

Trusha T.
Mohite

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2117 OF 2019

Mumbai Shramik Sangh

.. Petitioners

vs.

The Central Advisory Contract Labour
Board & Anr.

.. Respondents

.....

Mr.Bhavesh Parmar a/w Mr.Rajesh Sahani i/b M/s.Devmani
Shukla for the Petitioners
Mr.P.M.Palshikar with Mr.A.R.Gole for the Respondent nos.1 and
2

.....

**CORAM: K.K.TATED, &
R.I.CHAGLA, JJ.**

DATED : JANUARY 11, 2021

P.C.

. Heard.

2. The learned counsel for the Respondent submits that though Vakalatnama is filed only for Respondent no.2, he received instructions from the concerned officer who is present in court that he can appear for Respondent no.1 also.

3. Statement is accepted.

4. By this petition, under Article 226 of the Constitution of India, Petitioner is seeking direction against the

Respondent Central Advisory Contract Labour Board (CACLB) to decide the Application dated 02.02.2001 under section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 for abolition of contract labour system appointment of Contract of Hindustan Petroleum Corporation Limited, Navi Mumbai, as early as possible.

5. The learned counsel for the Petitioner submits that earlier they filed Writ Petition No.2613 of 2002. In that they preferred Notice of Motion No.230 of 2015 for same relief. He submits that this court by order dated 03.02.2017 directed Respondent to decide the Petitioner's Application as early as possible but in any case within a period of 6 weeks from the date of receipt of copy of the said order. Paragraph 3 of the said order reads thus:

“3. In view of the fact that the only relief is seeking a direction to Respondent nos.5 and 6 to decide the pending application and it is reported that it is still not decided, we direct Respondent nos.5 and 6 to decide this pending application, for abolition of contract labour system, as expeditiously as possible and communicate the decision thereon within a period of six weeks from the date of receipt of a copy of this order.”

6. The learned counsel for the Petitioner submits that though order dated 03.02.2017 was communicated to the Respondent immediately, they failed and neglected to comply the said order. Hence, petitioner preferred the present Writ Petition for the same cause of action.

7. The learned counsel for the Respondents submits that

there is a delay on their part to decide the petitioner's application dated 02.02.2001 under section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 because on some occasion, both the parties took some time to settle the matter out of court. He further submits that matter was on board before Respondent no.1 on 10.07.2020. On that date, matter was adjourned for hearing. At present, he does not know the next date of hearing.

8. Considering the submissions made by the learned counsel for the Petitioners and as Petitioner's Application under section 10 of the said Act which is pending since 2001 and order dated 03.02.2017 passed by this court in Writ Petition No.2619 of 2002, we are of the opinion that Respondent no.1 has to decide Petitioner's Application as early as possible but in any case on or before 31.03.2021. Hence, the following order is passed:

a. Respondent no.1 to decide Petitioner's Application dated 02.02.2001 under section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 on its own merits, after hearing all the parties as early as possible but in any case on or before 31.03.2021 and communicate the order to the Petitioners in writing.

b. Writ Petition stands disposed of accordingly.

c. No order as to costs.

(R.I.CHAGLA, J.)

(K.K.TATED, J.)