



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

WRIT PETITION NO.7116 OF 2023

Nagpur Housing and Area Development
Board Employee's Credit Co-operative
Society Limited, Near New MLA Hostel,
Civil Lines, Nagpur-440 001. **PETITIONER**

...V E R S U S...

Nandkishor Vasudeorao Kumbhalkar
Aged about 60 years, Occ.:
R/o Plot No.68, Shatimata Nagar,
Near Gajanan Temple, Kharbi Road,
Nagpur. **RESPONDENT**

Mr. P. R. Agrawal, Advocate for Petitioner.
Mr. D. M. Kakani, Advocate for Respondent.

CORAM: **ANIL L. PANSARE, J.**
DATE: **6th MAY, 2025.**

ORAL JUDGMENT:

1. The challenge in this petition is to the judgment and order dated 16.01.2023 passed by the Industrial Court, Nagpur in Complaint (ULP) No.240/2017.

2. Having heard both the sides at length it appears that the service conditions of the respondent was changed without issuing notice under Section 9A of the Industrial Disputes Act, 1947. It provides that no employer shall without giving notice of

change in the conditions of service applicable to the workmen can effect such change.

3. In the present case, the pay structure of respondent has been changed. Prior to August, 2017, the respondent used to get payment in time pay scale at par with the employees of MHADA. The respondent was working as a Senior Clerk and was getting payment of Rs.34,135/- which included DA, HRA, CLA and other allowances.

4. However, from August, 2017 the petitioner modified the pay structure and the salary paid to the respondent did not include DA, HRA and other allowances and benefits.

5. In this regard, the cross-examination of the petitioner's witness is relevant. The witness admitted that the respondent was paid salary as per the pay scale which included various components like Grade Pay, DA, HRA and other allowances till July, 2017. The witness further admitted that in August, 2017 there was change in the manner of payment of wages. The remuneration paid in August 2017 did not include various components such as DA, HRA etc. Most importantly the witness then admits that the petitioner did not issue any notice to the

respondent while effecting change in pay structure and pay pattern.

6. In view of non-compliance of Section 9A of the Industrial Disputes Act, so also other provisions, the Industrial Court was pleased to allow the complaint filed by respondent. I do not find any error in the said approach rather the judgment appears to be consistent with the material placed before the Industrial Court. There is thus no merit in the petition. The petition is dismissed.

(ANIL L. PANSARE, J.)