

IN THE HIGH COURT OF JUDICATUR OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6480 OF 2012

M/S. HINDUSTAN PETROLEUM CORPORATION LTD
VERSUS
THE AURANGABAD MATHADI AND UNPROTECTED
LABOUR BOARD & OTHERS

Advocate for Petitioner : Shri M.V. Ghatge.
Advocate for Respondent No. 1 : Shri P.P. Mandlik
h/f. Shri A.S. Gandhi.
AGP for Respondent Nos. 2 & 4 : Shri Y.G. Gujrathi.

CORAM : RAVINDRA V. GHUGE &
SUNIL K. KOTWAL, JJ.
Dated : 13rd November, 2017

PER COURT :

1. We have considered the submissions of the learned advocates for the petitioner, respondent No. 1 and the learned AGP on behalf of respondent Nos. 2 and 4. Though, respondent No. 3 has been served, no appearance has been entered.
2. Considering the submissions of the learned advocates and the order that we are now passing, we are not required to advert to their entire submissions.

3. There is no dispute that the impugned order passed by the Board is in the absence of the petitioner. We do not wish to go into the issue, as to when and why has the petitioner not attended the hearing before respondent No. 1. Since we are relegating the petitioner to the proceedings before the Board for a proper hearing in the matter, we are not dealing with the various contentions of the litigating sides.

4. In the light of the above, the Writ Petition is partly allowed on the following conditions :

(a) The impugned order dated 31/03/2011 and 17/01/2011 is set aside.

(b) Consequentially, the communication dated 01/03/2011 by the Board to the District Collector stands purged.

(c) The petitioner is agreeable to appear before respondent No. 1/Board on 27/11/2017 at 3.00 p.m. Formal notices need not be issued by the Board.

(d) Needless to state, the Board shall cause a proper hearing in the matter and shall consider the contentions

of the petitioner and such other person/Union or authority as it may find appropriate.

(e) All contentions of the petitioner are kept open, including the contention that the Maharashtra Mathadi Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969 and the scheme framed thereunder is not applicable to the petitioner.

(f) The amount deposit in this Court shall be invested in a fixed deposit receipt with a Nationalized Bank. In the event, the amount has been so invested pursuant to it being deposited in this Court on 15/02/2013, the said deposit shall be continued and shall be renewed as per its terms.

(g) Respondent No. 1 shall conclude that the proceedings on/or before the 31/05/2018.

(h) Thereafter, if it is concluded that the amount is recoverable, the Board would be at liberty to make a requisite application to this Court for withdrawal of the said amount after 30/06/2017.

(i) It goes without saying that the Board, while considering the grievance of the petitioner, shall consider

the effect of the provisions of the 1969 Act, the scheme framed there under and the contract between the petitioner and the Labour Contractor.

(j) In the event, the respondent No. 1/Mathadi Board refers the dispute to the State Government under Section 5 of the Act, the State Government shall endeavor to decide the said dispute as expeditiously as possible and preferably within a period of 12 weeks from the date of reference.

(SUNIL K. KOTWAL, J.)

(RAVINDRA V. GHUGE, J.)

S.P.C.