

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

CONTEMPT PETITION NO. 132/2014
IN WRIT PETITION NO. 6391/2012.

Mah. State Hamal Mahamandal, Nagpur and others.

VERSUS

Shri Madhao Bokade and another.

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

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI
& A.P. BHANGALE, JJ.

DATED : JANUARY 05, 2015.

Heard Shri B.M. Khan, learned Counsel for
the petitioners, Shri S.K. Bhoyar, learned Counsel for
respondent no.1 and Shri M.R. Pillai, learned Counsel
for respondent no.2, for some time.

This Court has on 21.11.2013, taken on
record stand of the respondent no.1 – A.P.M.C. that it
is withdrawing communication dated 20.09.2011. The
communication implemented a decision of the

respondent no.1 A.P.M.C. dated 20.09.2011 by which it had resolved not to permit female labour for working with it.

Shri Khan, learned counsel appearing on behalf of the petitioners, submits that after 21.11.2013 when the petitioner nos. 2 to 25 entered the market yard, they could not get any work, as respondent no.1 did not allow the traders and other persons to avail their services. According to him, court order dated 21.11.2013 has been violated in the process.

Shri Bhoyar, learned counsel appearing for respondent no.1 relies upon the reply-affidavit. He submits that the respondent no.1 has not prohibited the petitioner nos. 2 to 25 from entering the yard of A.P.M.C. and working therein. According to him, there is no employer-employee relationship between the A.P.M.C. and petitioner nos. 2 to 25. If work is not given by the persons, who earlier provided the same to petitioners, the respondent no.1 cannot be blamed for it.

Shri Khan, learned counsel reiterates that

only because of resolution of A.P.M.C. the present situation has cropped up.

Facts on record are insufficient to arrive at any definite conclusion at this stage. We direct the petitioner nos. 2 to 25 to enter the market yard for working as usual and then to approach this Court if, they find that the respondent no.1 is instrumental in any way in denying work to them. They can also take assistance of the respondent no.2- Mathadi Board in the process, as their Association is already Registered as a State Hamal Mapadi Mahamandal.

If this court finds that the respondent no.1 is either directly or indirectly creating a situation in which members of petitioner no.1 are denied the work, which they had before 20.11.2011, appropriate cognizance can thereafter be taken. Hence, with this direction and with liberty to the petitioners, we dispose of the present Contempt Petition. No costs.

JUDGE

JUDGE

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