

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10852 OF 2017
WITH
CIVIL APPLICATION NO. 2967 OF 2017

Maharashtra Suraksha Rakshak Aghadi. ... Petitioner.
V/s.
Security Guards Board for Greater Mumbai
and Thane District and another. ... Respondents.

Ms.Ranjana Todankar for the petitioner/applicant.
Mr.Meelan Topkar for respondent No.1.
Mr.Sudhir K. Talsania, Senior Advocate with Mr.Mahesh Londhe
i/b. M/s.Sanjay Udeshi & Co. for respondent No.2.

CORAM : A.S.OKA & SANDEEP K. SHINDE, JJ.
DATE : 27th November 2018.

P.C.:

Heard the learned counsel appearing for the parties. Prayers
(a) and (b) in this petition under Article 226 of the Constitution are the
only substantive prayers which read thus:

- “(a) This Hon'ble Court may be pleased to issue order or
direction directing the Respondent No.2 Bank to engage
the services of the registered security guards allotted by
the Respondent no.1 Board.
- (b) This Hon'ble Court may be pleased to issue order or
direction restraining the Respondent No.2 Bank from
engaging the security guards through the private
agency.”

The security guards on whose behalf the writ petition is filed are total 71 in number. The list of security guards is annexed at Exhibit-A to the petition.

2. The learned counsel appearing for the petitioner, on instruction, states that during the pendency of the petition, the second respondent has stopped engaging private security guards and now they are engaging services of registered security guards allotted by the first respondent- Board. She submits that for a certain period, the second respondent has not paid wages of the security guards. She invited our attention to the averments and prayers made in Civil Application No.2967/2017.

3. The learned senior counsel appearing for the second respondent invited our attention to the affidavit-in-reply of Shri Rohit Shukla tendered across the bar to the civil application and, in particular the statements made in paragraph-3 thereof.

4. Considering the submissions, today, there is no dispute that the second respondent is not engaging any private security guards (except Armed Guards) and all security guards are being engaged as per the allotment made by the first respondent- Board. The learned counsel appearing for the petitioner states that the petitioner has no issue about engagement of Armed Guards. In view of this position, prayers (a) and (b) which are only substantive prayers have been worked out.

5. If, accordingly to the petitioner, certain security guards registered with the first respondent who were allotted to the second respondent have not been paid salary, the petitioner can always make an appropriate representation to the first respondent and the first respondent can take appropriate decision on the said representation in accordance with law after giving an opportunity of being heard to the second respondent.

6. Subject to what is observed above, it is not necessary to entertain this petition and the civil application and the same are disposed of. However, the contentions of the parties regarding non-payment of salary to the security guards are kept open.

(SANDEEP K. SHINDE, J.)

(A.S.OKA, J.)