

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.9986 OF 2015**Siemens Ltd. Vs. Aurangabad Mathadi and Unprotected Labour Board, through Deputy Commissioner of Labour and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Ms.Kamble, with Mr.S.V.Adwant, advocates for the petitioner.

Mr.B.V.Virdhe, A.G.P. for the State.

Mr.P.V.Mandlik, Senior advocate holding for

Mr.P.P.Mandlik, advocate for Respondent No.1.

**CORAM : S.V.GANGAPURWALA AND
N.W.SAMBRE, JJ.****Date : 15.09.2016.****PER COURT :**

1. Heard.

2. The learned counsel for the petitioner states that the Respondents have issued orders (Exh.H and J) without any authority. Vide the impugned communications the petitioners are directed to reinstate the workers. The same is beyond the power of the authority. The Mathadi Board is constituted and it is only the Board after following the procedure as laid down under the statute is entitled to pass orders.

3. Mr.Mandlik, learned Senior advocate for Respondent No.1

submits that the said letters are only request letters and not orders. The learned Senior advocate further submits that the impugned communication itself states that the said letters are request letters and if the employees are not reinstated or the benefits are not given then further steps would be taken as per the provisions of the Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969 and the scheme framed thereunder.

4. After considering the arguments canvassed by the learned advocate for the petitioner and the learned Senior advocate for Respondent No.1, the stand of the Respondent No.1 appears to be that the impugned communications are only the request letters without involving any penal or civil consequences and if any action is to be taken, the provisions of the Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969 and the scheme of 1992 would be followed. The said power vest with the duly constituted Board.

5. As the impugned communication does not lay down any penal or civil consequences and the same does not have any efficacy in law, no further orders are required to be passed.

6. The Writ Petition is accordingly disposed of with aforesaid

observations. No costs.

(N . W . SAMBRE , J .)

(S . V . GANGAPURWALA , J .)

Dt.15.09.2016.
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