

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10007 OF 2012

M/s Pratik Industries

.... Petitioner

vs

1 State of Maharashtra\

2 Deputy Secretary (Kamgar)

Udyog, Urja VA Kamgar Vibhag

3 The Sangli Zilla Mathadi Ani

Asanrakshit Kamgar Mandal, Sangli Respondents

ALONG WITH

WRIT PETITION No. 10008 OF 2012

M/s PARVATI Agro Plast

.... Petitioner

vs

1 State of Maharashtra\

2 Deputy Secretary (Kamgar)

Udyog, Urja VA Kamgar Vibhag

3 The Sangli Zilla Mathadi Ani

Asanrakshit Kamgar Mandal, Sangli Respondents

Mr. K. S. Bapat I/by Mr. Avinash Fatangare for the petitioner in both matters.

Mr. V.N. Sagare, AGP for respondent No.1 in both matters.

Mr. Meelan Topkar for respondent No.3 in both matters.

**CORAM: ANOOP V. MOHTA AND
G. S. KULKARNI, JJ.**

DATE : August 02, 2016

ORDER:

These petitions challenge communication dated 29 June 2012 issued by the Deputy Secretary (Labour), Department of Industry, Power and Labour Division. By the impugned communication, the Petitioners have been directed to get themselves registered under the provisions of the Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969 (for short, “the Act”).

2 The only contention as urged by the Petitioners is that the impugned orders are passed without application of mind and a proper inquiry has not been conducted in that regard.

3 We have perused the impugned orders. We have also perused Minutes of the Meeting dated 15 September 2011 of the Advisory Committee, presided over by the Hon’ble Minister (Labour and Special Assistance). The Petitioners along with other similar establishments were represented by their Legal Adviser. All contentions urged on behalf of the Petitioners were considered by the Advisory Committee. The Committee has observed that the

Petitioner/establishment's employ Mathadi workers. Taking into consideration the contentions as raised on behalf of the Petitioners and the minutes of the Advisory Committee (supra), the impugned orders have been passed directing the Petitioners to get themselves registered under Section 2(9) of the Act.

4 We do not find any perversity in the impugned orders. The contention of the Petitioners that they were not heard before the impugned orders were passed is also untenable. The Advisory Committee had considered the facts. Thus, it is not a case that impugned communication is issued without any foundation. The Act requires the establishments like the Petitioners who are employing Mathadi workers to get themselves registered. The Petitioners are under an obligation to comply with the provisions of the Act. Moreover, an added factor is that the Petitioners have made an application to State Government seeking exemption. This compounds the issue as regards the requirement of Petitioners getting registered under the provisions of the Act. We, therefore, see no merit in the contentions as urged by the Petitioners and we are thus inclined to reject the writ petitions.

5 At this stage, Mr. Bapat, learned counsel appearing for the
Petitioners, has urged that applications have been preferred by the
Petitioners/establishments under Section 22 of the Act, seeking
exemption, are pending consideration before the State Government
since 13.09.2011 and 23.07.2010 respectively and the State
Government may be directed to consider these applications. The
submission is opposed by Mr. Topkar, learned counsel appearing for
the Board on the ground that first the Petitioners ought to get their
establishments registered under the provisions of the Act and only in
that case, exemption applications can be held to be maintainable.

6 We do not express any opinion on the rival contentions.
As the applications are pending, the same are required to be decided
by the State Government in accordance with law. The concerned
Department of the State Government shall endeavour to take
appropriate decisions on the applications of the Petitioners in
accordance with law, within a period of eight weeks from today.

7 In view of our above observations, the writ petitions are

devoid of any merit and are accordingly rejected, however, subject to the above observations.

8 No order as to costs.

(G. S. KULKARNI, J.)

(ANOOP V. MOHTA, J.)