

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

924 WRIT PETITION NO.95 OF 2023

RASHTRIYA SHRAMIK AGHADI THROUGH ITS
PRESIDENT YESHWANT ANANDRAO BHOSALE
VERSUS
THE STATE OF MAHARASHTRA AND INDUSTRIES
ENERGY AND LABOUR DEPARTMEN, MANTRALAYA
MUMBAI AND OTHERS.

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Advocate for Petitioners : Mr. Patil B.N.
AGP for Respondents : Mr. S G Sangle

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CORAM : RAVINDRA V. GHUGE & SANJAY A. DESHMUKH, JJ.
Dated : January 06, 2023

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PER COURT :-

1. The petitioner has raised multiple issues vide the points for consideration raised, which are disputed questions, as under :-

- i] Whether there is any violation of the provisions of The Contract Labour (Regulation and Abolition) Act, 1970.
- ii. Whether the members of the petitioner Union have worked for 240 days in each calendar year.
- iii. Whether there is a disparity in the payment of wages to the daily wagers as compared to the regular employees ?
- iv. Whether the work performed by the daily wagers, is at par with the work performed by the regular workers ?

aaa/-

- v. Whether the contractors, respondents no.4,5 and 6, are sham and bogus contractors?
- vi. Whether the principle of equal wages - equal work would apply to the members of the petitioner Union?

2. The issue as regards abolition of contract Labour system has been considered by the five Judges Bench by the Supreme Court in **Steel Authority of India Ltd., and Ors. Etc. Vs. National Union Water Front Workers and ors. etc reported in 2001 III CLR 349 dated 31.8.2001**. The issue as to whether the contractors are sham and bogus has also already been dealt with in the case of **Vividh Kamgar Sabha vs Kalyani Steels Ltd. & Anr, reported in 2001 AIR SCW 170** and in the matter of **Cipla Ltd. Vs. Maharashtra General Kamgar Union and others reported in AIR 2001 Supreme Court 1165**. Law is well settled. If the Contract Labour system is to be abolished under section 10 of the Contract Labour (Regulation and Abolition) Act, 1970, the Union will have to approach the competent authority. If the contractors are to be

declared as sham and bogus, the Union has to raise an industrial dispute before the Assistant Commissioner/Conciliation Officer under the Industrial Disputes Act, 1970. Such questions which involve serious disputes and need oral and documentary evidence, cannot be entertained under the writ jurisdiction of this Court.

3. As such, with liberty to the petitioner to avail of remedies as may be permissible in law, this petition is disposed off.

4. Learned advocate for the petitioner submits on instructions, that deficit court fees of Rs.70,875/- would be deposited in this Court within Ten days from today.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

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