

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17653 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. Ms. Pavitra M., Advocate for Respondent No.3.

Ms. P.J. Gavhane, AGP for Respondent No.4.

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CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 9th DECEMBER, 2024

P.C. :-

1. **Issue notice** to the Respondents, returnable on **4th February, 2025**. The learned Advocate Mr. Oak waives service of notice on behalf of Respondent No.1. The learned Advocate Ms. Pavitra M. waives service of notice on behalf of Respondent Nos.3. The learned AGP waives service of notice on behalf of Respondent No.4.

2. We have considered the submissions of the learned Senior Advocate representing the Petitioner and the learned Advocates appearing on behalf of the Respondents.

3. A prayer for ad-interim relief has been put forth. The learned Senior Advocate submits that out of the six Tolis which are operational in the establishment, a conscious decision was taken by the Management considering the availability of work and the modern machinery that has been installed for doing the work of unloading and loading of goods (Forklifts and similar Machines). As a consequence, the Management decided to reduce the work force, insofar as Toli No.6029 and 6030.

4. The Chairman of the Board has carried out an inspection and based on such inspection, he has come to a conclusion as regards the number of Mathadi workers that the Petitioner/Management would require. We find this approach to be not in consonance with the established norm and the prevailing practice of a private Management in deciding the number of workers that would be required for performing the available work after introducing modern machines for doing the said work. It is on this

premises that Respondent No.1 has passed an order rejecting the request made by the Management for reduction of the number of Mathadi workers in Toli Nos.6029 and 6030. As such, by way of ad-interim relief, the impugned order shall stand stayed.

5. Let the Respondents enter their affidavits in reply with pagination in continuation, at least ten days, prior to the returnable date.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)