

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

WRIT PETITION NO. 6268 OF 2024

The Bombay Dyeing & Manufacturing Co.Ltd.
(Polyester Plant)

...Petitioner

Versus

The Grocery Markets & Shops Board For
Greater Mumbai Thane & Raigad Dist. & Ors.

...Respondents

Mr. J.P. Cama, Sr. Advocate a/w Mr. Avinash Jalisatgi, T.R. Yadav,
Ms. Divya Wadekar, Advocate for the Petitioner.

Mr. Rahul Oak, Advocate for Respondent No.1.

Mr. Sanjay Shinde, Advocate for Respondent No.2.

Mr. Karan Thorat, 'B' Panel Counsel for the Respondent No.3/State.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 9th DECEMBER, 2024

P.C. :-

1. **Issue notice** to the Respondents, returnable on **18th December, 2024**. The learned Advocate Mr. Oak waives service of notice on behalf of Respondent No.1. The learned Advocate Mr. Shinde waives service of notice on behalf of Respondent Nos.2. The learned 'B' Panel Counsel waives service of notice on behalf of Respondent No.3.

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2. Let the affidavits in reply be filed, at least ten days, prior to the returnable date.

3. We have considered the submissions of the learned Sr. Advocate for the Petitioner, the learned Advocate for Respondent No.1/Board, the learned Advocate for Respondent No.2/Union, and the learned 'B' Panel Counsel for Respondent No.3/State.

4. *Prima facie*, we are find that there is hardly any reason assigned by Respondent No.1 while drawing a conclusion that a wage revision ought to be given to the workers registered with the Board and deployed with the Petitioner factory.

5. It is brought to our notice that the Petitioner was willing to offer a 29% rise to the Mathadi workers represented by Respondent No.2. The learned Advocate representing Respondent No.2 desires to take instructions as to whether its members are agreeable to accept the 29% rise for covering the period from April-2021 till March-2024.

6. The learned Sr. Advocate makes a serious grievance about a one member Board having been constituted more than two decades ago under Section 6-A of the Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969 and the scheme thereunder. He contends that Section 6-A is merely a stop gap arrangement empowering the State Government to appoint a Board consisting of one person, until a regular Board is constituted under Section 6. Normally, the State Government follows the practice of appointing an Assistant Commissioner Labour/Conciliation Officer or a Deputy Commissioner Labour to officiate as a one member Board.

7. In view of the above, until further orders, the directions issued by Respondent No.1 in the operative part of the impugned order, shall not be executed by the Union or his members. The option of accepting 29% rise as offered by the Petitioner, can be responded to since the learned Advocate desires to make a statement after taking instructions from the Union.

8. We would expect the Principal Secretary Industries and Labour Department, State of Maharashtra to make a statement on

the next date, as to when would the State constitute a Board under Section 6, not only for Respondent No.1/Board, but all the Boards in the State of Maharashtra.

9. We are listing this Petition on **18th December, 2024**, in the fresh admissions category.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)