

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

WRIT PETITION NO. 4156 OF 2024

Bombay Dyeing And Manufacturing Co.
Ltd (Polyester Division)

...Petitioner

Versus

Grocery Market And Shops Board, Thr. Its
Chairman/secretary And Ors

...Respondents

Adv. Avinash Jalisatgi a/w. Adv. Divya Wadekar, Adv. T. R. Yadav for the
Petitioner.

Mr. B. S. Mahamulkar (through VC) for the Respondent No. 1.

Ms. Pooja Joshi-Deshpande, AGP for the Respondent No. 4

**CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.**

DATED : 26 MARCH, 2024

P.C.:

1. Heard learned Counsel for the Petitioner and the Respondent No. 1-Grocery Market and Shops Board. In the light of the order that is proposed to be passed safeguarding the interest of the Respondent Nos. 2 and 3, it is not necessary to issue the notice to them.

2. It is the Petitioner's case that Tolis of the Mathadi workers, which are allotted to the Petitioner by the Respondent No. 1-Board contains number of workers far excess than what the Petitioner requires and therefore, the Petitioner has made a request/application to the

Respondent No. 1-Board to reduce the numbers. These Tolis are numbered as 6029 and 6030.

3. Learned Counsel for the Petitioner points out that these Tolis are represented by the Respondent Nos. 2 and 3-Union. This is a matter within the domain of the Respondent No. 1-Board, who allots Tolis of Mathadi workers to employers and if there is any change to be brought about then the employers have to make an application to the Respondent No. 1-Board. The Respondent No. 1-Board thereafter will have to look into the merits of the said Application, give opportunity to the affected union/Toli and then pass an order as per law.

4. That being the procedure and the proceeding on the basis that the Petitioner's representation of 22 September 2023 are not yet decided, we dispose of the Writ Petition directing the Respondent No. 1-Board to look into the application made by the Petitioner in respect of reduction of the number of Mathadi workers from the concerned Tolis and pass a reasoned order. The Respondent No. 1-Board will give an opportunity to the Respondent Nos. 2 and 3-Union, representing the said Tolis before passing any order.

5. We make it clear that by this direction we should not be deemed to have ruled upon the merits of the Petitioner's request or the stand which the Respondent Nos. 2 and 3 would take. This aspect is for the Respondent No. 1-Board to decide on merits. Let the decision be taken

by the Respondent No. 1-Board within a period of 8 weeks subject to other public duties that have been entrusted upon the decision makers of the Respondent No. 1-Board. The Respondent No. 1-Board, as stated above, will give notice to the Respondent Nos. 2 and 3 before passing any final order.

6. The Writ Petition is accordingly disposed of.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)