

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.7612 OF 2016  
ALONGWITH  
WRIT PETITION NO.13215 OF 2016**

Maharashtra State Road Transport  
Corporation ... Petitioner  
Versus  
Maharashtra S.T. Kamgar Sanghatana ... Respondent

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Mr. Gopal Krishna Shivaram Hegde for the Petitioner.  
Mr. Meelan Topkar for the Respondent.

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**CORAM : PRASANNA B. VARALE, J.**

**DATE : 26 SEPTEMBER 2017**

**P.C. :**

. Heard learned Counsel appearing for the parties.

2 The Respondent was before the Industrial Court in Complaint (ULP) Nos.117 of 2010 and 183 of 2010, respectively. Learned Member of the Industrial Court, Nasik, relying on the judgment of the Hon'ble the Apex Court in the case of **Maharashtra State Road Transport Corporation Vs. Premlal Khatri Gajbhiye**<sup>1</sup>, allowed the complaints partly. The order passed by the Ld. Member of the Industrial Court reads thus :-

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1 2003-II-CLR-387

“Complaint (ULP) 117 and 183 of 2010 are partly allowed.

It is hereby declared that the respondents have engaged in unfair labour practices within the meaning of Item Nos.9 & 10 of Sch-IV of the MRTU & PULP Act, 1971 and the respondents are directed to cease and desist from such unfair labour practices.

The respondents are directed to give the time scale to the employees mentioned in the annexures to both the complaints under Clause 49 of the settlement dated 25.04.1956 from the date of completion of 180 days by them from their initial joining and to give all the consequential benefits available to those on time scale in accordance with law.

No order as to costs.”

3      Learned Counsel appearing for the Petitioner-corporation submits that the Hon'ble the Apex Court on the backdrop of the specific fact, namely, workmen were not seeking absorption. They are seeking benefits admissible to regular employees on time scale of pay. The workmen seek benefits admissible to those employees on time scale of pay and the workmen are in service after 31 August 1978, held that these workmen would be entitled to all benefits admissible to regular employees working in the Corporation on time scale of pay provided they satisfy the eligibility criteria of having worked for aggregate service of 180 days and subject to their satisfying all the conditions prescribed for their entitlement in terms of the above Resolution No.8856 read with Clause 19 of 1985 settlement.

4      Learned Counsel for the Petitioner-corporation submitted that the order passed by the Ld. Member of the Industrial Court leads to the effect that without there being any compliance of requirement merely on completion of 180 days, the employees would be entitled for all consequential benefits available to them on time scale of pay. Such a situation was not expected of from the judgment of Hon'ble the Apex Court. Learned Counsel appearing for the Petitioner-corporation submits that the Corporation apprehends that if the order is not clarified, the same may result in grant of blanket benefits which was neither the object of the judgment of the Hon'ble the Apex Court nor the purport of the decision of the Hon'ble the Apex Court. Learned Counsel, therefore, pray for clarification of the order impugned, so that order of the Industrial Court may not be misread in grant of the blanket benefits or grant of certain benefits, to which the complainants are not entitled to. Learned Counsel for the Respondent fairly submitted that the Respondent would claim only those benefits which would be available as per the judgment of **Maharashtra State Road Transport Corporation Vs. Premlal Khatri Gajbhiye** (supra).

5      Considering this aspect of the matter, the order of the Member of the Industrial Court, Nasik dated 28 January 2016 is modified to the effect that

workmen would be entitled to all benefits admissible to regular employees working in the Corporation on time scale of pay provided they satisfy the eligibility criteria of having worked for aggregate service of 180 days and subject to their satisfying all the conditions prescribed for their entitlement in terms of the Resolution No.8856 read with Clause 19 of 1985 Settlement.

6 The petitions are, accordingly, disposed of.

**(PRASANNA B. VARALE, J.)**