

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

PUBLIC INTEREST LITIGATION NO. 30/2016.

Court on its own motion. Petitioner.

-VERSUS-

The Union of India and others. Respondents.

WITH WRIT PETITION NOS.826/2010, 4300/2015, 1121/2016, 984/2018, 1058/2018, 1059/2018, 1060/2018, 1061/2018, 1062/2018, 2329/2018, 2589/2018, 3899/2018, 3900/2018, 5561/2018, 5563/2018, 7463/2018, 7464/2018, 7465/2018, 8134/2018, 8207/2018, 622/2020 & CONTEMPT PETITION NOS.299/2017, 18/2018 & 19/2018.

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Shri S.P. Bhandarkar, Amicus Curiae.

Shri D.P. Thakare, Additional Government Pleader for Respondent State.

Shri M. Puranik, Advocate for Respondent No.5.

Shri A. Jaiswal, Senior Advocate with Shri M.R.Pillai, Advocate for Respondent No.6.

S/Shri F.T. Mirza, S.S. Ghate, S.N. Kumar, R. Deshpande and V.P. Marpakwar, Advocates for Intervenors.

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**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATE : 25 JANUARY 2021.

P.C.

Heard learned Amicus Curiae, and learned Counsel for the appearing Parties.

2. This *sou moto* Public Interest Litigation is listed on board today along with various Writ Petitions filed by individual Petitioners.

3. A news report came to be published in the daily newspaper “The Hitvada” on 17 February 2016 titled as “Steel units forced to shell out exorbitant wages to Mathadi workers”. This newspaper report was taken cognizance of by this Court and by order dated 18 February 2016. The learned Amicus was appointed to assist the Court. Notices were issued to respondents.

4. On 18 October 2016 the contentions of the parties were heard and this Court, referring to Section 23 of *The Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969*, observed that it would be appropriate that the State Government conducts an enquiry through responsible officer on the affairs of the Respondent – Mathadi Board and submit a report. The report was to be submitted within three months. Thereafter a three member committee was constituted.

5. A report which runs into 137 pages has been placed

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on record. Thereafter the *sou moto* Public Interest Litigation has appeared on board on 12 July 2017, 16 August 2017 and lastly on 12 February 2020.

6. In the order dated 12 February 2020, the Division Bench crystallized two issues. First, a complaint on the part of the employer to whom employees are sent by the Mathadi Board. Second, is the workers are not being paid equally as per their entitlement the entire amount which has been received from the various employers. A question was also raised regarding relationship of the employees and the Mathadi Board.

7. The proceedings were initiated by this Court *suo moto*, based on a newspaper report. Thereafter Writ Petitions have been filed by individual employers'. Intervention application have been filed. The matter now has become an adversarial litigation. We are therefore of the opinion that it would be appropriate if this adversarial litigation is considered in the petitions filed by the concerned parties, rather than pursuing it further by the Courts on its own initiative. All the parties are before us in their independent petitions and raising same cause as sought to be addressed in this petition.

8. The Court had issued a direction to the State Government to exercise its power of enquiry under Section 23 of the Act. This power has been exercised and a report is prepared.

The learned Counsel for the Petitioner – Vidarbha Industries Association contended that the report is not a proper report. Intervenors and other Petitioners have a grievance against the Mathadi Board regarding the rates charges by it.

9. Therefore appropriate course of action is that, the issues in the *suo moto* Public Interest Litigation be left open to be urged in Writ Petitions that have been filed before us, and also keeping Intervenors right open to challenge the action of the Mathadi Board including the challenge if any, to the report that is submitted, by filing an independent petition. The learned Counsel for the parties are agreeable to this course of action.

10. As regards the rights of Mathadi workers espoused through their Union is concerned, it is kept open in case they choose to file any petition. In the Writ Petitions filed by the employers, they can join the Mathadi Workers Union as respondents.

11. Keeping all issues raised in this manner open, we terminate the proceedings in *suo moto* Public Interest Litigation. The same is disposed of. Pending Civil Applications for Interventions are also disposed of. Connected Writ Petitions to come up on their assigned date.

12. We place on record our appreciation for the efforts

taken by the learned Amicus Curiae in the matter.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)

Rgd

**Rakesh
Dhuriya**

Digitally signed
by Rakesh
Dhuriya
Date: 2021.02.04
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