



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

WRIT PETITION NO. 2560 OF 2024

Maniram S/o. Mahadeo Bahekar

Vs.

State of Maharashtra and others

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

Court's or Judge's Order

Shri V. V. Dhande, Advocate for petitioner.
Shri S. B. Bissa, AGP for respondents/State.

CORAM :- M. W. CHANDWANI, J.

DATED :- 07.01.2026

Heard.

2. The petition challenges the judgment and order dated 12.12.2023 passed by the Industrial Court, Nagpur (for short, "the Tribunal") in Complaint (ULP) No. 147/2010 whereby the complaint, filed by the petitioner for declaring that the respondents have engaged in unfair labour practice, and to direct the respondents to rectify the pay fixation in pay scale of Rs.290-540/- from 04.04.1984, Rs.1200-1800/- from 01.04.1986 and Rs.1350-2200/- w.e.f. 01.10.1994 and further to grant to the petitioner all the consequential benefits of the said pay-scales up to the date of his retirement, came to be dismissed.

3. The learned counsel for the petitioner submitted that initially the petitioner was a daily wage

employee working as an Operator since 04.04.1979. Later on, his services were confirmed by the respondents w.e.f. 04.04.1981 as Mechanist Grade-I, along with other colleagues. However, his juniors namely Shri L. T. Dhankute and Shri V. N. Lidbe were directly placed in the pay-scale of Rs.1200-1800/- whereas the petitioner was placed in the pay-scale of Rs.950-1400/-. According to him, both these persons were junior to him and still they were placed in the higher pay-scale than the pay-scale of the petitioner, therefore, this act of the respondents is nothing but discriminatory. Hence, the petitioner sought for equal pay-scale as is applicable to Shri Dhankute and Shri Lidbe.

4. The contention of the petitioner is that, the petitioner is now retired and therefore, he be granted all the consequential benefits of the said pay-scales. It is further submitted that the Tribunal erroneously rejected the complaint of the petitioner without considering the pay-scale granted to Shri Dhankute and Shri Lidbe.

5. The learned counsel for the petitioner took me to a list (page 61) wherein petitioner is shown senior to Shri Dhankute. In the said list Shri Dhankute and the petitioner were in the same pay-scale of Rs.950-20-1150/-. In another list (page 93), which has been relied by the learned counsel for the petitioner, the pay-scale of Shri Dhankute and Shri Lidbe is shown as Rs.5200-20200. However, bare perusal of column no.3 of page 93

reveals that Shri Dhankute was SeniorAssistant Machine Operator, perhaps by then Shri Dhankute would have been promoted. So far as Shri Lidbe is concerned, he was working as an Electrician. Needless to mention that the post of the petitioner was of Mechanist Grade-I and in absence of the pleadings that the nature of work of the petitioner and both these persons were one and same he cannot claim equity in the pay-scale alongwith post of Senior Assistant Machine Operator and Electrician.

6. Precisely, that is the reason given by the Tribunal while dismissing the complaint of the petitioner. The Tribunal has specifically mentioned that the complaint lacks the pleadings and even no evidence is produced to show the comparison in nature of work amongst the posts referred above in order to demonstrate any discrimination with him. Therefore, no perversity is found in the order of the Tribunal and hence, no interference is required in the impugned judgment and order passed by the Tribunal.

7. Hence, the petition is dismissed.

(M. W. CHANDWANI, J.)