

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13005 OF 2019

Dada Laxman Dhaygude & Ors. ...Petitioners

V/s.

State of Maharashtra & Ors. ...Respondents

**WITH
INTERIM APPLICATION NO. 571 OF 2022
IN
WRIT PETITION NO. 13005 OF 2019**

Abnish Kumar Sah & Ors. ..Applicants

In the matter between

Dada Laxman Dhaygude & Ors. ...Petitioners

V/s.

State of Maharashtra & Ors. ...Respondents

Mr. T. R. Yadav for the petitioner.

Mr. Milan Topkar with Ms. Pavitra Manesh for the applicants in IA/571/2022.

Mrs. R. A. Salunkhe, AGP for respondent no.1-State.

Mr. Avinash Jalisatgi i/by Mr. Vaibhav Jagdale for respondent no.2.

Mr. Shailesh S. Pathak with Mr. Jay Vora for respondent no.3.

**CORAM: DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE: AUGUST 23, 2022

P.C.:

Interim Application No. 571 of 2022 :-

1. This interim application seeks intervention in the writ petition wherein the prayers of the petitioners, Dada Laxman Dhaygude, Dhananjay Chhaban Thombre and Pandurang Dinkar Dhaygude, are for a direction on the Satara Mathadi & Unprotected Labour Board, respondent no.3, to register the petitioners as Mathadi workers and to allot them to the company, respondent no.2. There is also a prayer for a direction on the Board not to register any new or junior worker before the registration of the petitioners.

2. The applicants say that they have also submitted applications and, therefore, the same may be directed to be considered by the Board.

3. If indeed the applicants have prayed for registration and such application has not been considered by the Board, they have independent causes of action to move the Court. We do not see reason to allow intervention by the applicants in this writ petition.

4. The interim application stands dismissed granting liberty to the applicants to explore their remedy in accordance with law. No costs.

Writ Petition No. 13005 of 2019 :-

1. In so far as the grievance voiced in the writ petition is concerned, there are claims and counter-claims of the petitioners and the company. The question as to whether the

petitioners are entitled to registration must first be decided by the Board and that is exactly the reason why we feel disinclined to give a direction to the Board to register the petitioners as Mathadi workers. The Board is under a statutory duty in terms of the provisions of the Maharashtra Mathadi Hamal and Other Manual Workers (Regulations of Employment and Welfare) Act, 1969 to consider the application of the petitioners on merits in the light of the objections that might have been raised by the company.

2. We have been informed that a hearing was conducted by the Board sometime in the year 2019 but no decision has been forthcoming based on such a hearing for all these years.

3. In the light of such circumstances, we are of the considered opinion that interest of justice would be sufficiently served if the Board proceeds to grant further hearing to the petitioners and the company. Materials placed by the parties before the Board including documentary evidence and written submissions shall be duly considered. The Board shall be free to conduct such necessary investigation/inquiry in accordance with the provisions of the 1969 Act. Such investigation/inquiry shall be conducted upon putting the petitioners as well as the company on advance notice of at least 72 hours. Consideration and disposal be completed by the Board in accordance with law as early as possible but preferably within 12 weeks of receipt of an authenticated copy of this order.

4. All contentions are left open for being urged by the parties before the Board for an appropriate decision by it. Needless to observe, the Board shall assign reasons in its final

order in support of the conclusions reached by it either way. Such order shall also be communicated to the parties immediately after the same is issued.

5. Any party aggrieved by the order of the Board to be passed in terms of this order, shall be at liberty to explore their/its remedy in accordance with law before the appropriate forum.

6. We make it clear that if the parties chose to rely on further documents/written submissions, they shall be at liberty to do so but only upon *inter se* sharing of such documents/written submissions.

7. The writ petition is disposed of in these terms. No costs.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)