

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

WRIT PETITION NO. 8724 OF 2024

Shubhra Umar Ghatage and Others ... Petitioners.

V/s.

Kolhapur District Security Guards
Board and Another ... Respondents.

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Ms.Ranjana Todankar with Ms. Sonali Humane for the Petitioners.

Mr.Sumant Deshpande with Mr.Sakharam Kadam for Respondent
No.1 - Board.

Mr.Shailesh S. Pathak for Respondent No.2- ESIC.

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

DATE : 28 June 2024.

P.C. :

The Petitioners are registered as security guards with
Respondent No.1 -Kolhapur District Security Guards Board (the
Board).

2. On 31 May 2024, Respondent No.1-Board received a
communication from Respondent No.2- Employees State Insurance
Corporation (ESIC) where the Petitioners have been posted by

Respondent No.1- Board that services of the security guards, that is, the Petitioners would be discontinued from 30 June 2024. Thereafter, on 3 June 2024, Respondent No.1- Board has written to Respondent No.2- ESIC in detail stating the reasons why it is mandatory on Respondent No.2- ESIC to employ the security guards allotted by Respondent No.1 – Board.

3. The learned Counsel for Respondent No.2- ESIC sought to contend that Respondent No.2- ESIC is under directions to discontinue the security guards allotted by Respondent No.1- Board and the Petitioners themselves do not have any locus as they can always be allotted by Respondent No.1 – Board elsewhere.

4. Perusal of the communication issued by Respondent No.1- Board would show that they have referred the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981 (the Act of 1981) and has pointed out to the statutory provisions, and also the Government Resolution issued by the State of Maharashtra. The matter therefore will have to be considered in light of the jurisdiction of Respondent No.1- Board vis-a-vis directions received by Respondent No.2- ESIC. This would require reply affidavit on the part of both, Respondent No.1- Board and Respondent No.2-ESIC. For that purpose, we grant time to Respondent No.1- Board and Respondent No.2- ESIC to file their reply affidavits.

5. Stand over to **22 July 2024**.

6. As on today, Respondent No.2- ESIC continues to be registered under the Act of 1981 and the Board under the Act of 1981 has issued direction to Respondent No.2- ESIC to continue the Petitioners. This direction is not challenged by Respondent No.2- ESIC. Therefore, we direct that services of the Peitioners, who have been allotted by Respondent No.1- Board to Respondent No.2- ESIC, to be continued till the next date.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)