

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

WRIT PETITION NO.717 OF 2019

(EXECUTIVE ENGINEER, R.S. RINGMAIN DN. KENDRA...VS.. SHANTARAM LAXMAN MAHAJAN & ANR.)

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 & 2.

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 13, 2019.

Heard.

The petitioner/employer has challenged the interim order passed by the Industrial Court, staying the effect and operation of the order issued by the employer on 11th September 2018 reducing the basic pay of the respondents/ complainants.

The learned advocate for the petitioners has pointed out from 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 11th September 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 petitioner/employer that recovery on the basis of the order dated 11th September 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 interim order is set aside.

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

JUDGE

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