



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

WRIT PETITION NO.5904/2019

Maharashtra State Road Transport Corporation, Nagpur .vs. Rambhau
Haribhau Dahake

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

Court's or Judge's orders

Mr. M. V. Arya Advocate, instructed by Mr. R. R. Chhabra, Advocate
for petitioner.

Mr. Atul Pathak, Advocate for respondent.

CORAM : ANIL L. PANSARE, J.

DATE : 12.06.2024

1. This petition pertains to revision of pay-scale of the respondent, contrary to the judgment and order passed by the Industrial Court in the respective complaints filed by the respondents.

2. In a connected matter, with the similar facts, while dismissing the Writ Petition No.4173 of 2019 (Maharashtra State Road Transport Corporation, through its Divisional Controller, Nagpur Vs. Ishwar s/o Marotrao Balpande, decided on 10.08.2023) filed by the petitioner-Corporation, it is observed thus:

“20. In the matter at hand, there is no dispute that earlier the respondent/complainant had approached to the Industrial Court by filing the Complaint (ULP) No.422 of 2006 for grant of benefits of time scale of pay after completion of 180 days of continuous service. The said complaint was allowed by the Industrial Court vide order dated 03.10.2008, directing the present petitioner to give all the benefits of regular time scale of pay to the respondent upon completion of 180 days of continuous service with all consequential benefits.

21. *It is also not disputed that the said order and judgment was complied with by the petitioner by granting all the benefits to the respondent vide order dated 15.03.2010.*

22. *However, without issuing any show cause notice or without hearing the respondent, order dated 10.10.2015, re-fixing the salary of the respondent, was issued.*

23. *It is pertinent to note here that the order dated 10.10.2015 does not refer to the judgment in the case of M.S.R.T. Corpn. v. Premlal (supra) for revision of pay-scale. In the order dated 10.10.2015 no reasons are given for re-fixation of pay-scale of the respondent. Even there is no mention in the said order about any non-compliance of terms and conditions by the respondent as per the Settlement of 1956/Resolution 8856 or Settlement 1985.*

24. *It is also not in dispute that the judgment and order dated 03.10.2008 passed by the Industrial Court in Complaint (ULP) No.422 of 2006 has been confirmed by the Hon'ble Apex Court.*

25. *Thus, the said judgment and order of the Industrial Court has attained finality and therefore, it is not permissible for the Corporation to take away any benefits granted to the respondent/ complainant in pursuance to the said judgment and order dated 03.10.2008.*

26. *Thus, in contravention of the said judgment and order, issuance of order dated 10.10.2015, re-fixing the pay-scale of the respondent, is illegal and bad in law.*

27. *In the circumstances, I do not find any error committed by the learned Industrial Court in allowing the Complaint ULP No.307 of 2015 filed by the respondent by order dated 17.08.2018. In such circumstances, no interference is required in the present petition. Accordingly the writ petition is dismissed."*

3. The above referred order in Writ Petition No.4173 of 2019 is squarely applicable to the present writ petition. Accordingly, the writ petition is dismissed.

(Anil L. Pansare, J.)

Kahale