

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4014 OF 2013
(Lupin Ltd., Vs. Aurangabad Mathadi and Unprotected Labour Board)

Mr.Neha Kamble h/f Mr.S.V.Adwant, Advocate for the petitioner.
Mr.P.P.Mandlik h/f Mr.A.S.Gandhi, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 13/09/2017

PER COURT :

1. Learned Advocates for the respective sides have no objection if this Court hears this matter.

2. It is informed by the learned Advocate for the petitioner that on similar set of facts, the learned Single Judge of this Court, by order dated 14/02/2013 in WP No.10823/2012, had set aside the notice issued by the Aurangabad Mathadi and Unprotected Labour Board and had remitted the matter back to the Board for following the procedure as is contemplated u/s 13 of The Maharashtra Mathadi Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1961.

3. It is further stated that in similar circumstances, the learned Division Bench of this Court, by order dated 22/06/2017 in WP

No.3243/2017, has also passed a similar order.

4. In this petition, the petitioner has specifically raised 2 issues. Firstly, as regards jurisdiction on the ground that the Board was not properly constituted u/s 6 of the Act and the order is passed by the Secretary assuming authority u/s 6(a) of the Act acting as a Single Member Board. Secondly, proper hearing as contemplated u/s 13 of the Act was not afforded to the petitioner.

5. Learned Advocate for the respondent/Board submits on instructions that if the petitioner is agreeable to appear on a particular date before the Board, all grievances of the petitioner would be considered and the issue would be decided expeditiously and within a period of 6 (six) months.

6. Considering the above, by setting aside the impugned notice dated 17/04/2013, this petition is partly allowed.

7. The proceedings initiated by the respondent/Board shall stand remitted to the said Board for considering the dispute with regard to the petitioner, afresh. The petitioner shall appear before the Board through an authorized representative, inclusive of a legal

representative, on 29/09/2017 at 2.00 p.m. Formal notice need not be issued to the petitioner. Needless to state, all contentions of both the sides are kept open and the board shall endeavour to decide the said issue as expeditiously as possible and preferably within a period of 6 (six) months from the date of appearance.

(Ravindra V.Ghuge, J.)