



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

Writ Petition (WP) No. 5953 of 2017

Narayan S/o Tulshiram Gawande and another

Versus

Maharashtra State Road Transport Corporation, Bhandara

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri C.G.Jagdale, Advocate for the petitioners.

Shri V.G.Wankhede, Advocate for the respondent.

CORAM : ANIL S. KILOR, J.

DATED : 21st AUGUST, 2023.

This matter pertains to the dispute relating to the date of giving benefit of pay fixation. It is the case of the petitioners that the petitioners were appointed in the year 1985 and the pay fixation given to him was with effect from 26th January, 2011. The petitioners, therefore, raises the grievances by filing a complaint ULP No. 68 of 2017. The said complaint came to be dismissed vide impugned judgment and order dated 10th January, 2017 which gave cause to the petitioners to file the present writ petition.

2. It is pertinent to note here that earlier the petitioners approached to the Industrial Court by filing

complaint ULP No. 32 of 1992 by the petitioner no.1 and complaint ULP No. 34 of 1992 by the petitioner no.2 for grant of regular time scale which came to be dismissed.

3. Thereupon, the writ petitions were filed before this Court namely writ petition no. 1376 of 1997 by the petitioner no.2 and writ petition no. 1382 of 1997 by the petitioner no.1.

4. The said writ petitions were allowed and thereby the respondent-Corporation was directed to grant the petitioners regular time scale of pay with effect from the date of the complaint, if they had completed 180 days of continuous service by them.

5. This Court in clear terms had observed that to grant such benefit from the date the petitioners had completed 180 days of continuous service.

6. It is pertinent to note that the LPA filed at the instance of the Corporation against the said judgment came to be dismissed.

7. Thereafter, the respondent Corporation brought the petitioners on regular time scale and made pay fixation granting benefit from 26th January, 2011.

8. According to the petitioners, as they have been denied the effects from 1985, they filed the

complaint which came to be dismissed vide judgment and order dated 10th January, 2017.

9. In the above referred backdrop, it is clear that there is no dispute about the completion of 180 days by the petitioners for grant of regular time scale of pay. However, the dispute is about the date on which the petitioners have completed 180 days, if not on 26th January, 2011 but earlier to the said date as claimed by the petitioners.

10. However, after going through the complaint ULP No. 68 of 2012 there are no pleadings made by the petitioners giving the date on which they have completed 180 days. No evidence has been produced by the petitioners how the date fixed by the respondent-Corporation as 26th January, 2011 of completion of 180 days is wrong.

11. In absence of any such evidence or pleadings, I do not find any error committed by the learned Industrial Court to dismiss the complaint. Accordingly, as there is no merit in the present writ petition, the writ petition is dismissed.

[ANIL S. KILOR, J.]