

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 337 OF 2016**

Nashik Municipal Corporation

....Petitioner.

Vs.

State of Maharashtra & Ors.

....Respondents.

Mr. Shekhar Jagtap a/w Akshay Kapadia I/by J. Shekhar & Co. for the
Petitioner.

Mr. V.N. Sagare, AGP for the State.

CORAM : ANOOP V. MOHTA AND**G.S. KULKARNI, JJ.****DATE : 14 JANUARY 2016.****ORDER:-**

Mr. Sagare, the learned AGP has pointed out Section 15 of the Contract Labour (Regulation and Abolition) Act, 1970 (for short, "the Act"), whereby the Appeal is available against the order passed under Section 8 of the Act.

2 The Petitioner is a Municipal Corporation, a statutory body, established under the provisions of Maharashtra Municipal Corporation Act, 1949, (for short, "*the MMC Act*") for Nashik City

(Local Authority), which is under obligation to provide requisite amenities, facilities and services to the citizens of Nashik City.

3 By the impugned order, the Assistant Labour Commissioner and Registration Officer, Nasik Division, Nashik-Respondent No.3, by invoking Section 8 of the Act read with Rule 18 (3) of Contract Labour (Regulation and Abolition) Central Rules, 1971 (*“the Rules”*) has revoked the registration, as granted under the Act. There is no issue that this Act regulates the employment of contract labour in the establishment and all related aspects. The Petitioner, has accordingly appointed Licensed contractors, because of the said registration in question. Impugned order is dated 1 January 2016. The Petition is filed on 5 January 2016.

4 After hearing the learned counsel appearing for the parties and considering the submissions so raised, including stated default recorded in the impugned order, and as there are various facts involved and specifically, dealing with the requisite compliances and non-compliances under the Act and Rules, and as an alternate remedy is available to file the statutory Appeal under Section 15 of the Act, we

are directing the Petitioner to approach the Appellate Authority, at the earliest, preferably within two weeks from today. The liberty is also granted to file additional documents. The Appellate Authority, to deal with the same in accordance with law, as early as possible, preferably within six weeks after filing of the Appeal with the documents.

5 However, considering the emergent situation in question and so also the obligations of the “Local Authority” to provide various services in the city of Nashik through or by appointing agents/contractors and to avoid further complications, as such sudden revocation of registration itself rendered the Petitioner helpless for want of power and authority to appoint the Licensed Contractor or agents for providing essential services, therefore, by way of interim arrangement, we are inclined to observe that the position as of 31 December 2015 requires to continue in all respect, qua the subject matter of impugned notice dated 1 January 2016 i.e. no revocation of registration, so that the people at large should not be made to suffer because of the stated inaction on the part of the Corporation of non compliances, so referred in impugned order dated 1 January 2016. The Petitioner to continue with their obligations to provide amenities

and/or facilities and services to the citizen of Nashik City.

6 However, it is made clear that this position will be subject to final decision of the Appellate Authority. The adverse order, if passed against the Petitioner by the Appellate Authority, this order to continue for further two weeks from the date of communication of adverse order.

7 Writ Petition is accordingly disposed of, with liberty. All points are kept open. There shall be no order as to costs.

8 The parties to act on the basis of an authenticated copy of this order.

(G.S. KULKARNI, J.)

(ANOOP V. MOHTA, J.)