

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

WRIT PETITION NO.1451 OF 1997

Transport & Dock Workers' Union	...	...Petitioner
v/s.		
The Rashtriya Chemicals and Fertilizers Ltd. and ors.		...Respondents

...

Mr.Prakash Mahadik for the Petitioner.
 Mr.Sanjay P.Shinde for the Respondent No.2.
 Mr.P.M.Patel with Ms.Pooja Batra i/b M/s.M.S.Bodhanwalla & Co. for the
 Respondent No.1.

...
CORAM : A.A. SAYED &
M.S.KARNIK,JJ.

DATED : 11 JULY 2017

P.C.:

The Petition was admitted on 10-06-1998. Interim reliefs sought, including that of payment of wages at par with wages and benefits paid to workmen directly employed, was refused to the Petitioner-Union. The Petitioner-Union, thereafter, during the pendency of the present Petition had filed Writ Petition No.272 of 2009 seeking implementation of the very Scheme of 1976 framed under the 'Mathadi Act', which is challenged in the present Petition. It is avered in the present Petition that Mathadi Act is not applicable and being wrongly applied to the Petitioners-workers. Learned Counsel for the Respondent No.2 has placed on record a copy of the judgment and order dated 13-01-2010 passed in Writ Petition No.272 of

2009. In paragraph 4 of that order the contention of the Petitioner is recorded in the following terms:

“4. ... It is the petitioners' contention that the second respondent categorically mentioned that the respondent no.3 Board is fully responsible to implement the scheme and the workers should be paid dis-appointment money. Petitioners referred to various representations they have made for implementing the scheme and more so clause 27 as they have failed to receive justice. Hence, the present petition.”

2. In view of the above, at the instance of the Petitioner-Union, we are not inclined to entertain the present Petition in which the Petitioner-Union has questioned the very Scheme of which implementation was sought in Writ Petition No.272 of 2009. The Petitioner-Union is disentitled to the reliefs prayed in the present Petition.

3. The Petition is accordingly dismissed. Rule to stand discharged. No order as to costs.

(M.S.KARNIK, J.)

(A.A.SAYED, J.)