

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2503 OF 2002.

(Lilharam s/o Jagat Lilhare (Mukadam) & others .vs. Ujawal Ispaat Pvt. Ltd. & another)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI & A.D. UPADHYE, JJ.

DATED : MARCH 1, 2018.

1] Matter was called out on 16.11.2017 and was adjourned to give opportunity to petitioners. It was then called out on 20.2.2018 and came to be adjourned for today.

2] Today, there is no appearance for any of the petitioners.

3] Notice sent to petitioner no.6 for engagement of other Advocate is not served as he is not available at the address supplied.

4] The Counsel for respondent no.2 Mathadi Board is also not present.

5] Mr. S. Ghate, learned Counsel for respondent no.1, is also seeking time to place on record an affidavit to demonstrate that respondent no.1 has no work for Mathadi labour since long.

6] Controversy is about providing work to petitioners by respondent no.2 Board. Petitioners were earlier registered as Mathadi Labour and respondent no.2 Board had sent them to respondent no.1. The respondent no.1 found that there was serious dereliction and breach of discipline at the hands of petitioners. That incident also led to criminal prosecution of petitioners.

7] Because of this incident and misconduct, respondent no.2

did not forward petitioners to respondent no.1.

8] Petitioners now claim that they are acquitted by Criminal Court and hence, their work should be restored. Pleadings do not show that after their acquittal they have reported back either to respondent no.1 or to respondent no.2. Mere acquittal in this situation may or may not entitle them to reinstatement or then to allotment only with respondent no.1.

9] In this situation, it is open to petitioners to find out whether they still continue to be registered as Mathadi Labour with respondent no.2 and to demand work accordingly or then to obtain registration as Mathadi labour as per law. Thus, with this liberty and if they are registered, thereafter to demand work, we dispose of present Writ Petition. Rule discharged. No costs.

Judge

Judge

J.