

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

WRIT PETITION NO. 14173 OF 2024

Maharashtra Suraksha Rakshak
Kamgar Union (INTUC)
versus

... Petitioner

The State of Maharashtra and Others

... Respondents

....

Mr.Avinash Belge for the Petitioner.

Mr.S.B.Kalel, AGP for Respondent No.1-State.

....

**CORAM : RAVINDRA V. GHUGE &
M.M. SATHAYE, JJ.**

DATE : 17TH OCTOBER, 2024

P.C.:

1. The Petitioner has put forth the prayer clauses (a) and (b), as

under :

“a) That this Hon’ble Court may be pleased to exercise the powers vested in it under Article 226 of the Constitution of India and issue a Writ of mandamus and/ or any other, directing the Respondent No.2 Board to considered the applications submitted online by the Security Guards at Exhibit “A” and on examining their applications in accordance with law and the Scheme, grant them registration as provided under the Maharashtra Private Security Guard (Regulation of Employment and Welfare)Act, 1981 and Scheme and to allot them to the establishment of Respondent No.3.

b) This Hon’ble Court may be pleased to issue a writ of mandamus or a writ in the nature of

mandamus or any other appropriate writ order or direction directing the Respondent No.2 to initiate penal action against the Respondent No.3 as per the provisions of clause 42 of the Security Guards Scheme, 2002.”

2. The Petitioner-Union contends that the ten workers mentioned in the list at Annexure -A, are its members. They are working with Respondent No.3, as Security Guards. All of them have applied for registration with Respondent No.2 Board under the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981 (the Act of 1981) and the Scheme framed thereunder. The Applications are pending. The Petitioner prays that Respondent No.2 Board be directed to deal with the said Applications at the earliest. It is also prayed that Respondent Nos.3 and 4, which is the factory and the contractual security agency, be directed to retain these ten employees and refrain from terminating the services of the said Guards.

3. Insofar as the claim of the Petitioner that the Applications of the ten workers be decided by Respondent No.2 Board within the framework of the Act of 1981 and within a timeline, is an innocuous prayer. We would accept the same. However, the request that we should direct Respondent Nos. 3 and 4, not to terminate the services of the said ten employees, does not fit into the Scheme of the Act of 1981. After registration with the Board, the Security Guards are to be deployed by

the Board as and when the work is available and as and where the requirement is noticed.

4. The learned Advocate for the Petitioner relies upon an order dated 10th January, 2003 passed by this Court in **Writ Petition (St.) No. 49397 of 2002 (Maharashtra Rajya Suraksha Rakshak & General Kamgar Union V/s. Security Guards Board for Gr. Bombay & Thane District & Ors.)**. In the said order, ad-interim relief was granted by the Vacation Bench. However, in the said final order, this Court suggested that the Board will try to accommodate the workers mentioned in Annexure -A, 'as far as possible'.

5. In view of the above, **this Writ Petition is disposed off**, with a direction to the Respondent No.2 Board to deal with the applications of the said 10 workers, by following the due procedure laid down in the law and after granting a reasonable opportunity of hearing to the stakeholders, on or before 30th November, 2024. In the light of **Maharashtra Rajya Suraksha Rakshak & General Kamgar Union (supra)**, we suggest to the Board to try to accommodate them, as far as possible.

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)