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

WRIT PETITION NO. 2914 OF 2014

Vibhag Niyantrak,
Maharashtra Rajya Marg Parivahan Mahamandal,
Vibhagiya Karyashala.
Through the Divisional Controller,
Maharashtra State Road Corporation,
Divisional Office, Ambejogai Road,
Latur, District Latur.

...PETITIONER

-VERSUS-

Shivaji Vishvanath Panchal,
Age : 49 years, Occ : Service,
working as Security Guard (Jr.),
R/o Vadhavana (Bu), Taluka Udgir,
District : Latur.

...RESPONDENT

WITH
WRIT PETITION NO. 3166 OF 2014

Vibhag Niyantrak,
Maharashtra Rajya Marg Parivahan Mahamandal,
Vibhagiya Karyashala.
Through the Divisional Controller,
Maharashtra State Road Corporation,
Divisional Office, Ambejogai Road,
Latur, District Latur.

...PETITIONER

-VERSUS-

Baliram Bhagwat Suryawanshi,
Age : 47 years, Occ : Service,
working as Security Guard (Jr.),
R/o Gaikwad Colony, Ahmedpur,

Taluka : Ahmedpur, District : Latur.

...RESPONDENT

WITH
WRIT PETITION NO. 3167 OF 2014

Vibhag Niyantrak,
Maharashtra Rajya Marg Parivahan Mahamandal,
Vibhagiya Karyashala.
Through the Divisional Controller,
Maharashtra State Road Corporation,
Divisional Office, Ambejogai Road,
Latur, District Latur.

...PETITIONER

-VERSUS-

Bharat Ramchandra Parge,
Age : 49 years, Occ : Service,
working as Security Guard (Jr.),
R/o Labour Colony, Shahu Chowk,
Latur, Taluka & District : Latur.

...RESPONDENT

WITH
WRIT PETITION NO. 3177 OF 2014

Vibhag Niyantrak,
Maharashtra Rajya Marg Parivahan Mahamandal,
Vibhagiya Karyashala.
Through the Divisional Controller,
Maharashtra State Road Corporation,
Divisional Office, Ambejogai Road,
Latur, District Latur.

...PETITIONER

-VERSUS-

Shivaji Nagoral Pinate,
Age : 50 years, Occ : Service,
working as Security Guard (Jr.),
R/o Vikram Nagar, Latur,
District : Latur.

...RESPONDENT

WITH
WRIT PETITION NO. 3178 OF 2014

Vibhag Niyantrak,
Maharashtra Rajya Marg Parivahan Mahamandal,
Vibhagiya Karyashala.
Through the Divisional Controller,
Maharashtra State Road Corporation,
Divisional Office, Ambejogai Road,
Latur, District Latur.

...PETITIONER

-VERSUS-

Vasant Rama Mhetre,
Age : 45 years, Occ : Service,
working as Security Guard (Jr.),
R/o Hanmant Wadi, Taluka : Nilanga,
District : Latur.

...RESPONDENT

WITH
WRIT PETITION NO. 3165 OF 2014

Vibhag Niyantrak,
Maharashtra Rajya Marg Parivahan Mahamandal,
Vibhagiya Karyashala.
Through the Divisional Controller,
Maharashtra State Road Corporation,
Divisional Office, Ambejogai Road,
Latur, District Latur.

...PETITIONER

-VERSUS-

Limbraj Tukaram Tingare,
Age : 47 years, Occ : Service,
working as Security Guard (Jr.),
R/o At.Post.Killari, Taluka : Ausa,
District : Latur.

...RESPONDENT

WITH
WRIT PETITION NO. 3179 OF 2014

Vibhag Niyantrak,
Maharashtra Rajya Marg Parivahan Mahamandal,
Vibhagiya Karyashala.
Through the Divisional Controller,
Maharashtra State Road Corporation,
Divisional Office, Ambejogai Road,
Latur, District Latur.

...PETITIONER

-VERSUS-

Gangadhar Waman Admane,
Age : 45 years, Occ : Service,
working as Security Guard (Jr.),
R/o Walmiki Nagar, Near Shambholing
School, Latur, District : Latur.

...RESPONDENT

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Mr.Bagul D.S., Advocate for the Petitioner/ Corporation.

