IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 1826 of 2011

1] Vijay Manikrao Kudbe,
Age : 60 Yrs., Occ : Nil,
R/o Behind Govt. Milk Scheme,
Gangakhed – Nanded Road,
Gangakhed, Dist. Parbhani.

2] Yashwant Devidasrao Kulkarni,
Age : 61 Yrs., Occ : Nil,
R/o C/o Shri Bhite,
Mangalmurti Nagar,
Near Varad Ganpati Mandir,
Old Karegaon Road, Parbhani.

3] Sitaram Kisan Wathore,
Age : 59 Yrs., Occ : Nil,
R/o Kendra (Bk),
Tq. Sengaon, Dist. Hingoli.

4] Motiram Pratap Chavan,
Age : 61 Yrs., Occ : Nil,
R/o Pimplegaon, (Kajale Tanda),
Tq. Jintoor, Dist. Parbhani.

5] Gangadhar Nagayyaappa Karegaonkar,
Age : 59 Yrs., Occ : Nil,
R/o C/o Smt. Shakuntalabai Swami,
Rangar Galli, Near Ganpati Temple, Nanded.

6] Kundansingh Narayansingh Marmath,
Age : 61 Yrs., Occ : Nil,
R/o "Ratna Niwas", Renukadevi Colony,
Opposite MOCICOL Gate,
Gangakhed, Dist. Parbhani.

7] Taukaram Namdeo Hanwate,
Age : 60 Yrs., Occ : Nil,
R/o Panchasheet Nagar,
Behind Samaj Mandir, Parbhani.

8] Tulshiram Kishanrao Bendale,
Age : 60 Yrs., Occ : Nil,
R/o Rachana Nagar,
House of Shri Yende Sir, Parbhani.

9] Kisan Santoba Lokare,
Age ; 59 Yrs., Occ : Nil,
R/o Anusaya Nagar,
Khanapur Phata, Parbhani.

10] Vinayak Dattartya Deshpande,
Age : 59 Yrs., Occ : Nil,
R/o Hemraj Galli,
Near Chhota Maroti, Hingoli.

11] Shantaram Khanderao Ratnaparkhe,
Age : 59 Yrs., Occ : Nil,
R/o 118, City Mall,
Near Pendharkar College,
Dombiwali (East), Thane.

12] Uttam Jagannathrao Bodke,
Age ; 60 Yrs., Occ : Nil,
R/o Patna Devi, Tah. Chalisgaon,
Dist. Jalgaon.

13] Smt. Pushpadevi w/o Late Hanumanprasad Sharma,
Age : 55 Yrs., Occ : Nil,
R/o Near Kabra Hospital,
Kasarwada, Hingoli.

14] Smt. Neelavanti w/o Late Kishanrao Jadhav,
Age : 45 Yrs., Occ : Nil,
R/o At Post Rani Sawargaon,
Tah. Gangakhed, Dist. Parbhani.

15] Smt. Seeminta w/o Late Subhashrao Vyavahare,
Age : 44 Yrs., Occ : Nil,
R/o Opp. Post Office,
Near Attar Maroti,
Gangakhed, Dist. Parbhani.

16] Smt. Sagarbai w/o Late Gajarsingh Patel,
Age : 51 Yrs., Occ : Nil,
R/o Siddharth Nagar, Hingoli. **...PETITIONERS.**

VERSUS

1] The State of Maharashtra,
Through the Secretary,
Cooperation and Textile,
Maharashtra State,
Mantralaya, Mumbai 400 032.

2] Maharashtra State Cotton Growers
Marketing Federation Ltd.,
Khetan Bhavan, 6th Floor,
J. A. Tata Road, Church Gate,
Mumbai – 400 020.
Through it's Managing Director.

3] The Maharashtra State Oil Seeds
Commercial and Industrial Corporation Ltd.
Khetan Bhavan, 6th Floor, J.A. Tata Road,
Churchgate, Mumbai,
400 020
through its Managing Director. **...RESPONDENTS.**

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Mr. Ajay Deshpande, Advocate, for the Petitioners.

Mr. S.N. Morampalle, Asst. Government Pleader, for respondent no.1.

Mr. S. T. Shelke, Advocate, for the Respondent nos.2 & 3.

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CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.

Date of Reserving the Order : 5th February, 2016.
Date of Pronouncing the Order :23rd March, 2016.

COURT'S ORDER : (PER A. M. BADAR, J.)

