



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

WRIT PETITION NO.6056 OF 2024

Municipal Council Achalpur,
Through its Chief Officer, Achalpur,
District : Amravati

... Petitioner

-vs-

Nadkumar S/o Kashiramji Bunde,
aged about 70 years, Occupation : Retired,
R/o Nagar Parishad quarter, Paratwada,
Tq. Achalpur Dist. Amravati

... Respondent

Shri N. S. Khandewale, Advocate for petitioner.
Ms Archana S. Lanjewar, Advocate h/f Shri N. R. Saboo, Advocate for
respondent.

CORAM : RAJ D. WAKODE, J.

DATED : 16th March, 2026.

P. C.

Heard Shri N. S. Khandewale, learned counsel for the
petitioner-Municipal Council and Ms Archana Lanjewar, learned
counsel who appears for the sole respondent.

2. The petitioner-Municipal Council seeks challenge to the
impugned judgment dated 02/02/2024 passed by the Learned Member
Industrial Court, Amravati in Complaint (ULP) No.77/2009.

3. The brief facts leading to the present writ petition are as

follows :

The respondent (original complainant) was an employee of the petitioner-Municipal Council. He was initially appointed on daily wages in Octroi Section on 01/08/1980. Thereafter he came to be appointed on the post of Fireman on 01/07/1989. The employer has not disputed the fact that the benefit of 5th Pay Commission was made applicable to the respondent-employee and accordingly his Pay Scale was revised. The respondent-employee approached the learned Industrial Court by filing the aforesaid complaint alleging that the petitioner-Municipal Council has committed breach of service conditions and has indulged into unfair labour practice by not granting him the time bound promotional Pay Scale as provided under Government Resolution dated 08/06/1995 by which the State Government has extended the benefit of Pay Scale of higher post after completion of regular service of 12 years.

4. The Industrial Court after considering the entire evidence, both oral as well as documentary, has allowed the aforesaid complaint and directed the petitioner-Municipal Council to make applicable the Pay Scale of Rs.4000-6000/- to the respondent-employee with effect from 01/07/2001 as per the policy of time bound promotion and pay upto date salary and arrears of wages. The learned Industrial Court has

directed the petitioner-Municipal Council to pay 9% interest from 01/07/2001 till full realisation of such amount. Being aggrieved by the same, the petitioner-Municipal Council has approached this Court by way of present writ petition.

5. Shri N. S. Khandewale, learned counsel for the petitioner vehemently argued that the learned Industrial Court has miserably failed to consider the factual aspect that, the policy of time bound promotion on completion of 12 years of service and the benefit of revised pay scale of the higher post is applicable in respect of the sanctioned higher post only. In the instant case, the petitioner Municipal Council does not have sanctioned post of 'Leading Fireman' and therefore the benefit of Government Resolution dated 08/06/1995 cannot be extended to the petitioner only because he has completed 12 years of service. However, perusal of the impugned judgment reveals that the learned Industrial Court dealt with such specific defence raised by the petitioner-Municipal Council in paragraph 7 of the impugned judgment which reads thus :

“ 7..... As per the standing order no.31 passed by the Director of Municipal Authority shows that, the post of Leading Fireman is to be applicable to the Municipal Councils as per the population. The respondents witness namely Amol Dahikar deposed that Achalpur Nagar Parishad comes under 'A' category having population more than one lakh and, therefore, as per the

standing order the post of Leading Fireman is sanctioned posts but since 2005 the Nagar Parishad had not taken any efforts to fill up that post. The Standing order and deposition of witness of respondent specifically indicates that, the post is sanctioned as per the staffing pattern decided by the higher authority but it is not filled up by the Nagar Parishad. The witness further states that, for the benefit of time bound promotion it has no concern whether the post is vacant or not. He further admitted that since 1989 the complainant is working on the post of Fireman but no promotion was given to him. It is made clear that, the employee can be awarded revised pay scale if he completes 12 years in service and he is entitled for revised pay scale of highest category. It is to be noted here that, giving actual promotion is not necessary in this case. One thing is clear that, as per the criteria of population the post of Leading Fireman is sanctioned post but it is not made available with the Nagar Parishad. Under these circumstances it was mandatory on the part of Nagar Parishad to give the revised pay scale to the complainant who has completed 12 years service. I am not agree with the submissions of Ld. Advocate for respondents that, there must be a post available for giving the benefit of time bound promotion.”

6. Shri Khandewale, could not point out any perversity or error on the part of the learned Industrial Court in recording such finding and hence the aforesaid ground of challenge loses its force.

7. Apart from above, the fact remains that the learned Industrial Court has recorded a specific finding that the higher Pay

Scale is granted to other employees who were similarly situated to the respondent and thus, it is the respondent only who was deprived of getting such higher Pay Scale after completion of 12 years service. The learned Industrial Court has weighed this finding on the document filed with list Exhibit-2 which shows that revised Pay Scale of Rs.4000-6000/- was granted to employee viz. G. S. More in the cadre of Fireman. Similar is the case with Shri B. M. Chavhan, Fireman who was working with the petitioner-Municipal Council since 1983 and his Pay Scale was revised from 1996 to the tune of Rs.4000-6000/- and the said fact was substantiated by letter at Exhibit-32. One such incidence is also in respect of Ajay Rambhau Pandhre who was working with the petitioner-Municipal Council as Fireman and was granted revised Pay Scale which fact is substantiated by document dated 05/09/2015.

8. All the above persons viz. G. S. More, B. M. Chavhan and Ajay Rambhau Pandhre were working as Fireman similar to the respondent-employee and were given revised Pay Scale of Rs.4000-6000/- after completion of 12 years regular service and the said benefit of time bound promotion was not granted to the petitioner who was admittedly working as Fireman since 1989 and has completed 12 years of service on 2001.

9. Thus, the learned Industrial Court is completely justified in recording finding that such an act on the part of the petitioner-Municipal Council amounts to unfair labour practice under Item 5 and 9 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. The petitioner-Municipal Council has shown favoritism to one set of workers regardless of merit and thus have committed breach of service conditions. The learned counsel for the petitioner could not point out perversity in such finding of learned Industrial Court, Amravati.

10. There is no merit in the present writ petition.

11. Accordingly, the writ petition is dismissed. No order as to costs.

(Raj D. Wakode, J.)