

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**WRIT PETITION NO. 1051 OF 2023**

Bhandara District Labour Cooperative Society Limited Federation, Bhandara  
 .Vs.

State of Maharashtra, through its Secretary, Public Works Department, Mantralaya, Mumbai and others

Office Notes, Office Memoranda of Coram,  
 appearances, Court's orders of directions  
 and Registrar's orders

Court's or Judge's orders

Shri R.S. Parsodkar, Advocate for petitioner  
 Shri N.R. Patil, AGP for respondent Nos. 1 to 3  
 Shri B.N. Jaipurkar, Advocate for respondent No. 4  
 Shri M.V. Samarth, Senior Advocate a/w Shri S.K. Tambde, Advocate for  
 respondent Nos. 5, 6, 8 to 12, 19 to 21, 23 to 33, 35 to 43

**CORAM : AVINASH G. GHAROTE AND**  
**SMT M.S. JAWALKAR, JJ.**

**DATE : 25.09.2024.**

Heard, Mr. Parsodkar, learned Counsel for the petitioner, Shri N.R. Patil, learned Assistant Government Pleader for respondent Nos. 1 to 3, Shri B.N. Jaipurkar for the respondent No. 4 and Mr. Samarth, learned Senior Counsel for respondent Nos. 5, 6, 8 to 12, 19 to 21, 23, 33, 35 to 43 and.

2. The petition questions the order dated 02/09/2022 (page 50), whereby, the respondent Nos. 5 to 43 have been classified in terms of the Government Resolution dated 30/03/1979 (page 100). Mr. Parsodkar, learned Counsel for the petitioner submits that such a classification by the respondent No. 2 is not permissible for the reason that respondent Nos. 5 to 43 are not affiliated to the petitioner, federation. He relies upon Clause 11 (ii) (b) (page 109), of the Government Resolution dated 30/03/1979, in support of his

contention. He therefore submits, that the impugned communication dated 02/09/2022, classifying the respondent Nos 5 to 43, Societies cannot be sustained.

3. Mr Samarth, learned Senior Counsel for the aforesaid respondents, while supporting the impugned communication submits that classification has nothing to do with Clause 11(ii)(b) of the Government Resolution dated 30/03/1979.

4. A perusal of the Government Resolution dated 30/03/1979, would indicate that the Labour Societies are to be classified into three categories A, B and C, based upon their financial status, managerial and technical capacity and staff and the maximum eligibility is further divided into three classes, class - C having eligibility upto Rs.50,000/-, class – B, eligibility upto Rs.1,00,000/- and class - A having eligibility upto Rs.2,00,000/-. This eligibility is modified by the subsequent Government Resolution from time to time as per the statement of the learned Assistant Government Pleader and it is the modified Government Resolution, which prevails as of date regarding classification.

5. A perusal of the Government Resolution dated 30/03/1979, further indicates that the classification has to be done in respect of class – A, by the Superintending Engineer of the Revenue Circle of PWD, in whose jurisdiction, the Society is registered with the District Deputy Registrar. It further indicates that in respect of class - B and C, the classification has to be done by the Executive Engineer on similar lines. The

said Government Resolution does not indicate, that affiliation with the federation is the pre requisite for the purpose of classification. All that Clause 11(ii)(b) indicates is that the Society to whom, work is to be allotted is to be affiliated with the federation for the reason that the federation and the Society concerned would stand surety for the recommended advance given to the work awarding agencies, in cases of default. That would come into picture only where work is being allotted to a Society and not otherwise and has nothing to do with the classification to be done by the competent authorities as indicated in Clause - 1 of the Government Resolution. It is also necessary to note, that the allotment of work under the said Government Resolution has to be done by the Work Allotment Committee, which comprises by the District Deputy Registrar, the Executive Engineer of the PWD, Executive Engineer, Irrigation and the Assistant Registrar (Administration), working in the office of District Deputy Registrar as the Member Secretary and the petitioner federation has no role to play in allotment of such work. The only consequence of not being affiliated to the federation, would be that the federation would no longer stand as guarantor to the work which may be allotted to the Society.

6. We, therefore, do not see any merit in the petition, the same is dismissed. No costs.

(SMT M.S. JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)