

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

912 WRIT PETITION NO.3094 OF 2021

**HAMAL MAPADI KAMGAR SANGHATANA
THR ITS SECRETARY DUSHEN HEMANT BAGUL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. Dhakne Vijay A.
AGP for Respondents/State : Mr. S.B. Yawalkar
Advocate for R/7 : Mr. V.B. Patil
Advocate for R/8 : Mr. N.N. Desale
Advocate for R/9 to 37 : Mr. Amol Mali h/f. D.S. Bagul
Advocate for Respondents: Mr. A.G. Choudhari i/b. M.M. Choudhari

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**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 12th July, 2023**

PC. :-

1. In the light of the submissions of the learned advocates for the respective sides, we have perused our earlier orders dated 30.03.2023, 11.04.2023, 20.04.2023 and 03.05.2023.

2. Considering the above, three issues are before us:

- a) Appointment of the 'Law Officers' for assistance to the Director of Marketing.
- b) Registering all such entities who indulge in loading and unloading activity under the Maharashtra Mathadi, Hamal and Other Manual Workers

(Regulation of Employment and Welfare) Act, 1969 (hereinafter referred to as the 'Mathadi Act').

c) Traders indulging in private business, resorting to loading and unloading activities without engaging the registered Mathadi workers.

2. We are informed that out of the 31 traders (Respondent Nos.9 to 39), only two Respondents i.e. R/26 and R/30 have got themselves registered under the Mathadi Act. Rest of them have not yet got themselves registered.

3. In view of the above, **this petition is disposed off** with the following directions:

a) In the light of the statement of the learned AGP based on the affidavit dated 10.07.2023, four posts of 'Law Officers' are awaiting financial sanction and in the meanwhile contractual appointments would be made. Let such appointments be made within 45 days and let the four posts be sanctioned within 90 days from today. After the posts are sanctioned, appointments shall be made within 90 days by following the due procedure laid down in law.

b) The Mathadi Board shall initiate action against each Trader who is resorting to the loading and unloading activity without registration with the Mathadi Board and without engaging the registered Mathadi workers.

c) In so far as private traders are concerned, if any person or Union lodges a complaint with the Mathadi Board indicating violation of the provisions of the Mathadi Act, the Board shall be duty bound to initiate appropriate action by following the due procedure laid down in law, within 30 days from the receipt

of such complaints and initiate steps to ensure that the provisions of the Mathadi Act are implemented and followed in letters and spirit.

d) The APMC-Respondent No.8 shall be duty bound to comply with the provisions of the Mathadi Act and shall not renew the licence of any trader and shall not permit any trader to indulge in the said activity, unless the trader and its workers are registered with the Mathadi Board. If the Board notices that the APMC has flouted the provisions of the Mathadi Act, the Board would be at liberty to initiate appropriate action as is prescribed under the Act against the APMC.

e) If the Mathadi Board finds outstanding dues either towards the traders or the APMC, appropriate action would be initiated for the recovery of the dues in accordance with the provisions of the Mathadi Act.

f) In the event the Mathadi Board and / or the APMC, Sakri make an application to the Sakri Police Station for police protection while conducting raids or initiating coercive action against the traders, in accordance with law, the Station House Officer of the Sakri Police Station shall consider the request on its own merits and if the cause is genuine, shall not refuse police protection.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]