1] In all, 16 petitioners, who are either retired employees of respondent No.3, Maharashtra Oil Seeds Commercial and Industrial Corporation Limited (" Oil Seeds Corporation", for sake of brevity) or their widows, are praying for the following reliefs :-

[A] Writ Petition may kindly be allowed.

[B] The respondent may kindly be directed to extend the benefits of V Pay Commission to the petitioners, which so far has been denied on the ground that the petitioners have retired from service, although their claim waqs very much subjudiced before this Hon'ble Court in the form of Writ Petition No. 5664 of 2004 filed by Samata MOCICOL Kamgar / Karmachari Sangthana, Parbhani, which has ultimately been withdrawn vide order dated 14.2.2011 at Exh. 'D', by granting liberty to the petitioners herein to sustain independent proceedings.

[B-1] The G. R. dated 2.3.2010 at Exh. 'B' to the extent it injustly discriminates the employees of MOCICOL on the basis that those who were in the employment on the date of promulgation of the same and those who retired prior thereto, being discriminatory, arbitrary and thus offending the touch-stone of Art.14 of the Constitution of India.

[C] Pending hearing and final disposal of this petition, the respondents may kindly be restrained from disposing of the assets of MOCICOL, until settlement of the claim of the petitioners regarding extension of financial benefits as per V Pay Commission Pay Scale, which was already granted by this Hon'ble Court initially on 21.11.2005 and was continued on 30.1.2006 while granting Rule.

[D] Pending hearing and final disposal of this petition, the respondents may kindly be directed to deposit an amount of Rs.80 Lakhs in this Hon'ble Court towards satisfaction of the monitory claims of the petitioners of extension of benefits of V Pay Commission Pay Scale w.e.f. 1.1.1996.

[E] Any other suitable and equitable relief to which the petitioners are found entitled to and this Hon'ble Court deemds it fit, may kindly be granted in their favour.

2] Though petitioners have not come up with specific pleadings regarding their date of retirement or death of their husbands, who were employees of respondent No.3 on whose behalf present petition has been filed; from pleadings of the respondents, it appears that those employees have either retired during the period from April 2007 to January, 2010, or died during the years 2001 to 2009.

3] We have heard Shri Deshpande, learned counsel appearing for the petitioners at length. By drawing our attention to the Government Resolution dated 31.5.1995 (Exhibit A) it was pointed out that the respondent No.2 Maharashtra State Cotton Federation Ltd. ("Cotton Federation " for sake of brevity) had taken over the Respondent No.3 - Oil Seeds Corporation in accordance with the provisions of the said Government Resolution. As such, respondent No.3 Oil Seeds Corporation no longer continues to exist. Thereafter, Government Resolution dated 2/3/2010 (Exhibit B) was promulgated by which Voluntary Retirement Scheme was introduced for employees of Respondent No.3 Oil Seeds Corporation.

4] According to Shri Deshpande, learned counsel for the petitioners, though the petitioners and other employees of Respondent No.3 Oil Seeds Corporation were working with the respondent No.2 Cotton Federation from 1993, employees of the respondent No.3 were being paid meager amount of salary on the pretext that respondent No.3 Oil Seeds Corporation had incurred huge losses. In fact, respondent No.2 was also running in losses.

5] According to Shri Deshpande, learned counsel, benefits of 5th Pay Commission were not extended to the employees of respondent No.3 Oil Seeds Corporation and, therefore, Samata MOCICOL Kamgar/Karmachari Sanghatana, Parbhani filed Writ Petition bearing No. 5664 of 2004 for directing the respondents therein to extend the benefits of 5th Pay Commission to the employees of respondent No.3. It was further pointed out that by filing Civil Application No. 13559 of 2010 in the said petition, it was prayed that the respondents therein be directed to extend the benefits of 5th Pay Commission to the retired employees of respondent No.3 Oil Seeds Corporation. By filing Civil Application No. 12570 of 2010 in the said petition, it was prayed that respondents therein be directed to extend the benefits of the 5th Pay Commission w.e.f. 1/1/1996 as are being extended to all other erstwhile in service incumbents. According to Shri Deshpande, learned counsel, the petitioner Union had withdrawn Writ Petition No. 5664 of 2004 on 14.2.2011 on account of issuance of Government Resolution dated 2.3.2010. However, interest of the retired employees was protected by this Court while passing the said order on 14.2.2011 (Exhibit D) by making it clear that the applicants in civil applications shall have liberty to institute appropriate proceedings for appropriate relief, if they so desire.

