

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

C.A.W. NO.2791/2017

IN

WRIT PETITION NO.1142/2011

Sr. Divisional Commercial Manager, Sought East Central Railway, Nagpur

..Vs..

General Secretary, Parcel Porter Sangathana, S.E.C. Railway, Nagpur Division,
Nagpur

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

Court's or Judge's orders

Shri R.S. Sundaram, Advocate for the petitioner.
Shri N.W. Almelkar, Advocate for the respondent.

CORAM : Z.A. HAQ, J.

DATE : 11.1.2018.

Heard.

The learned Advocate for the petitioner has pointed out the reply filed by the petitioner to this civil application and particularly, reply to paragraph No.4 of the civil application accepting that the employees would be paid uniformly as per the scale, irrespective of the educational qualifications and the requirement of matriculation. It is further stated that the pay fixation of the employees would be done in January, 2018 and the arrears of difference of amount would be paid in January, 2018. The assurance given by the petitioner in the reply is accepted.

In view of the reply filed by the petitioner, the grievance made in this application and relief sought as per prayer clause (i) and (ii) does not survive.

The learned Advocate for the petitioner states that as far as the prayer clause (iii) of the civil application

is concerned, it cannot be considered in this petition as the grievance made and relief sought as per prayer clause (iii) arises out of a different cause of action.

The learned Advocate for the respondent - Union disputes the submission made by the Advocate for the petitioner.

Be that as it may, the respondent - Union shall file separate civil application for seeking redressal of grievance as sought by prayer clause (iii) of the civil application. The civil application shall be filed within one week.

The petitioner has already given reply to the civil application, however, as fresh application would be filed, the petitioner will be entitled to file reply to the civil application and it shall be filed within two weeks from receiving the copy of civil application.

If such application is filed, it would be dealt with according to law and all issues raised today are kept open. The civil application is **disposed** accordingly. In the circumstances, the parties to bear their own costs.

List the matter for further consideration on 8th February, 2018.

JUDGE