

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (I) NO.1935 of 2016**

Ravi B.Ghorpade & ors

.. Petitioners

vs

Union of India & ors

.. Respondents

Mr.K.S.Bapat I.b Mr Sachin Keru Hande for Petitioners
Mr.Ashutosh Thipsay a.w Mr.M.V.Kini, Mr.R.L.Singh I/b M.V.Kini
& Co for Respondent nos.3 to 8.
Mr.B.R.Sharma Asst,.Govt.Pleader for Respondent no.2

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

DATE: 20 JULY, 2016.

ORDER :

1. The petitioners who are belonging to the workmen category working with the respondents-Food Corporation of India have filed the present petition and have prayed for setting aside the communication dated 17 July 2016 issued by the respondent-Food Corporation of India based upon the directions dated 20 November 2015 issued by the Nagpur Bench, of this Court in P.I.L.No.84 of 2014 whereby after considering the issue in-depth and for the circumstances and the reasons so recorded observed as under :

“In that view of the matter, we dispose of the present Public Interest Litigation by passing the following order :

(i) *The Government of India is directed to decide the representation made by the Food Corporation of India for grant of exemption under the provisions of Section 31 of the said Act within a period of one month from today, in the light of observations made by us herein above within a period of one month from today.*

(ii) *The Government of India shall decide the issue regarding de-notification of the of the depots of the Food Corporation of India, in respect of which notification is issued u/s 10 of the said Act within a period of six months from today in the light of observations made by us herein above and the report of M/s Deloitte Consultancy and the report of High Level Committee appointed by the government of India itself.*

(iii) *We clarify that the respondent/Food Corporation of India would be entitled to transfer the services of departmental labourers from one depot to another subject to protecting their salary and all other service conditions.*

(iv) *We also clarify that the respondent/Corporation would be at liberty to implement its policy of change in the Scheme of incentives.*

(v) *The Government of India shall also take a decision regarding abolition of system of departmental labourers in a phased manner or absorbing their services in other establishments as recommended by the High Level Committee.”*
(Emphasis supplied)

2. A statement is made that against the said judgment of the Division Bench of this Court a Special Leave Petition is filed and the same is admitted by the Supreme Court.

3. In view of the above, we are not inclined to entertain the

present writ petition filed by the petitioner. It is based upon the order and directions so issued by the Nagpur bench and also for the fact that the proceedings against the same are pending in the Supreme Court. As regards the submission as made on behalf of the petitioners on merits referring to the placements/transfers, we are not inclined to accept these submissions for the extensive reasons recorded in the judgment of the Nagpur Bench so referred above, and also for the fact that a Special Leave Petition is pending. The remedy of the petitioner is therefore, elsewhere.

For the above reasons we accordingly dismiss the present petition. No costs.

(G.S.Kulkarni, J.)

(Anoop V. Mohta, J.)