6] On behalf of petitioners it was submitted that unfortunately, respondent No.2 Cotton Federation did not release the residual terminal benefits by applying 5th Pay Commission to those employees who had retired, including the petitioners therein, who had approached this Court by filing Civil Application No. 12570 of 2010 in the said Writ Petition bearing No. 5664 of 2004.

7] According to Shri Deshpande, learned counsel for the petitioners, petitioners therein would have been in the employment on the date of the Government Resolution dated 2/3/2010 and they could have been granted benefits of the 5th Pay Commission pay scales as per the Government Resolution dated 2/3/2010, but for illegal termination of their services on attaining the age of 58 years. Age of superannuation for employees of respondent No.3 Oil Seeds Corporation was 60 years, as reflected from the communication dated 28.1.1982 (Exhibit E) issued by the Financial Advisor as well as in terms of the several judgments governing the field. It was pointed out that as no service rules were framed by respondent No.3, its employees were governed by the provisions of the Model Standing Orders framed as per the provisions of the Industrial Employees (Standing Orders) Act, 1946. As per Schedule I and particularly, category B of the Model Standing orders, age of retirement or superannuation of employees in Clerical and Supervisory cadre is 60 years. However, petitioners herein are made to retire at the age of 58 years. By drawing our attention to the pleadings in para.12 of the petition, it was argued that atleast 8 petitioners who were made to retire on attaining age of 58 years, could have been said to be entitled to the benefits of the Government Resolution dated 2.3.2010 (Exhibit B), including revised pay as per recommendations of the 5th Pay Commission.

8] It was further argued that there was huge disparity in wages of employees of the respondent No.2 and the respondent No.3. Petitioners were subjected to severe financial crisis throughout their service career by hostile discrimination at the hands of the respondents. There cannot be any rationale or an intelligible differentia in making hostile discrimination as both respondents are State owned Corporations. Both were running under losses and, therefore, employees of respondent No.3 ought not to have been discriminated while extending the benefits of 5th Pay Commission to some of employees and denying the same to others merely because they stood retired. According to the learned counsel for the petitioners it amounts to hostile discrimination amongst a homogeneous class of employees and, therefore, offends the principle of equality enshrined in Article 14 of the Constitution of India.

9] As against this, Shri Shelke, learned counsel for the respondent Nos. 2 and 3 countered the submissions made on behalf of the petitioners by contending that Government Resolution dated 2.3.2010 by which scheme for Voluntary Retirement was promulgated for employees of respondent No.3 Corporation is not at all applicable to cases of the petitioners, who either retired long back or died. He pointed out that first 12 petitioners retired during April, 2007 to January, 2010 and submitted that husband of Petitioner

No.13 died on 28.6.2006, husband of petitioner No.14 died on 12.7.2001, husband of petitioner No.15 died on 5.5.2008, whereas, husband of petitioner No.16 died on 6.1.2009. Shri Shelke, the learned counsel, further argued that petitioners Nos. 1 to 12 were retired at the age of 58 years and they did not challenge their retirement on attaining age of superannuation i.e. 58 years, at any point of time. Shri Shelke, learned counsel for the respondent Nos. 2 and 3, further submitted that the State Government introduced Voluntary Retirement Scheme for employees of respondent No.3 Oil Seeds Corporation vide Government Resolution dated 2.3.2010 and this scheme was meant for those employees who were actually in employment as on the said date. This policy cannot be made applicable to the retired employees. The request of the employees of respondent No.3 Oil Seeds Corporation for applying 5th Pay Commission was rejected by the State Government long back in the year 2002. Employees of the respondent No.3 were not State Government employees and, therefore, cannot insist for pay revision as per the recommendations of the 5th Pay Commission. Shri Shelke, the learned counsel, faintly argued that respondent No.2 Cotton Federation is not a State within the meaning of Article 12 of the Constitution of India. As such, the writ petition is not maintainable. We also heard the learned Assistant Government Pleader appearing for the State.

10] After hearing the rival submissions, and after carefully examining the pleadings of parties, let us examine, whether petitioners herein are entitled for benefits of pay scales prescribed by the 5th Pay Commission and whether it can be said that the Government Resolution dated 2.3.2010 in so far as it denies the benefits of 5th Pay Commission to the employees retired prior to promulgation thereof, is discriminatory or arbitrary and, therefore, contrary to the provisions of Article 14 of the Constitution of India.

