**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**BENCH AT AURANGABAD**

1019 WRIT PETITION NO.8433 OF 2022

BOMBAY GARAGE TRANSPORT COMPANY THROUGH
ITS PARTNER MOHD. ABDUL NASER
VERSUS
THE COLLECTOR AND OTHERS

....

Mr R. S. Deshmukh, Senior Advocate i/b Mr Kunal Kale and Mr Shaikh Tarek Moein H., Advocates for petitioner;
Mr S. K. Tambe, A.G.P. for respondents/State
Mr P. P. Uttarwar, Advocate for respondent No.3
Mr P. P. Mandlik, Advocate for respondent No.4
Mr P. L. Shahane, Advocate h/f Mr V. P. Golewar, Advocate for respondent No.5

**CORAM : RAVINDRA V. GHUGE**
**AND**
**SANJAY A. DESHMUKH, JJ.**

**DATE : 13th October, 2022**

**PER COURT:**

1. On 06/10/2022, we had passed the following order :-

"*1. We have heard the learned Senior Advocate on behalf of the petitioner, the learned AGP on behalf of the State Authorities, Mr.Mandlik on behalf of the Mathadi Board and Mr.P.L.Shahane and Mr.P.P.Shahane on behalf of the added respondent, which is a Union. Taking into account the conspectus of the matter in the light of the crystallized position of law, the petitioner desires to initiate steps in order to withdraw the present strength of workers deployed at Maliwada site after working hours of 14.10.2022.*

*2. Mr.Shahane, the learned Advocate representing the Union submits on instructions that those Mathadi Workers*

*who were deployed at Maliwada Site or such sites of the principal employer respondent No.3, shall work and perform their duties as are allotted to them without any reservations, even during the free time which is allotted by the Railway Authorities. No pressure would be exerted on the principal employer to select and choose the working hours or the shifts. As and when deployed to do work, they would perform their work and those Mathadi workers who refuse to perform work, would be liable for disciplinary action at the behest of the Board.*

*3. List this petition on 13.10.2022 in the "passing orders category", to be called out at 2.30 p.m.*

*4. Affidavit in reply filed by the added respondent/Union is taken on record.*

2. The learned Senior Advocate representing the petitioner, has placed before us a communication from the District Collector, indicating an assignment to the CWC PPP Maliwada, pertaining to loading, unloading and handling of 5376 Metric Tonnes of rice. It is, therefore, requested that though the petitioners were duty bound in complying with the order of this Court tomorrow itself, since the assignment is on hand, the withdrawal of the employees, privately deployed by the petitioner, be extended only till 31/10/2022. By the end of 31/10/2022, all these employees would be withdrawn and from 01/11/2022, the *Mathadi* workers deployed by the Board would start working at the Maliwada site.

3. Considering the peculiar situation, the learned Advocate Shri. Shahane, representing respondent No.5 and Shri. Mandlik, the learned Advocate representing respondent No.4, submit that the Court may pass an appropriate order.

4. In view of the above and since a bona fide request is made, with an undertaking in no uncertain words that the *Mathadi* Board would be able to deploy the *Mathadi* workers form 01/11/2022, that the request put forth by the learned Senior Advocate is accepted.

5. The learned Senior Advocate further submits that, naturally, after 31/10/2022, the petitioner would not be contributing towards the Provident Fund contributions from 01/11/2022 on-wards.

6. Having recorded the above statement made to the Court, this petition is disposed off.

7. Needless to state, the assurance given by the Union, which has been recorded in paragraph No.2 of the order dated 06/10/2022, would be binding upon the Union.

8. Shri. Shahane, the learned Advocate submits that, with the co-operation of the learned Senior Advocate, both the parties would approach the appropriate Bench at Aurangabad, praying for quashing of the first information report.

**(SANJAY A. DESHMUKH, J.)** **(RAVINDRA V. GHUGE, J.)**

sjk