

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3027 OF 2025

Kavita Naresh Chanal & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

Ms. Samiksha Kanani, Advocate for the Petitioners.

Ms. P.B. Chavan, AGP for the Respondent – State.

CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.

DATE : 4th MARCH, 2025

P.C. :-

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1. The learned Advocate for the Petitioners appears through the Legal Aid.

2. The Union, namely Rashtriya Shramik Aghadi, is said to be espousing the cause of contractual workers deploying with the Pimpri Chinchwad Municipal Corporation. The Petitioners' claim to be the members of the Union. The Union approached this Court in Writ Petition No.12080 of 2022, alleging unpaid wages and equal wages for equal work, qua the regular workers of the Corporation. By an order dated 3rd July, 2023, this Court directed the Union to

approach the Additional Commissioner of Labour, Pune by putting forth Employment details and claim the unpaid wages under the Payment of Wages Act, 1936. The grievance of the Petitioners is that the Union has now deserted these Petitioners and their names are not included in the representation, which this Court permitted the Union to tender, vide order dated 3rd July, 2023

3. It is well settled that the issues requiring recording of oral and documentary evidence, should not be dealt with under the Writ jurisdiction of this Court. The issues raised by these Petitioners, involve disputed questions requiring recording of oral and documentary evidence.

4. In this backdrop, the Petitioners have two options. Firstly, that they can prefer an Application under the Payment of Wages Act, 1936. The delay if any, can be explained by the Petitioners by setting forth appropriate pleadings. The second option is that the Petitioners can approach the Labour Court at Pune under Section 33 C(2) of the Industrial Disputes Act, 1947, by invoking Section 21(4) of the The Contract Labour (Regulation And Abolition) Act, 1970. If the contractor does not pay their dues, the Principal Employer has to pay the same and recover the amount

from the contractor. Hence, both the parties can be arrayed as Respondents.

5. The learned Advocate for the Petitioners submits that the Additional Commissioner of Labour, Pune is not willing to accept their Applications, on the ground that they are members of the Union and they should approach only through the Union.

6. In the light of the Judgment in *Shramik Uttarsh Sabha V/s. Raymond Woollen Mills Ltd. And Others, (1995) 3 SCC 78*, if the Union does not espouse the cause of the workers, the workers can themselves take up their cause. It is nowhere pleaded in this Petition that the Rashtriya Shramik Aghadi is a recognized Union under the provisions of The Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, qua the Pimpri Chinchwad Municipal Corporation. In these circumstances or even otherwise, these Petitioners can themselves raise their issues of non-payment of wages, before the Competent Authority.

7. With the above liberty kept open, this **Writ Petition is disposed off**. All contentions are available to the parties.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)