11] Duly sworn testimony of respondent No.2 makes it clear that petitioners Nos. 1 to 12 who were employees of respondent No.3 Oil Seeds Corporation retired during the period from April, 2007 to January, 2010, i.e. prior to issuance of Government Resolution dated 2.3.2010. Rest of the petitioners are widows of deceased employees of respondent No.3 Oil Seeds Corporation. Even those employees died prior to promulgation of Government Resolution dated 2.3.2010 by which Voluntary Retirement Scheme was introduced by the State for employees of respondent No.3 Oil Seeds Corporation.

12] First of all, let us examine, whether employees of respondent No.3 Oil Seeds Corporation are automatically entitled for benefits of enhanced pay scales in terms of the recommendations of the 5th Pay Commission. Petitioners were employees of respondent No.3 Oil Seeds Corporation which is an entity distinct from the State Government. Petitioners are not claiming that they are employees of the State Government. After recommendations of the 5th Pay Commission, employees of the State Government were made entitled for the pay scales prescribed by the 5th Pay Commission, by making amendments in the concerned Civil

Services Rules by the State. Employees of the Public Corporations though owned by the State cannot claim to be Government employees and recommendations of the 5th Pay Commission cannot be made applicable to them i*pso facto*. By communication dated 2.9.2002 (Exhibit R-2) the State Government had already intimated its decision to respondent No.3 Oil Seeds Corporation that the State Government has rejected the demand of respondent No.3 Oil Seeds Corporation for making applicable the recommendations of the 5th Pay Commission to its employees.

13] By placing reliance on the judgment of the Supreme Court in ***Haryana State Minor Irrigation Tubewells Corporation Vs. G.S. Uppal and others*** alongwith connected matters, reported in ***2008 AIR SCW 3388***, Shri Deshpande, learned counsel for the petitioners, submitted that the State cannot discriminate employees of the State owned Corporations in the matter of grant of pay scales and all such employees needs to be treated on par with their counterparts in the employment of the State Government. However, in the matter of ***Haryana State Irrigation Tube Wells Corporation (supra)*** when pay revision took place, benefit of the revised pay scales was given to the Engineers and employees of the Government Corporations but when it was revealed that there was some anomaly while revision of pay scales, after rectifying those anomalies benefits thereof, were not granted to the employees of the Government owned Corporation. As the benefits of the pay revision was not granted to the employees of the State owned Corporation, the Honourable Supreme Court has held that the plea of the State that State owned Corporation is running under losses and it cannot meet the financial burden, cannot be entertained. Such is not the case in hand. By communication dated 2.9.2002 (Exhibit R-2), the State Government had rejected demand of respondent No.3 Oil Seeds Corporation in respect of making applicable the recommendations of the 5th Pay Commission to employees of the Oil Seeds Corporation.

14] Perusal of the Government Resolution dated 31.5.1993 (Exhibit A) shows that long back from July 1998, oil factories run by respondent No.3 Oil Seeds Corporation were closed. Respondent No.3 Oil Seeds Corporation was not having funds for payment of salary of its employees. The said Government Resolution makes it clear that the State Government had granted loan of Rs. 365.52 Lakhs to respondent No.3 for making payment of salary of its employees and for incurring administrative expenses from October, 1989 to March, 1993. It thus makes it clear that the Respondent No.3 Oil Seeds Corporation was in acute financial crisis and it was not in a position even to pay salary to its employees. Said Government Resolution further makes it clear that respondent No.3 was having financial liability to the tune of Rs. 2396.20 Lakhs as against its Share Capital which was subscribed by the State Government amounting to Rs. 670.30 Lakhs. On this factual backdrop, respondent No.2 Cotton Federation agreed to take over the work of manufacturing oil and its by-products of respondent No.3 Oil Seeds Corporation. This taking over business of respondent No.3 Oil Seeds Corporation by respondent No.2 Cotton Federation came to be sanctioned by the State Government vide Government Resolution dated 31.5.1993

