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

**CONTEMPT PETITION NO.282 OF 2024
IN
WRIT PETITION NO.3094 OF 2021**

**HAMAL MAPADI KAMGAR SANGHATANA, PIMPALNER,
TQ. SAKRI, DIST, DHULE, THROUGH ITS SECRETARY
VERSUS
SHRI. S. S. SANDHU, THE STATES OF MAHARASHTRA,
THROUGH SECRETARY AND OTHERS**

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Mr V. A. Dhakne, Advocate for Petitioner;
Mr N. S. Tekale, A.G.P. for Respondents/State
Mr S. P. Shinde, Advocate for Respondent No.7
Mr N. N. Desale, Advocate for Respondent No.8

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 16th July, 2024

PER COURT:

1. We had issued a direction in the order dated 12/07/2023, passed in Writ Petition No.3094/2021, to the concerned Authority to initiate steps for granting financial sanction for the appointment of the four posts of “Law Officer”. This was expected to be done within 90 days. We had also suggested that, in the meanwhile, contractual appointments should

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be made. We had also stated that 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 registered Mathadi workers. We had also said that, insofar as the private Traders are concerned, if any person or Union lodges a complaint with the Mathadi Board, indicating violation of the provisions of the Maharashtra Mathadi, Hamal and Other Manual (Regulation of Employment and Welfare) Act, 1969 (Mathadi Act), the Board would initiate appropriate action by following the due procedure laid down in law.

2. We have perused the affidavit-in-reply filed by the Mathadi Board. We quite see that the Board is taking steps and resorting to procedures as are permissible in law with regard to those, who are violating the provisions of the Mathadi Act. No doubt, the Mathadi Board will have to exert to ensure that those contravening the provisions of law, should be strictly dealt with. We do find that the Board has initiated action and appears to be acting proactive.

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3. The learned A.G.P. has placed on record a communication, dated 16/07/2024, received by him from Shri. Shailesh S. Surve, Desk Officer, Cooperation, Marketing and Textile Department, which is marked as 'X' for identification. It is conveyed that the posts, which are falling vacant on account of the retirement of the Law Officers, have already been filled up through contractual appointments and the process for regular recruitment would require creation of the posts, and for which, financial sanction in the light of the Government Resolution dated 09/06/2017, will have to be acquired. It is informed that, in a period of 90 days, this exercise would be completed. We record that, if there is any declaration of the Model Code of Conduct, that would not be an impediment for the Authorities to proceed with the recruitment process, as set out in the communication 'X'.

4. In view of the above, we do not find that, there is a willful, intentional or deliberate act on the part of any Respondents to disobey our directions and attempt to overbear the Majesty of Law. We do not find that, they could be held responsible for any contemptuous act. Since this Court had issued

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simple notice on 12/03/2024, **this Contempt Petition is disposed off.**

(Y. G. KHOBRADE, J.)
sjk

(RAVINDRA V. GHUGE, J.)