

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1027 of 2021**

Niwara Bandhakam Kamgar Sanghatana and ors.Petitioners

Versus

The State of Maharashtra and ors.Respondents

Ms. Gayatri Singh i/b. Mr.V. G. Shreeram, advocate for the petitioners.
Ms. Ashwini A. Purav, AGP for respondent Nos.1 to 3.
Mr. Akshay Shinde, advocate for respondent No.4.
Mr. Rajshekar. V. Govilkar along with Ms. Shaba N.Khan, advocate for respondent No.5.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 1st DECEMBER, 2021.

P.C. :

1. By a detailed order dated 24th November, 2021, a reference was made to the minutes of meeting conducted on 11th November, 2021 at 2.30 p.m. in the head office of Maharashtra Building & Other Construction Workers' Welfare Board. It was stated in our order that the demands and the steps taken or the decisions are referred in tabular form. In paragraph 2 of our order dated 24th November, 2021, again a reference was made to certain demands and the decision. Ms. Singh, learned senior counsel appearing for the petitioners, on the last date, submitted that a copy of the minutes of meeting was handed over to her

on the very date and she would require some time to go through the minutes and seek instructions. Accordingly, the petition was adjourned.

2. Today, Ms. Singh, learned senior counsel, submitted that though the demands are considered and decision is taken, there is no time line prescribed and, as such, the petitioners carry apprehension event though, on principle, there is a decision taken on paper but as there is no time line fixed, the State Government may take its own time in taking decision and the entire exercise would be only pending before the State Government and it will result in an inordinate delay.

3. At the cost of repetition, we may state that the said meeting was attended by various representatives of various organisations and Shankar Lakhu Pujari, president of petitioner No.1 – Union was also present in the meeting. Perusal of the minutes of meeting show that insofar as demand No.1 is concerned, there was some grievance about the website of the Board and in the meeting, it was decided that an opinion about Rajasthan Government Portal be sought for smooth and effective operation of the website of the Board. Accordingly, the representative of RCS Infotech Private Limited was directed to seek an opinion and to take appropriate steps. In view of these facts, we expect that respondent No.4- Board would pursue the said RCS Infotech Private Limited to take appropriate steps for updating the web portal and,

accordingly, the opinion received by the Board be shared with the representative of the organisation on periodical basis.

4. A grievance is also raised about demand No.2 and it is stated that there is no time line fixed for finalization of the applications submitted for registration, renewal and distribution of benefits. In the minutes of the meeting, it is stated that 15.63% of applications for registration, 13.06% applications for renewal and 23.86% applications for distribution of benefits are pending. It is stated that the number of such pending applications is not much more and delay caused is due to non-availability of sufficient manpower with the Board. It is stated that already an advertisement is published for appointment of selected candidates on the post of Assistant Labour Commissioner and Government Labour Officer. The advertisement is published on 20th October, 2021 and as such, some time would be required to complete the process of scrutiny of application and, then selection of candidates by due process. It is stated that, on appointment of these officers, the delay can certainly be reduced. Now, considering this aspect, we are of the opinion that no time line can be fixed as the process of selection of the candidates has to undergo all procedural formalities and there is an assurance in the minutes of meeting that once necessary positions are filled in, there would be no occasion to raise grievance of delay. In our opinion, this assurance also takes care of the grievance of the petitioners.

5. Then, it is stated that there is no time line fixed insofar as demand Nos.3 and 4 are concerned. Demand No.3 is in respect of work certificate of 90 days. Perusal of the minutes of meeting shows that necessary instructions are issued to the local bodies. It is also informed to the office at circle level through Zilla Parishad and Panchayat Samiti Offices. A reference is also made in the minutes of meeting to hand over the copies of the necessary circulars and letters to the representative who are present in the meeting. If that is so, the petitioner No.1 also must have received the copies of the circulars and communication. Petitioner No.1 can certainly apprise to the local officers about the requirement of issuance of 90 days' work certificate days and, as such, we see no reason for fixation of time line for demand No.3.

6. Demand No.4 is in respect of issuance of certificate qua SOP. It is stated in the minutes of meeting that necessary proposal to that effect is submitted to the State Government on 20th October, 2021. Thus, it means that the proposal was submitted to the State Government just three weeks before the meeting. In view of this fact, we may only state that respondent No.4 – Board to coordinate with the respective department of the State Government to whom the proposal is submitted and pursue the proposal. This exercise would avoid the delay. Similarly, same steps can be taken insofar as demand No.5 is concerned.

