

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

WRIT PETITION NO.7335 OF 2014

(MANOHAR ZUNGRA KINNAKE & 2 OTH...VS..CHIEF ENGINEER, CTPS, DURGAPUR & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : AUGUST 01, 2016.

Heard Shri M.R.Pillai, advocate for the petitioners-employees and Shri A.D.Mohgaonkar, advocate for the respondents-employer.

The claim of the petitioner is that they had been working as Bulldozer Operators, however, they were not paid the pay-scale applicable to the post in which they were working and they were paid as semi-skilled workers. The complaint filed by the petitioners was dismissed by the Industrial Court by the order dated 2nd March, 2002. The petition is filed on 11th November, 2014. The explanation for the inordinate delay is that the petitioners were continued as Bulldozer Operators even after the order passed by the Industrial Court. However, the petitioners have not been able to establish that after the order passed by the Industrial Court, the petitioners were paid salary for the post of Bulldozer Operators. On the contrary, the learned advocate for the petitioners has accepted that the petitioners were paid as semi-skilled workers for the subsequent period also.

The respondent-employer has opposed the claim of the petitioners on the ground that there is no post of Bulldozer Operator.

Considering the facts of the case, I am not inclined to entertain the grievance of the petitioners, specially when the inordinate delay is unexplained.

The petition is **dismissed**. The parties to bear their own costs.

JUDGE

RRaut..

CERTIFICATE

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