

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12898 OF 2019

M/s. TPK Movers LLP & Anr.

....Petitioners

V/S

The Secretary
Railway Goods Clearing &
Forwarding Establishment Labour
Board, Mumbai & Ors.

....Respondents

...

Mr. Pankaj D. Purway for the Petitioners.

Mr. Sanjay P. Shinde for Respondent No.1.

Mr. M.M. Pabale, AGP for Respondent Nos.2, 3 and 5-State.

Mr. Mahadeo Ghadge for Respondent No.4.

...

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

DATE : 3 JANUARY 2023.

P.C.:

1 We have heard the learned Advocate for the Petitioners, learned Advocate for Respondent No.1-Board, learned Advocate for Respondent No.4.

2 The grievance of the Petitioners is that when the impugned order was passed the notice of hearing was not served upon the Petitioners.

3 It appears that the Petitioners had filed say before Respondent No.1-Board. The contention is that the notice of hearing was not served upon the Petitioners and as such they could not remain present for hearing. The

same is disputed by the learned Counsel for Respondent No.4 and learned Counsel for Respondent No.1-Board.

4 Be that as it may as it is contended that at the time of hearing the Petitioners were not served with the notice and could not remain present.

We pass the following order:

ORDER

i) The impugned order is quashed and set aside on condition that Petitioners deposit the amount of Rs.5,00,000/- within a period of four weeks with Respondent No.1-Board.

ii) In case the Petitioners deposit the amount of Rs.5,00,000/- as directed above then the Respondent No.1-Board shall accord fresh opportunity of hearing to the Petitioners and Respondent No.4 and decide the said proceedings afresh preferably within three months.

iii) The Petitioners shall appear before the Respondent No.1-Board on 1 February 2023 and shall deposit amount of Rs.5,00,000/- on or before the said date.

iv) In case the Petitioners fails to deposit the amount of Rs.5,00,000/- as directed above then the present Writ Petition shall be deemed to be dismissed. In case, the Petitioners deposit the amount as directed above then the Respondent No.1-Board shall decide the matter afresh.

- v) As the date of appearance has been given by this Court it is not necessary to issue fresh notice to the parties.
- vi) The Petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)