

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

WRIT PETITION NO.727 OF 2019

(SUPERINTENDING ENGINEER, MSETCL EHV & OTH...VS.. BALIRAM UMRAO BHOYAR & OTH.)

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

Court's or Judge's orders

Shri D.M.Kale, Advocate for Petitioners.
Shri B.M.Khan, Advocate for Respondent Nos.1 to 10.

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 13, 2019.

Heard.

The petitioners/employer have challenged the interim order passed by the Industrial Court, staying the effect and operation of the order issued by the employer on 7th December 2018 reducing the basic pay of the respondents/complainants.

The learned advocate for the petitioners has pointed out from paragraph No.6 of the reply which was filed by the employer before the Industrial Court, a specific averment that the employer would not make any recovery from the employees on the basis of the order dated 7th December 2018. It is submitted that the respondents/employees were given higher pay scale because of inadvertent mistake and that mistake is being rectified now.

Accepting the submission made on behalf of the petitioners/employer that recovery on the basis of the order dated 7th December 2018 would not be made from the employees, in my view, the interim order granted by the Industrial Court is not justified. If the complainants succeed

before the Industrial Court, they will be entitled for the higher pay scale. It cannot be said that they would be put to irreparable loss and injury if the interim order is not granted.

Hence, the following order:

The impugned order is set aside.

The petition is **allowed** accordingly. In the circumstances, the parties to bear their own costs.

JUDGE

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