

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
WRIT PETITION NO. 481 OF 2019**

Mumbai Small Causes Court,  
Non-Gazetted Staff Union

....Petitioner

**Versus**

The State of Maharashtra and ors.

....Respondents

Mr. Sanjay Kulkarni, advocate for the petitioner..

Ms. Geeta Shastri, AGP for respondent Nos. 1,2 and 3.

Mr. Rajesh S. Datar, advocate for respondent Nos. 4 and 5.

**CORAM : PRASANNA B. VARALE &  
N. R. BORKAR, JJ.**

**DATE : 6<sup>th</sup> SEPTEMBER, 2021.**

**P.C. :**

1. Heard Mr. Kulkarni, learned counsel for the petitioner, Ms. Shastri, learned AGP for the State and Mr. Datar, learned counsel for respondent Nos. 4 and 5.

2. The petitioner is a recognized union of Non-Gazetted employees of the Small Causes Court, Mumbai. The grievance of the petitioner is that the Hon'ble Supreme Court was pleased to constitute the first National Judicial Commission headed by Hon'ble Shri Justice K. Jagannatha Shetty, former Judge, Supreme Court of India to examine the service conditions of Judicial Officers and court staff working in the

subordinate judiciary of the States. The Commission submitted report in the year 2003 and the Hon'ble Supreme Court directed the States to implement the recommendations of the Commission. In view thereof, the State of Maharashtra decided to make applicable the recommendation of the Commission w.e.f 1.4.2003 to the working and retired court employees on the establishment of District Courts and Small Causes Courts, Mumbai.

3. The grievance of the petitioner is that the Pay-scales of similarly situated employees in District Court, Small Causes Court at Pune and Nagpur are higher than the Pay-scales of employees of Small Causes Court, Mumbai.

4. On perusal of the documents placed on record, it reveals that the petitioner has submitted detailed representation to the respondents in relation to their grievance on 5<sup>th</sup> October, 2017.

5. Perusal of the affidavit-in-reply filed on behalf of the State of Maharashtra reveals that on receipt of the said representation made by the petitioner, a communication dated 13<sup>th</sup> November, 2017 was sent to respondent No.4 calling upon to submit views/remarks of this court on administrative side on the said representation of the petitioner.

6. The respondent No.4 in its affidavit-in-reply has stated that the Pay-scales of the staff of District Courts, Industrial Courts and other Courts are higher than the Small Causes Courts, Mumbai, even though the duties and responsibilities of the staff of District Courts and Industrial Courts and other Courts are comparatively same. It is further stated that though the Courts of Small Causes at Mumbai and Nagpur are provincial Courts, the Pay-scales of the staff working in the said courts are higher than the Pay-scales of the staff working in Presidency Small Causes Court at Mumbai. The reason for this disparity is mentioned in paragraph 11 of the said affidavit-in-reply as change in nomenclature of the posts.

7. In view of the above referred facts, we are of the opinion that the petition itself can be disposed of by directing the respondents to take decision on the representation of the petitioner dated 5<sup>th</sup> October, 2017. The exercise of exchange of views and necessary information shall be completed within eight weeks from today. The State thereafter, shall take decision on the representation of the petitioner dated 5<sup>th</sup> October, 2017, as expeditiously as possible and not later than four months.

8. With the above directions, the petition stands disposed of.

**( N. R. BORKAR, J.)**

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