

*Uday S. Jagtap*

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

**WRIT PETITION NO. 11723 OF 2019**

Rahul Pandurang Shirke & Ors.

.. Petitioners

Vs.

State of Maharashtra & Ors.

.. Respondents

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Mr. T.R. Yadav for the petitioners

Mr. B.V. Samant, AGP for the respondent no.1 – State

Mr. Varun Joshi a/w Mr. Chetan Alai for the respondent no.2

Mr. Shailesh S. Pathak for the respondent no.3

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**CORAM : DIPANKAR DATTA, CJ &  
PRITHVIRAJ K. CHAVAN, J.**

**DATED : JANUARY 12, 2022**

**P.C.**

1. This is a writ petition at the instance of two individuals. They claim to be 'Mathadi workers' within the meaning of the said term, as defined in the Maharashtra Mathadi Hamal and Other Manual Workers (Regulations of Employment and Welfare) Act, 1969 (hereafter "the Act" for short). It is claimed in the writ petition that the petitioners were working as Mathadi workers under the respondent no.2, i.e., the establishment. However, the respondent no.3 being the Satara Mathadi and Unprotected Labour Board (hereafter "Board", for short) despite receiving applications from the petitioners for registration as Mathadi workers under the Act,

have failed to register them and allot them to the respondent no.2. With such grievance, the relief claimed in this writ petition is for a direction on the Board to register the petitioners as Mathadi workers and to allot them to the respondent no.2.

2. Learned Counsel appearing for the respondent no.2, however, has vehemently denied the assertion of the petitioners that they were employed with the respondent no.2 as Mathadi workers. According to him, the petitioners are rank outsiders, having no semblance of relationship with the respondent no.2.

3. Learned Counsel appearing for the Board has invited our attention to the affidavit-in-reply that has been filed by it. It is not disputed therein that the registration forms submitted by the petitioners have duly been received by the Board. However, it is pleaded that the forms were scrutinized and thereafter considering the *inter se* dispute that the petitioners have with the respondent no.2, it was considered necessary to conduct an inquiry; and that, until such inquiry is completed by the Board, no registration can be granted to the petitioners. We find, from paragraph 20 of the said affidavit-in-reply, a statement made by the Board that there has been no denial of registration to the petitioners and that there being a dispute between the petitioners and the respondent no.2, the Board is duty bound to inquire and take a decision on the issue of registration of the petitioners as Mathadi workers as well as their consequent allotment to the respondent no.2 or any other establishment.

4. Since disputed questions of fact need to be investigated/inquired into by the Board, we see no reason to keep this writ petition pending. Interest of justice, in our view, would be sufficiently served if the writ petition is disposed of with appropriate directions.

5. Accordingly, we dispose of the writ petition with a direction upon the Board to conduct necessary investigation/inquiry in accordance with the provisions of the Act as well as the relevant provisions of law, upon putting the petitioners as well as the respondent no.2 on advance notice of at least 72 hours. The claim of the petitioners that they should be registered as Mathadi workers and allotted to the respondent no.2, should be considered and decided 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.

6. 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.

7. 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.

**(PRITHVIRAJ K. CHAVAN, J.)**

**(CHIEF JUSTICE)**