

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

WRIT PETITION NO.1113/2023

Nagpur Municipal Corporation, Civil Lines, Nagpur, Through its Municipal
Commissioner and others

...Versus...

Geeta D/o Shanakarrao Dagwar and others

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

Court's or Judge's orders

Shri Rohan Chhabra, Advocate for petitioners

CORAM : AVINASH G. GHAROTE, J.

DATE : 15/03/2023

1. Heard Shri Rohan Chhabra, learned counsel for the petitioners. The petition challenges the judgment dated 09/03/2022, passed by the learned Industrial Court, allowing the complaint filed by the respondents raising a grievance in respect of revising and reducing the pay scales of the respondents/complainants. The ground, on which, the complaint has been allowed is that no notice was issued to the respondents before revising and reducing their pay scales.

2. Shri Rohan Chhabra, learned counsel for the petitioners, on instructions, categorically admits that there was no notice issued to the respondents/complainants before revising and reducing their pay scales. It is a settled position of

law that any action to the detriment of the respondents/complainants in revising and reducing their pay scales cannot be countenanced, unless the respondents are put to notice and heard in the matter before such action is taken. It is obviously not done, which is an admitted position, in view of which, I do not see any reason to interfere in the impugned judgment, which allowed the complaint on the above ground. The writ petition is therefore dismissed. No order as to costs.

3. Needless to say that it would be open for the petitioners to take appropriate action in this regard but only after issuing notices to the respondents and hearing them, in case they so desire.

(AVINASH G. GHAROTE, J.)

Wadkar