Mr.Kulkarni Girish N. (Mardikar), Advocate for the Respondents/
Employees.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 10th July, 2015

Oral Judgment:

1 Rule. Rule made returnable forthwith and heard finally by the
consent of the parties.

2 An identical issue is involved in all these petitions and an

identical judgment dated 24.07.2013 has been delivered by the Industrial Court in the following Complaints:-

- (1) Complaint (ULP) No.161/2011 (Shivaji V. Panchal)
- (2) Complaint (ULP) No.160/2011 (Baliram B. Suryawanshi)
- (3) Complaint (ULP) No.162/2011 (Bharat Ramchandra Parge)
- (4) Complaint (ULP) No.165/2011 (Shivaji Nagoral Pinate)
- (5) Complaint (ULP) No.159/2011 (Mhetre Vasant Rama)
- (6) Complaint (ULP) No.163/2011 (Limbraj Tukaram Tingare)
- (7) Complaint (ULP) No.164/2011 (Gangaram W. Admane)

3 The impugned judgment of the Industrial Court is delivered purely on the issue of non adherence to the principles of natural justice by the Petitioner while delivering the order dated 17.10.2011 thereby, reducing the pay scales of the Respondents. As a consequence of the said order dated 17.10.2011, the Respondents are aggrieved as the said order results in reduction in pay scale in the backdrop of the order dated 30.03.2011 passed by the Petitioner by which, the emoluments payable to the Respondents were enhanced.

4 The Industrial Court while allowing all these complaint partly, had issued common directions which read as under:-

“1. *Complaint ULP No.161/2011 is partly allowed.*

2. *It is hereby declared that the respondent has engaged in unfair labour practice within the scope of Item Nos.9 and 10 of Schedule IV of the MRTU & PULP Act, 1971 and respondent is directed to cease and desist from unfair labour practice.*
3. *The order of respondent dated 17.10.2011 in respect of canceling the pay-scale of the complainant is hereby set aside and respondent is directed to fix proper pay scale of the complainant and extend him all service benefits to which he is entitled under law.*
4. *No order as to costs.”*

5 A host of factors have been canvassed strenuously and at length by Shri D.S.Bagul, learned Advocate for the Petitioner/ Employer and Shri G.N. Kulkarni, learned Advocate for the Respondents/ Employees. I am not required to advert to all of their contentions since the Industrial Court by its judgment and order has directed the Petitioners to fix proper pay scale of the Respondents/ Employees. It goes without saying that the Respondents/ Employees are required to be heard by the Petitioner/ Employer since the order dated 17.10.2011, which has been quashed and set aside, was passed without hearing the Respondents/ Employees in the backdrop of their pay scales having been enhanced by the order dated 30.03.2011.

6 Shri Bagul, on the basis of the record, submits that there is nothing to indicate that these Respondents were heard pursuant to the order dated 30.03.2011 prior to issuance of the order dated 17.10.2011.

7 In my view, the order dated 17.10.2011 would amount to alteration in the service conditions of the Respondents without giving them an opportunity of hearing and without causing a fair hearing.

8 Shri Kulkarni submits that they have no hesitation in presenting their views before the appropriate Authority as a part of the hearing process so as to enable the said Authority to decide the pay fixation of these Respondents.

9 In the light of the view expressed, Shri Bagul states that a time-frame be directed so as to enable the Petitioner to hear the Respondents and pass proper orders as expeditiously as possible as it pertains to the fixation of their pay scales and would have retrospective effect, benefits of which may possibly be available to the Respondents.

10 In the light of the above, considering the directions of the Industrial Court which are reproduced above, these Writ Petitions are partly allowed with the following directions:-

- (a) The Divisional Controller, MSRTC, Latur shall arrange for a hearing of the Respondents/ Employees on 27.07.2015 at 11:00 AM in his office;

- (b) Since the date is mentioned in this order, the Respondents will not be issued individual notices of hearing;
- (c) As the Respondents are now aware of the principles adopted by the Petitioner/ Employer while passing the impugned order dated 17.10.2011 in the light of the audit objections dated 28.06.2011 raised by the Assistant Audit Officer, IAPST, Aurangabad Region, Camp at Latur, the Respondents/ Employees shall prepare their written representations and present the same before the said Authority on 27.07.2015 or latest by 31.07.2015;
- (d) The concerned Authority shall, thereafter, post the matter for hearing on such dates by the convenience of the parties and shall hear them;
- (e) If required, the concerned Authority shall also hear the Assistant Audit Officer who has raised the audit objections so as to facilitate a proper adjudication;
- (f) The Competent Authority shall decide the issue of fixation of pay scale as expeditiously as possible and preferably on or before 16.09.2015 and shall pass a well reasoned order relying on the policy and rules of the Department, copy of which will be supplied to each of the Respondents; and
- (g) In the event the Respondents are still aggrieved by the fresh

order passed by the Competent Authority pursuant to these directions, they shall resort to such available legal remedies which they may deem fit and proper.

11 Rule is made partly absolute in the above terms.

(RAVINDRA V. GHUGE, J.)