7. Insofar as demand No.6 is concerned, there cannot be any issue of time line as it can be resolved by cooperation and assistance of the Union and Organisation themselves.

8. Insofar as demand No.7 is concerned, it is in respect of financial assistance in case of natural death of labourer. Now, the proposal is submitted to the Government in respect of the financial assistance to the family in case of natural death of the earning member/labourer. We expect and hope that the concerned secretary to whom the proposal is submitted would personally look into the proposal and would apprise the Government so that the decision is taken as early as possible.

9. In so far as demand No.8 is concerned, a statement is made in the minutes of meeting that financial assistance in view of Covid-19 pandemic is already disbursed by way of depositing the necessary amounts in three instalments in the bank accounts of the concerned labourer.

10. Demand No.9 is in respect of bonus of Rs.10,000/-. It is stated that the proposal is submitted to the State Government on 28th October, 2021. It is already agreed by the State Government to disburse diwali bonus to the labourers and if the proposal is submitted to

the State Government on 28th October, 2021, the proposal be considered as expeditiously as possible in the backdrop of the fact that Deepawali is already over and if diwali bonus is disbursed three months after Deepawali that would certainly frustrate the object itself. We expect and hope that the proposal submitted to the State Government on 28th October, 2021 would be decided positively as expeditiously as possible without causing any inordinate delay.

11. Then, there was a grievance raised by Ms.Singh, learned senior counsel, in respect of demand No.10. It is stated in the minutes that 27 District Facility Centres are functional and work of installation of 8 District Facility Centres is in progress and is expected to be completed within 1 ½ and 2 months, and in some districts viz. Pune, Ichalkaranji, Akola, Washim, Mumbai Suburban District and Satara i.e., search of suitable place is going on and as soon as the place is available, necessary action of installation of facility centre would be taken. Ms. Singh submitted that as per her instructions, the number of functional and operational facility centres is much lesser than 27. If that be so, the president of petitioner No.1 who was present in the meeting could have brought to the notice of the authorities or members of the committee, the factual information available to him, so that there could have been another reference about the facility centres. Be that as it may, as an assurance is given that the Board is undertaking the process of either

installation of the centres or making centres functional, the Board may adhere to its assurance. Thus, in view of this demand, it can be stated that insofar as certain areas are concerned, it is stated that a search for suitable place is going on. The petitioners or other fellow representatives of the organizations can certainly help in this matter by suggesting suitable places to the State Government Officers or authorities at these six places viz. Pune, Ichalkaranji, Akola, Washim, Mumbai Suburban District and Satara. If such information is available with the petitioners or fellow representative of the organisations, such information with all necessary details i.e. area, location, name of the owner etc. be supplied to the District Labour Officer or concerned officer of the petitioners or fellow representative of such organisations within two weeks, so that it will facilitate the Government Officers to take appropriate steps.

12. Insofar as demand No.11 is concerned, the grievance was in respect of the irregular functioning of the website and the difficulties being faced while submitting online applications. Now, while dealing with this issue, it is specifically informed by the representative of the RCS Infotech Private Limited to the organisations that the difficulty is being faced by the members of the organisations because they are adopting older version of Windows 7 and, as such, the system is unable to accept the application. Now, if this is the difficulty then the organisations are required to update their own system for smooth functioning. We hope and expect that the

petitioner organisations would also update their system so as to make it compatible with the system followed by RCS Infotech Private Limited. It is also submitted before this Court that there is a practise of conducting periodical meetings of representative of organisations and respondent No.4. Let this practise of conducting periodical meetings be continued. In our opinion, there cannot be any objection to conducting periodical meetings.

13. Considering all the above referred aspects, we are of the opinion that the grievance raised in the petition are not only addressed but there is positive redressal also. In view of all these facts, the purpose of approaching this Court by the petitioners is duly served. The petition is, accordingly, disposed of.

1. Needless to state that in case of any other grievance which either is not addressed or is pending before the State Government or its officers, the petitioners are always at liberty to approach this Court as and when the occasion arises.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)