेदक पक्ष को क्या निर्देश दिये जाने चाहिये?

4. After the reference, the respondents/ daily wagers/ Union filed a



statement of claims. The petitioner filed a written statement. The learned Tribunal framed the issues and recorded the evidence of the parties and passed the impugned award dated 30.09.2024 by directing the petitioner to give the benefit of the circular dated 01.09.2016 and by regularizing them into service and paying the wages w.e.f 01.09.2016 in the respective categories.

5. Since the aforesaid order has not been complied with, the respondent approached the Dy. Labour Commissioner by way of application under Section 33-C(1) of the Industrial Dispute Act, 1947. They submitted a claim with details of arrears of wages payable to them w.e.f. 01.09.2016 till 31.01.2025. A show cause notice dated 03.03.2025 was issued to the Chief Municipal Officer, Nagar Palika Parisahad Nagda, as to why the amount of Rs 1,95,33,170/- be recovered. The CMO filed a reply dated 02.04.2025 disputing the calculation and also submitted that the counsel is going to approach the High Court. The aforesaid reply has been rejected, and the Additional Labor Commissioner vide order dated 02.06.2025 directed the Collector to recover the amount of Rs. 1,95,33,170/- by way of RRC. Now, the Additional Commissioner has also issued a notice to CMO dated 09.05.2025 for prosecution due to non-compliance of the order passed by the M.P. Industrial Court. Hence, the Nagar Palika Parishad rushed to this Court by way of these petitions.

6. Learned counsel for the petitioner submits that the learned tribunal has wrongly passed an award for granting the benefit of circular dated 07.10.2016 to the daily wagers without considering Clause 1.8, which says that the benefit of regularization would be given to those daily wagers who were working on 16.05.2007 and still working on 01.09.2016. None of the members of the union/respondents barring few, were appointed between these two dates; therefore, they are not entitled to the benefit of this circular. We are not convinced with this submission as the same has



been rejected in the matter of Indore Municipal Corporation (details are given in foregoing paras).

7. The aforesaid submission goes contrary to the pleadings in para 5.5 of the memo of writ petition , in which the petitioner admits that, as per the master roll record, the respondents were enrolled on the master roll in the year 2007, and the Municipal Council gave the notice dated 26.07.2017 informing them about the eligibility criteria as per govt. notification and asked all of them to withdraw any case pending before the Court relating to a service matter, but they did not withdraw the case before the Industrial Tribunal. The respondent first time approached the Industrial Court by way of reference in the year 2022-23, therefore, when this notices were issued to them in the year 2017, no case was pending before the labour court or in any court. Even in the notice, no such detail of pending cases has been given to be withdrawn; thus, the Municipal Council had initiated the proceeding of viniyamitikaran as per the contents of this notice dated 26.09.2017 but did not conclude it. Therefore, the benefits of this circular dated 07.10.2016 were not given by the petitioner to the daily wages well within time. Hence they approached under the Industrial Dispute Act,1947.

8. After appreciating the oral as well as documentary evidence, the learned Tribunal has recorded the findings that these dailywagers have been working on daily rate basis since year 1983 to 2007 and thereafter from 16.05.2007. It has also been held that they were working even on 01.09.2016 hence, rightly issued a direction for the grant of benefit of regularization under the Circular dated 01.10.2016. As per clause 1.6, the benefit of viniyamitikaran is liable to be given from 01.09.2016 with an increment in the month of September 2017. Had this circular dated 07.10.2016 been complied with at the relevant time, the respondent / workmen would have started getting the benefit of pay-scale in the respective category, therefore, we do not find any perversity or illegality in



the impugned award dated 30.09.2024.

9. In the case of viniyamatikaran of 1650 daily rated workmen engaged by the Indore Municipal Corporation over the two-three decades, the implementation of the circular dated 07.10.2016 for them has been considered by this court in the case of *Commissioner vs. Anil passed in W.P. No.7370/2023* . By dismissing the writ petitions filed by Indore Municipal Corporation, we have upheld the similar order of regularization passed by M.P. Industrial Tribunal. Likewise, in the case of ***Indore Municipal Corporation through its OIC Jitendra Jameendar vs. Indore Sambhag Muster Karmachari Union through Manohar and 1390 Worker (1391 in total) passed in M.P. No.2954 of 2023***, the observation made by us in paras 21, 22, 23 and 24 is as under:-

21. The Indore Municipal Corporation is an independent autonomous body having the power to generate funds by imposing taxes and other activities. The Indore Municipal Corporation has also the power and authority to appoint its staff / employees for which no permission from the government is required. The petitioner had already passed the resolution in favour of the respondent therefore, the case of the petitioner is not that they are not willing to give the benefit of pay of Sthaikarmi to the respondent's members. Hence, the learned Tribunal has rightly held that they are entitled to the status of a permanent employee with a benefit of pay.

22. Apart from the above the State Government had taken a uniform policy to give the status of a permanent employee to all the daily rated employees working in all the departments in three categories i.e. skilled, unskilled and semi-skilled vide Circular dated 07.10.2016, therefore, the daily rated employee who is working as on 01.09.2016 are also entitled to the benefit of Viniyamatikaran. The Indore Municipal Corporation has been implementing these circulars for its employees but in the case of respondent, no valid justification has been placed before this court to deprive them.