(Annexure A, page 17). This Government Resolution makes it clear that Share Capital of the State Government in respondent No.3 Oil Seeds Corporation amount to Rs. 670.30 Lakhs was to be transferred to respondent No.2 Cotton Federation at a nominal charge of Re.1/- and then it was to be written off immediately. Similarly, Government loan and interest thereon, payable by respondent No.3 Oil Seeds Corporation amounting to Rs. 512.68 Lakhs was to be written off. Financial liability of Rs. 2396.20 Lakhs payable by respondent No.3 was to be shouldered by respondent No.2. Respondent No.2 Cotton Federation was required to share the burden of financial liability of respondent No.3 Oil Seeds Corporation after such take over. Government Resolution dated 31.5.1993 further makes it abundantly clear that employees of the respondent No.3 Oil Seeds Corporation shall continue to be employees of respondent No.3 Oil Seeds Corporation. They were not to be treated as employees of respondent No.2. These undisputed facts reflected from Government Resolution dated 31.5.1993 makes it clear that respondent No.3 Oil Seeds Corporation had already crossed break even point and its financial liabilities were unmanageable by it. In the wake of this financial position of respondent No.3 Oil Seeds Corporation, it appears that the State Government had rejected the demand of the employees of the respondent No.3 Oil Seeds Corporation for making applicable the benefits of revision of pay scales as per the 5th Pay Commission to them, way back in the year 2002. The said communication dated 2.9.2002 (Exhibit R-2) is not at all challenged by petitioners in the instant petition.

15] Shri Shelke, learned counsel for the respondent Nos. 2 and 3 has rightly relied on ***Officers & Supervisors of IDPL Vs. Chairman and M.D., IDPL and others, reported in (2003) 6 SCC 490***, wherein while dealing with somewhat similar situation, in para. 8 of its judgment, the Honourable Supreme Court has made certain observations, relevant portion of which is reproduced hereinbelow :-

> "………. In our opinion, since the employees of government companies are not government servants, they have absolutely no legal right to claim that the Government should pay their salary or that the additional expenditure incurred on account of revision of their pay-scales should be met by the Government. Being employees of the companies, it is the responsibility of the companies to pay them salary and if the company is sustaining losses continuously over a period and does not have the financial capacity to revise or enhance the pay-scale, the petitioners, in our view, cannot claim any legal right to ask for a direction to the Central Government to meet the additional expenditure which may be incurred on account of revision of pay-scales…………."

It has further held therein, that the economic capability of the employer plays crucial part while fixing the wage structure of employees. Honourable Supreme Court has further made it clear that granting higher remuneration and emoluments and revision of pay scales to the workers of other Government undertaking without keeping in mind the economic accountability of such State Government Corporation would lead to undesirable result.

16] Unprecedented financial crunch and precarious financial position of the employer is a relevant factor while taking decision of revision of pay of employees. In the light of the financial position of respondent No.3 Oil Seeds Corporation reflected from the Government Resolution dated 31.5.1993, it cannot be said that its employees were entitled for pay scale on the basis of recommendations of the 5th Pay Commission automatically. The State Government has rightly rejected the request/demand of employees in this behalf by communication dated 2.9.2002 (Exhibit R-2).

17] Now, let us examine, whether petitioners are entitled for benefits of Government Resolution dated 2.3.2010 by which benefits of the 5th Pay Commission were extended to the employees who opted for Voluntary Retirement.

18] At this juncture, well settled position of law while interpreting Article 14 of the Constitution of India needs to be reiterated. Article 14 forbids Class Legislation and not reasonable Classification. If care is taken to reasonably classify persons and persons belonging to well defined class are dealt with equally, then, action of the State cannot be challenged on the basis of hostile discrimination. In order to pass the test of permissible classification, two conditions are required to be fulfilled, and they are :-

[a] that the classification must be found on intelligible differentia which distinct persons or things that are grouped together from others left out of the group and

[b] the differentia must have a rational nexus with the object sought to be achieved by the State.

In this view of the matter, the Court would not interfere unless the classification result in inequality.

