

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 5372/2012

Richardson & Cruddas Ltd. Employees Union
through its General Secretary R.C. Rajput,
R/o Kalmegh Nagar, Nagpur.

PETITIONER

.....VERSUS.....

1. Union of India, through its Department of Heavy Industries, Udyog Bhavan, New Delhi..
2. Richardson & Cruddas Ltd., through its Managing Director, Corporate Office, Byculla, Mumbai.
3. Richardson Cruddas (1972), F-3, M.I.D.C. Industrial Estate, Hingna, Nagpur, through its Manager.

RESPONDENTS

None for the petitioner.
Ms Neeraja Choube, counsel for the respondent no.1.
Shri Rohit Masurkar, Advocate with Shri S.G. Deshpande, counsel for the
respondent nos.2 and 3.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE ON WHICH ARGUMENTS WERE HEARD : OCTOBER 18, 2022

DATE ON WHICH JUDGMENT IS PRONOUNCED : JANUARY 06, 2023.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

Notice for engagement of another counsel by the petitioner-Union was issued on 05.04.2022. The Office report shows that the said notice could not be served as the noticee was not found at the given address. Notwithstanding the aforesaid, we have considered the averments made in the writ petition in view of the fact that it was heard alongwith Writ Petition No. 3700 of 2007.

2. In the present writ petition, the petitioner-Union has prayed that a direction be issued to the respondent nos.2 and 3, a Company incorporated under the Companies Act, 1956, to implement revised pay-scale from 01.01.2007 and pay the members of the petitioner-Union their arrears. The members of the petitioner-Union claim to be working with the Company. In Writ Petition No. 3700 of 2007, the petitioners therein had sought revision of their pay-scales from 1997. The said writ petition has been decided today and it has been held that in view of the communication dated 18.02.2020 issued by the Ministry of Heavy Industries and Public Enterprises indicating the manner in which the notional pay in the 1997 Scale and 2007 Scale would be calculated coupled with the revision of the pay-scales from 01.04.2018 and onwards, the said writ petition has been dismissed. It has been held that the said petitioners would be governed by the decision taken by the Ministry of Heavy Industries and Public Enterprises as communicated on 18.02.2020. We find that the members of the present petitioner-Union would also be governed by the aforesaid decision communicated on 18.02.2020 thereby revising the pay-scales from 01.04.2018. This is pursuant to the rehabilitation plan having been considered and thereafter followed by the process of disinvestment in the Company.

3. Hence for the reasons assigned in the judgment delivered in Writ Petition No. 3700 of 2007 decided on 06.01.2023, it is held that the members of the petitioner-Union would be governed by the decision taken by the Ministry of Heavy Industries and Public Enterprises dated 18.02.2020.

4. Rule in the writ petition is accordingly disposed of. No costs.

(M.W. CHANDWANI, J.)

(A.S. CHANDURKAR, J.)

APTE