23. That admittedly for the last 10 years or more the members of the respondent union have been working for the Indore Municipal Corporation and due to this the Indore Municipal



Corporation is enjoying the status of the number one clean city in India, therefore the various nature of work assigned to these daily workers are perennial in nature. If these daily workers are not regularized or given the benefits of the status of permanent employees, then Indore Municipal Corporation will have to recruit regular employees which have not been done in the last decades. The commissioner of Indore Municipal Corporation has been engaging these workers from time to time to take the regular work now the plea cannot be taken that no permission from the state government was taken before their engagement. These daily rated employees who are working efficiently cannot be made to suffer for the procedural lapses on their part. The officials of the Indore Municipal Corporation. The Indore Municipal Corporation cannot be permitted to do the discrimination between similarly placed employees. It is an admitted position that Indore Municipal Corporation has been giving the benefits of the police dated 6.10.2017 to its daily rated employees, hence now there is no justification to deny this benefits to the members of the respondent's union.

24. This is a writ petition under Art 227 of the Constitution of India against the award passed by the learned Industrial Tribunal, hence scope of judicial review is very limited. This court cannot examine the validity of the impugned order like an appellate court unless glaring perversity is there in the order. Learned counsel appearing for the petitioner/ Indore Municipal Corporation has failed to point out any illegality and perversity in the impugned order hence the Misc. petition is liable to be dismissed.

09. We do not find any difference in the present matter hence no interference is liable to be made with the impugned award.

10. Since the aforesaid impugned award has not been complied with by the Nagar Palika Parishad either by regularizing the daily workers or by granting them the arrears of pay, thus, they have rightly approached under Section 33-C(1) of the Industrial Disputes Act, 1947 before the labour commissioner. After receipt of notice, the Chief Municipal Officer has not filed an effective reply in order to dispute the calculation of the amount claimed by them in the application. Hence the final order has rightly been



passed against the petitioner.

11. In such a casual approach on the part of the petitioner, we should not interfere with the order, but public money is involved, hence we are constrained to remand the matter to the Labour commissioner to reconsider the calculation part only after verification from the account book/ pay slips of the Election Petition. The calculation sheets are filed by the respondents. It is not clear whether the wages/ pay which has been paid to them have been deducted or not?, Such exercise could not have been done by the Additional Commissioner as there was no martial was filed by the petitioner, hence the learned commissioner had no option but to accept the calculation submitted by the respondents.

12. In view of the above, this petition is dismissed so far as challenging the award dated 30.09.2024. Consequently, M.P. 4617/2025, 3864/2025, 3868/2025, 3942/2025, 3945/2025, 3951/2025, 4391/2025, 4395/2025, 4390/2025, 4389/2025, 4384/2025, 4610/2025, 4618/2025, 4620/2025, 4621/2025, 4641/2025 and 4643/2025 are also hereby dismissed.

13. So far as the order dated 02.06.2025 is concerned, the matter is remitted back to the Additional Commissioner, Indore, to recalculate the amount payable to the respondents in compliance of the award dated 30.09.2024. The petitioner is granted liberty to submit a calculation of the amount payable to each respondent/ daily wager and also the amount / wages payable or already paid to them, and thereafter the Additional Commissioner shall examine the calculation submitted by the petitioner as well as the respondent and shall pass a fresh order.

14. If the petitioner submits this calculation within a period of 45 days from today, then the same shall be considered by the Additional Labour Commissioner, and if fails to submit such calculation/ documents within such period, then the RRC dated 02.06.2025 shall be executed and the proceedings for prosecution shall be initiated. The petitioner is directed to



implement the policy dated 7.10.2016 forthwith.

M.P. Nos. 2691/2025, 2710/2025, 2692/2025, 2711/2025, 2712/2025, 2713/2025 and 2708/2025

15. So far as it relates to the workmen in M.Ps. No.2691/2025, 2692/2025, 2711/2025, 2712/2025, 2710/2025, 2713/2025 and 2708/2025 are concerned, the learned Tribunal vide impugned award dated 30.09.2024 has rejected the claim of respondents, namely Chandan, Santosh, Kishan, Mangal, Ram, Deepak and Sachin, because they were not found working on 16.05.2007. As per findings recorded by the Id.Tribunal, they were appointed/ engaged as daily wagers in the year 2015. The tribunal has wrongly given the restrictive interpretation of Clause 1.8 of the circular dated 07.10.2016. As per Clause 1.8, the Government has created three categories of daily wagers; firstly, who were working as on 16.05.2007, secondly, who were also working on 01.09.2016 and thirdly, the workman who were appointed after 16.05.2007 with the approval/permission of competent authority, therefore, the petitioner falls under the second category as they were working as on 01.09.2016 as daily rated employee and now, they have completed more than 10 years of service hence, they are also entitled for the benefit of circular dated 07.10.2016, the learned Tribunal has wrongly rejected their claim. The Apex Court in the case of *Ram Naresh Rawat v. Ashwini Ray and others (2017) 3 SCC 436* has considered the cases of all daily wagers who have completed ten years or more and still not been given the benefit of regularization, therefore, the impugned award dated 30.09.2024 is hereby set aside so far as it relates to rejection of their claim of regularization/ viniyamitikan, they be also given the benefit of circular at par with the benefit given to Ravi s/o Manoj w.e.f. 01.01.1996. Accordingly, M.Ps. No.2691/2025, 2692/2025, 2711/2025, 2712/2025, 2710/2025, 2713/2025, and 2708/2025 are hereby allowed.



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16. So far as M.Ps. No. 3319/2025, 2672/2025, 3321/2025, 3299/2025, 2654/2025, 2676/2025, 2656/2025, 2668/2025, 2670/2025, 2673/2025, 2674/2025, 2675/2025 and 2677/2025 are concerned, the same are also hereby allowed, these workmen be also given the similar benefit as has been given to the others daily wagers as held above.

The record be sent back to the M.P. Industrial Tribunal, Indore.

Let a copy of this order be kept in the record of connected petitions.

(VIVEK RUSIA)
JUDGE

(BINOD KUMAR DWIVEDI)
JUDGE

Vatan