

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.958 OF 2025

Nashik Municipal CorporationPetitioner
V/S
Jyoti Balasaheb Deshmukh & Anr.Respondents

**WITH
WRIT PETITION NO.959 OF 2025**

Nashik Municipal CorporationPetitioner
V/S
Nila Damodhar Nandgaonkar & Anr.Respondents

**WITH
WRIT PETITION NO.960 OF 2025**

Nashik Municipal CorporationPetitioner
V/S
Usha Kashinath Nivankar & Anr.Respondents

**WITH
WRIT PETITION NO.961 OF 2025**

Nashik Municipal CorporationPetitioner
V/S
Sandhya Vinod Kulkarni & Anr.Respondents

**WITH
WRIT PETITION NO.962 OF 2025**

Nashik Municipal CorporationPetitioner
V/S
Bharti Jayram Kothari & Anr.Respondents

**WITH
WRIT PETITION NO.963 OF 2025**

Nashik Municipal CorporationPetitioner
V/S
Shubhada Nishikant Joshi & Anr.Respondents

**WITH
WRIT PETITION NO.964 OF 2025**

Nashik Municipal CorporationPetitioner
V/S
Sushma Ramchandra Darade & Anr.Respondents

**WITH
WRIT PETITION NO.966 OF 2025**

Nashik Municipal CorporationPetitioner
V/S
Ashalata Prabhakar Kothavade & Anr.Respondents

**WITH
WRIT PETITION NO.967 OF 2025**

Nashik Municipal CorporationPetitioner
V/S
Rajani Sitaram Patil & Anr.Respondents

**WITH
WRIT PETITION NO.969 OF 2025**

Nashik Municipal CorporationPetitioner
V/S
Suman Sahebrao Borade & Anr.Respondents

**WITH
WRIT PETITION NO.971 OF 2025**

Nashik Municipal CorporationPetitioner
V/S
Tarabai Balasaheb Jagtap & Anr.Respondents

WITH

WRIT PETITION NO.972 OF 2025

Nashik Municipal Corporation

....Petitioner

V/S

Suman Ramchandra Sarangdhar & Anr.

....Respondents

WITH**WRIT PETITION NO.973 OF 2025**

Nashik Municipal Corporation

....Petitioner

V/S

Shalini Uday Jadhav & Anr.

....Respondents

WITH**WRIT PETITION NO.974 OF 2025**

Nashik Municipal Corporation

....Petitioner

V/S

Sara Sidhi Thomas alias Sara
Bhimaji Rohom & Anr.

....Respondents

Ms. Shraddha Dubepatil i/b M/s. Jay & Co. *for the Petitioner-Corporation in all WPs.*

Mr. M.S. Topkar with Ms. Bhargavi Patil *for Respondent No.1 in all WPs.*

Mr. B.B. Dahiphale, AGP *for Respondent No.2/State in WP Nos.958 of 2025 and 974 of 2025.*

Mr. A.A. Nadkarni, AGP *for Respondent No.2/State in WP No.959 of 2025.*

Mr. T.D. Goswami, AGP *for Respondent No.2/State in WP No.960 of 2025.*

Ms. Dhruti Kapadia, AGP *for Respondent No.2/State in WP No.961 of 2025.*

Ms. M.S. Shrivastava, AGP *for Respondent No.2/State in WP No.962 of 2025.*

Ms. V.S. Nimbalkar, AGP *for Respondent No.2/State in WP Nos.963 of 2025 and 971 of 2025.*

Ms. Kavita N. Solunke, AGP *for Respondent No.2/State in WP Nos.964 of 2025 and 969 of 2025.*

Mr. S.D. Rayrikar, AGP for Respondent No.2/State in WP No.966 of 2025.

Mr. Hamid Mulla, AGP for Respondent No.2/State in WP Nos.967 of 2025.

Ms. Snehal S. Jadhav, AGP for Respondent No.2/State in WP Nos.972 of 2025 and 973 of 2025.

CORAM: SANDEEP V. MARNE, J.
DATE : 04 FEBRUARY 2025.

P.C.:

1. These Petitions are filed by Nashik Municipal Corporation challenging the judgments and orders dated 31 October 2023 passed by the learned Member, Industrial Court, Nashik in Complaints of unfair labour practice filed by Respondent No.1-employees. The Industrial Court has directed the Petitioner-Municipal Corporation to implement the orders dated 1 February 2018 and 12 September 2018 by equating the pay structure of Auxiliary Nurse Mid-wife (**ANM**) and Multipurpose Workers Male and Female (**MPW**) with further directions to release the monetary benefits to the Respondent-employees.

