

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

WRIT PETITION NO. 9185 OF 2012

Akhil Bhartiya Mathadi Transport and
General Kamgar Union ... Petitioner

Versus

The State of Maharashtra and Others ... Respondents

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Mr.Nilesh Desai for the Petitioner.

Ms. T.J.Kapre, AGP for the Respondent -State.

Mr. B.V.Bukhari for Respondent No.3.

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

DATE : 01 March 2024.

P.C. :

Heard the learned Counsel for the parties.

2. The Petitioner-Union has challenged the orders passed by the State Government and Respondent No.3- Grocery Market and Shop Board for Greater Bombay established under Maharashtra Mathadi Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969 (the Act of 1969). The first impugned order is dated 20 July 2012. By way of amendment, the order dated 16 September 2013 has been challenged.

3. The impugned order bifurcates Tolis. This writ petition filed in the year 2012 is pending with no interim order. The last pleading on record is the reply affidavit of the State which is of the year 2012. By passage of 12 years, factual position must be undergone a change. The learned Counsel for Respondent No.3 submits that since there is no interim order, the workers in the Tolis are working for last 12 years.

4. At this stage, without reference to intervening circumstance of the last 12 years which are not on record, no purpose would be served by proceeding further in the writ petition. Therefore, we dispose of the writ petition giving liberty to the Petitioner, if their cause survives, to approach the concerned Board of the State Government for redressal of their grievance. If they do so, we keep all contentions of the parties open.

5. The writ petition is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)