19] Let us now consider Government Resolution dated 2.3.2010 (Exhibit "B") directly as precarious financial position of respondent no.3 - Oil Seeds Corporation is already stated in foregoing paras. Perusal of Government Resolution dated 2.3.2010 shows that after taking over work of respondent no.3 - Oil Seeds Corporation, respondent no.2 - Cotton Federation has started factories of respondent no.3 at Amaravati, Parbhani, Hingoli and Gangakhed. Government Resolution dated 2.3.2010 further makes it clear that from January 2000, production in those factories came to a grinding halt and those factories were in non-operational condition since then. Employees of respondent no.3, therefore, were doing the work of watch and ward of those closed factories. Some of them were doing work of Cotton Federation. Government Resolution dated 2.3.2010 as such makes it abundantly clear that since last 10 years, oil projects of respondent no.3 were totally closed and those were economically unviable. In other words, employees of respondent no.3 were being paid though there was no production. The Government Resolution further refers that even work of respondent no.2 - Cotton Federation was reducing day by day. Our attention was drawn to the order dated 21.3.2002 of this Court in Criminal Writ Petition No. 561 of 2000 to demonstrate that the Maharashtra Raw Cotton (Procurement, Processing & Marketing) Act 1971, is not in force since 1st July 2001 and since then there is no monopoly of the State in cotton trade. On this factual backdrop, it is seen that the State Government vide Government Resolution dated 2-3-2010 has announced Voluntary Retirement Scheme for employees of respondent no.3 - Oil Seeds Corporation by offering them several incentives. This was done because employees of respondent No.3 - Oil Seeds Corporation were continued to be in the employment of the said Corporation as per Government Resolution dated 31.5.1993 (Annexure "A"). Government Resolution dated 2.3.2010 provided financial package to the employees of respondent no.3 opting for voluntary retirement. This package scheme for voluntary retirement provides that employees of respondent no.3 who opt for voluntary retirement shall be given, as an incentive, benefits of revision of pay scales as per the recommendations of the 5th Pay Commission from 1st January 1996. This is in fact the monetary benefit given to the serving employees of respondent no.3 for opting the voluntary retirement from employment of respondent No.3. The Voluntary Retirement Scheme introduced by Government Resolution dated 2.3.2010 was applicable to employees of respondent no.3 who were in employment as on 2.3.2010. This scheme was floated in order to reduce the financial burden of paying salary to employees of respondent no.3 - Corporation which had surpassed break even point and was undergoing unprecedented financial crunch. Some other financial benefits are also given to employees of respondent no.3 opting for voluntary retirement after issuance of Government Resolution dated 2.3.2010. The Government Resolution further makes it clear that Voluntary Retirement Scheme introduced thereby is applicable to all employees of respondent no.3 who had completed 10 years service or who are more than 40 years of age. Obviously this Voluntary Retirement Scheme was not and cannot be applied to the employees of respondent no.3 who retired prior to issuance of this Government Resolution dated 2.3.2010. Employees in service of respondent No.3 constitutes a well defined class and there is no hostile discrimination amongst them. Employees who have already retired prior to 2.3.2010 constitutes a distinct class and as such they cannot say that they are discriminated by introduction of Voluntary Retirement Scheme after their retirement. Retired employees and in service employees constitutes two separate class and therefore it cannot be said that by issuing Government Resolution dated 2.3.2010, retired employees are treated unequally. Benefits of pay revision in terms of recommendation of Vth Pay Commission are made applicable only to those employees who opt for voluntary retirement and such benefit is an incentive for seeking voluntary retirement. It is not made applicable to those employees of respondent no.3 who desire to continue in employment of respondent no.3, despite introduction of the Voluntary Retirement Scheme by the said Government Resolution.

20] Submission on behalf of the petitioners, that some of the petitioners were superannuated at the age of 58 years though they were entitled to be continued up to 60 years and therefore they are entitled for benefits of pay revision in terms of recommendation of 5th Pay Commission is without any merit because such benefit is as an incentive for taking voluntary retirement. Petitioners who were made to retire at the age of 58 years had not challenged their termination by taking recourse to appropriate remedies prescribed by law. Their retirement as such attained finality and therefore they cannot be heard to say that their superannuation was illegal and they should be held to be continued in service on the date of issuance of Government Resolution dated 2.3.2010. Reliance on judgment dated 22nd March 2013 of the learned Single Judge in ***Writ Petition No. 10554 of 2012 [Maharashtra State Oil Seeds Commercial & Industrial Corporation Ltd. & others Vs. Yashwant Devidasrao Kulkarni & others]*** with connected matters, is totally misplaced as the learned Single Judge of this Court confirmed the judgment of the learned Labour Court as well as Industrial Court while deciding the said Writ Petition. In those matters, termination came to be challenged by complainants before the Labour Court by resorting to the provisions of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971.

21] In the result, it cannot be said that respondents have indulged in hostile discrimination in not conferring benefits of revised pay scale as per recommendations of 5th Pay Commission to petitioners.

22] The petition is devoid of any substance and therefore, same is dismissed with no order as to costs.

[A.M. BADAR]
JUDGE

[S.V. GANGAPURWALA]
JUDGE.

grt/-