

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 7313 OF 2021

Navnath Maruti More and others. ... Petitioners.

V/s.

The Grocery Markets & Shops Board (For
Greater Mumbai, Thane & Raigad Districts)
and others.

... Respondents.

Mr.Rajaram V. Bansode for the Petitioners.

Mr.Meelan Topkar for Respondent Nos.1 and 2.

Ms.Bharati Patil for Respondent No.3.

Ms.R.A.Salunkhe, AGP for Respondent No.6.

SANJAY
KASHINATH
NANOSKAR

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CORAM : NITIN JAMDAR, AND
SANDEEP V. MARNE, JJ.

DATE : 4 August 2023.

P.C. :

Heard the learned counsel for the parties.

2. The Petitioners have challenged the order passed by Respondent No.2- Secretary, Grocery Markets and Shops Board (For Greater Mumbai, Thane and Raigad Districts) dated 27 September 2021. The Board, by the impugned order, communicated to Respondent No.4 the distribution of work as per Rule 2(e) of the Scheme. By this order, the work to be allotted to the mathadi

workers was distributed stating that for premises at E-28, Agricultural Produce Committee Market-2, Dana Bunder, Sector-29, Turbhe, Navi Mumbai Toli No.4142 was allotted. It was stated that the allotment of the Toli was only till Respondent No.4 continues in the premises on tenancy basis and if the employer shifted elsewhere the allotment of Toli No.4142 would stand discontinued. The Petitioners, representing Toli No.4142, have challenged this stipulation.

3. According to the Petitioner such a stipulation cannot be incorporated as per the rules framed by the Respondent- Board under the Scheme. It is not necessary to enter into the merits of the dispute as the parties agree that the fact situation has undergone a substantial change. Respondent No.4 is no longer operating from the premises which are mentioned in the impugned order dated 27 September 2021. As to what is the implication of this change in the fact situation will have to be considered by the Respondent- Board within the parameters of the scheme and rules. As to whether the allotment would continue or it would be changed or whether the Petitioners' contention that the allotment is qua employer will have to be accepted or rejected are the issues that the Board will have to take in to consideration in the changed factual scenario.

4. The Respondent- Board will consider whether its decision dated 27 September 2021 needs to be modified or set aside or to be continued by passing a fresh order after giving an

opportunity to all the concerned parties. The learned counsel for the Respondent- Board states that the above course of action would be completed within a period of eight weeks.

5. Writ petition is disposed of accordingly.

(SANDEEP V. MARNE, J.)

(NITIN JAMDAR, J.)