2. I have heard Ms. Dubepatil, the learned counsel appearing for the Petitioner-Municipal Corporation, Mr. Topkar, the learned counsel appearing for the Respondent No.1-employee and learned AGPs appearing for Respondent No.2/State in respective Petitions.

3. Perusal of the impugned judgment and order would indicate that the Industrial Court has primarily allowed the Complaints by recording a finding that the decision for grant of higher pay scale was implemented for some employees and not for others. *Prima facie* it appears that initially Complaint of unfair labour practice was filed by only two employees that to for their appointments as **ANM** on the ground that they were actually performing in the duties of ANM despite shown to have been appointed on the post of **MPW**. The said Complaint (ULP) No.198 of 1999 was disposed of by the Industrial Court by directing the Petitioner-Municipal Corporation to merely consider and decide their representation.

4. It appears that 13 years after passing of the order dated 13 September 2001 by the Industrial Court, the general body of the Petitioner-Municipal Corporation adopted Resolution No.1330 dated 20 June 2014 resolving to sanction same pay scale to both the posts of MPW and ANM. It appears that towards implementation of the resolution adopted by general body on 20 June 2014, the Deputy Municipal Commissioner (Administration) issued order dated 1 February 2018 directing that all the employees in ANM categories shall also be granted same pay scale as that of MPW with effect from 1 January 1986. The decision dated 1 February 2018 was taken by taking into consideration the fact that the posts of ANM traditionally carried lesser pay scale/grade pay than that of MPW. The order observes that during 5th Pay Commission regime, the pay scale of

ANM was Rs.4,000-100-6000 whereas MPW carried higher pay scale of Rs.5000-150-7000. Similarly after implementation of recommendations of the 6th Pay Commission, MPW carried higher pay band of Rs.9300-34800 plus Grade Pay of Rs.4,200/- whereas ANM carried lesser pay band of Rs.5200-20200 with Grade Pay of Rs.2,400/-. The Petitioner-Municipal Corporation erroneously recorded in the order dated 1 February 2018 that the Industrial Court had directed grant of same pay scales to ANM and MPW. This assumption on the part of the Municipal Administration while passing order dated 1 February 2018 appears to be completely erroneous. The Petitioner-Municipal Corporation has corrected its error by issuing order dated 3 August 2019 by rescinding order dated 1 February 2018 which would have put huge financial burden on the Municipal Corporation of paying higher pay scale to all ANMs right from 1 January 1986. *Prima facie* I am of the view that the Municipal Administration was right in withdrawing the order dated 1 February 2018. There appears to be absolutely no basis for equating the pay scales of MPW and ANM. Pay scales are fixed by expert pay commissions and it is otherwise not for the Industrial Court to direct equation of pay scales. Even otherwise the Industrial Court had never directed equation of pay scales of MPW and ANM. ANM has traditionally drawn lesser pay scale/pay band/grade pay than that of MPW. Without there being any basis for grant of higher pay scale to ANM (on par with MPW), the Municipal Corporation had erroneously issued order dated 1 February 2018. The Industrial Court has apparently not

considered these aspects and has erroneously decided the complaints by going on erroneous assumption that some of the employees were drawing higher pay scales. As of now, no document is placed on record to indicate that any ANM was placed on par with MPW in pay band of Rs.9300-34800 plus Grade Pay Rs.4,200 and that the Respondents were deprived of the said pay scale and pay band. In my view therefore, the Industrial Court needs to have a re-look into the entire issue. For that purpose, the Complaints are required to be remanded before the Industrial Court for fresh decision.

5. Petitions succeed partly and I proceed to pass the following order:

i) Orders dated 31 October 2023 passed by the Member, Industrial Court, Nashik are set aside.

ii) Complaints filed by the Respondents-employees are restored on the file of Industrial Court, Nashik to be decided afresh. The Industrial Court shall proceed to decide the complaints afresh on their own merits without being influenced by any of the findings recorded by this Court in the present order.

iii) Parties would be at liberty to produce such material as well as oral evidence as may be necessary to buttress their respective claims.

6. With the above directions, all the Writ Petitions are partly allowed and **disposed of**.

(SANDEEP V. MARNE, J.)

SUDARSHAN
RAJALINGAM
KATKAM

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by SUDARSHAN
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