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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1760 OF 2016

Shramik Hawkers Kirkol Rockel Vikreta
Sanghatana, Vidharbha

..Petitioner.

V/s.

The State of Maharashtra & Anr.

..Respondents.

Mr.Rajiv Patil, Senior Advocate with Mr.Tanmay Vispute for the
petitioner.

Mr.H.S.Venegaonkar with Me.T.V.Dhotre for respondent No.1.

***CORAM: SHANTANU KEMKAR
NITIN W.SAMBRE, JJ.***

DATE : JULY 13, 2018

P.C.:-

By filing this petition, the petitioner is seeking the
following reliefs :-

- “(1) Direct the State Government to modify clause 5 of
Government circular dated 21/7/2000 at Annexure-2 by
substituting it with clause, 'to issue hawkers licence in favour
of heir of hawker in case of his death';
- (2) This Hon'ble Court further be pleased to issue direction to
consider demands raised by petitioner in their representation

dated 16/9/11 at Annexure-11 by keeping in mind the wages payable to semi-skilled or daily wage worker as fixed Minimum Wages Act in order to ensure rates of commission should be so fixed to ensure at least amount getting equivalent to amount of wages payable to any above category of workers.”

2. As regards prayer clause (1), it is not disputed by the learned senior counsel for the petitioner that the said grievance has been redressed and as such, no orders are required to be passed. So far as the prayer clause (2) is concerned, it is the stand of the State Government in its reply that after taking into consideration the entire aspect of the matter, the State Government has issued rate of commission which needs no re-fixation.

3. Be that as it may, keeping in view the grounds raised in the petition, we dispose of the petition by directing the Competent Authority of the State Government to consider the petitioner's representation in regard to prayer clause (2) afresh, uninfluenced, by the stand taken in reply.

4. The petitioner is at liberty to file a fresh representation to justify its claim about increase in the rate of commission or increase of quota of kerosene. Let the representation as aforesaid be filed within four weeks and the decision to be taken by the State Government as indicated above within four months thereafter.

5. Needless to state that we have not commented upon the merits of the matter and the entitlement of the petitioner.

6. The petition stands disposed of with the above directions.

(NITIN W.SAMBRE, J.)

(SHANTANU KEMKAR, J.)