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

WRIT PETITION NO. 5296 OF 2023

Maharashtra Rajya Suraksha Rakshak
& General Kamgar Union

..... Petitioner

Vs.

The State of Maharashtra & Ors.

..... Respondents

Mr. Avinash Belge for the Petitioner

Mr. Amardev J. Uniyal with Mr. B. L. Mangale for Respondent No.2

Mr. N. R. Bubna for Respondent Nos.3 and 4

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : APRIL 12, 2023

P.C.

1. Heard Mr.Belge, the learned Counsel for the Petitioner, Mr.Amardev J. Uniyal, the learned Counsel for Respondent No.2 and Mr.Bubna the learned Counsel for Respondent Nos.3 and 4.

2. The Petitioner is assailing the tender floated by Respondent No.3. The Petitioner also seeks directions against Respondent No.2 Board to consider the Application submitted on-line by the security guards and grant them registration.

3. Mr.Belge the learned Counsel for the Petitioner submits that as per the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981, Respondent No.3 cannot

employ security guards through a third party agency. It is incumbent for the Municipal Corporation to engage only security guards who are forwarded by the Board and registered with the Board unless it employs security guards on its payroll. Said scheme is violated in view of the impugned tender. The learned Counsel submits that, upon registration with the Board, the services of the Petitioner should be allotted to Respondent No.3. According to the learned Counsel, the Petitioners are working with Respondent No.3 as security guards through a private agency.

4. The tender in question is with regard to the work as detailed below:

<i>Work/ Item(s)</i>	
<i>Title</i>	<i>Maintenance of Gardens, Play grounds, Cementries and Road dividers with repairing and maintenance of Civil, electrical, Plumbing works, cleaning maintenance and repair of toilets and provision of security guards in Ward Committee No.4, 5 and 6</i>
<i>Work Description</i>	<i>Maintenance of Gardens, Play grounds, Cementries and Road dividers with repairing and maintenance of Civil, electrical, Plumbing works, cleaning maintenance and repair of toilets and provision of security guards in Ward Committee No.4, 5 and 6</i>

5. It is a composite tender for various works. The persons to whom the tender is allotted will have to take care of all items which are mentioned in the Work / Item (s) / Work Description. The work

cannot be segregated.

6. The tender does not deal with the appointment of security guards as is sought to be contended by the Petitioner. Moreover, the Petitioners are yet to be registered with the Board. The Application is pending with the Board. Same has been filed just two days back. It is for the Board to consider the said Application on its own merits. We do not find any averment that because of the tender that is floated, the services of the Petitioners are in jeopardy. In light of that no further observations can be made upon the same.

7. In passing the present order, we shall not be construed to have decided that the security guards can be engaged through third party contractor *dehors* the one forwarded by the Board.

8. With the aforesaid observations, the Writ Petition stands disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)