

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No. 4129/2014.

Bahujan Employees Federation of India, Wardha and others.

-VERSUS-

M.S.R.T.C. Mumbai and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

**CORAM : B.P.DHARMADHIKARI
& P.N. DESHMUKH, JJ.**

DATE : OCTOBER 20, 2015.

Heard Shri P.S. Wathore, learned counsel
for petitioners, Shri V.H. Kedar, learned Counsel for
respondent nos. 1 and 3 and and Ms. M.N. Hiwase,
learned A.G.P. for respondent no.2.

2. Effort of Shri Wathore, learned counsel is
to urge that pay-scale of employees working with the
respondent no.1 Corporation are comparatively less,
when pay-scales of similar employees with other
Corporations are looked into. He contends that as all
Corporations are agencies of State Government, and
covered under Article 12 of the Constitution of India,

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the pay-scales must be identical.

3. Shri Kedar, learned counsel for respondent nos. 1 and 3, and Ms. Hiwase, learned A.G.P. for respondent no.2, oppose the petition. Shri Kedar, learned counsel submits that pay-scale and service conditions of employees of respondent no.1 are regulated by various settlements which are entered into with the recognized Trade Unions, in terms of Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, and as petitioner is not such a Trade Union, the petition is misconceived. He further points out that the establishment of respondent no.1 is running into loss and, therefore, is not in a position to pay higher pay-scales.

4. Learned A.G.P. supports arguments of Shri Kedar. She points out that different employers and employment with them constitute a distinct factor, and there cannot be any comparison between the two. She contends that Article 14 therefore, is, not attracted in such matters.

5. During arguments we gather that settlement in vogue and regulating pay-scales is

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expiring on 31.03.2016. It is obvious that the demand for better pay scales and wage revision will therefore, be looked into by the M.S.R.T.C., and settlement for further period may be entered into. While undertaking that exercise, the present demand made by the present petitioners can also be looked into. If the financial position of respondent no.1 so permits, respondent no.1, may appropriately evaluate that demand and then finalize the settlement as per law.

6. Hence, with this liberty to petitioners to submit appropriate representation demanding proper wage fixation for period from 01.04.2016, and a direction to respondent no.1 to look into it and to consider it in accordance with law and provisions of 1971 Act, we dispose of the present petition. No costs.

JUDGE

JUDGE

Rqd.