



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

CIVIL APPLICATION (CAW) NO.1621/2022
IN
WRIT PETITION NO. 3376/2021

Indorama Synthetics (I) Ltd. Nagpur, through its Senior Vice President (Commercial Finance and Accounts)

Vs.

Nagpur and Wardha District and Unprotected Labour Board, Nagpur-1 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.B. Puranik, Advocate for petitioner
Shri N.S. Rao, Advocate for respondent Nos.1 and 2
Shri P.C. Morpakwar, Advocate for respondent No.3
Shri K.L. Dharmadhikar, Advocate for Intervenor

CORAM : AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ..
DATED : 05/01/2024

Civil Application No.1621/2022 is for intervention by the Vidarbha Kamgar Sanghatana, MIDC, Butibori, Nagpur on the ground that 59 Mathadi workers of the respondent No. 3 have resigned from the respondent No. 3 and have joined the applicant Union.

2. In that view of the matter, the applicant would be proper necessary party, in which of this, Civil Application No.1621/2022 is allowed. The addition be carried out forthwith. The Intervenor be added as Respondent No.4.

3. The petition challenges the order date 18/08/2021 by the Mathadi Board, Nagpur and Wardha, whereby the mode of payment to the

registered workers has been changed, which earlier was on daily basis as per the minimum wages, that has been changed to a tonnage basis depended upon the turn over.

4. Inviting our attention to the provision of Clause 33 of the Nagpur and Wardha District Mathadi Hamal Workers Scheme. It is contended that Sub Clause 2 and 5 prescribes the mode and factors which are required to be considered, while making any revision or change in the mode or manner of payment of wages.

5. A perusal of impugned order dated 18/08/2021, (page 62) does not demonstrate that this position has been taken into consideration by the Board while making the change. In that view of the matter, the order dated 18/08/2021 can not be sustained and is hereby quashed and set aside and matter is remitted back to the Board to pass a reasoned order, after considering the contrary submission and in light of the requirements as indicated in the aforesaid Scheme.

6. The parties shall appear before the Board 22/01/2024.

JUDGE

JUDGE