

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

WRIT PETITION NO.864 OF 2025

Daivya Enterprises LLp & Anr.Petitioners

Versus

Grocery Market & Shops Board for
Greater Mumbai Thane & Raigad Dist. & Ors.Respondents

**WITH
WRIT PETITION NO.8558 OF 2024**

Akhil Bhartiya Mathadi, Suraksharakshak,
Shramajeevi & General Kamgar UnionPetitioner

Versus

The State of Maharashtra & Ors.Respondents

**WITH
WRIT PETITION NO.5539 OF 2023**

Subhash S Gaikwad & Ors.Petitioners

Versus

The State of Maharashtra & Ors.Respondents

**WITH
WRIT PETITION NO.6268 OF 2024**

The Bombay Dyeing & Manufacturing
Co. Ltd (Polyester Plant)Petitioner

Versus

Grocery Markets & Shops Board for
Greater Mumbai, Thane & Raigad District
Through the Chairman & Ors.Respondents

**WITH
WRIT PETITION NO.16906 OF 2024**

Akhil Bhartiya Mathadi Transport and General Kamgar Union	Petitioner
<i>Versus</i>	
The State Of Maharashtra & Ors.	Respondents

**WITH
WRIT PETITION NO.1552 OF 2025**

Fedex Express Transportation and Supply Chain Services (India) Pvt Ltd.	Petitioner
<i>Versus</i>	
Goods Transport Labour Board, Mumbai & Ors.	Respondents

**WITH
WRIT PETITION NO.1841 OF 2025**

Parle Agro Pvt. Ltd.	Petitioner
<i>Versus</i>	
Grocery Markets and Shops Labour Board, Mumbai & Ors.	Respondents

**WITH
WRIT PETITION NO.17653 OF 2024**

Bombay Dyeing and Manufacturing Co. Ltd. (Polyester Division)	Petitioner
<i>Versus</i>	
Grocery Market & Shops Board for Greater Mumbai Thane & Raigad Districts Through the Chairman & Ors.	Respondents

**WITH
WRIT PETITION NO.18102 OF 2024**

Bombay Dyeing and Manufacturing
Co. Ltd. (Polyester Division)

....Petitioner

Versus

Grocery Market & Shops Board for
Greater Mumbai, Thane and
Raigad District & Ors.

....Respondents

Mr. Suresh Pakale, Senior Advocate a/w Mr. Nilesh Desai,
Advocate for the Petitioners in WP/5539/2023, WP864/2025,
WP8558/2024, WP/16906/2024 & WP/1841/2025.

Mr. Kiran Bapat, Senior Advocate a/w Ms. Divya Wadekar,
Advocate for Respondent No.6 in WP/8558/2024.

Mr.Avinash Jalisatgi a/w. Ms. Divya Wadekar, Advocate for
Respondent No. 5 in WP/5539/2023.

Ms. Pavitra M., Ms. Bhargavi Patil, Ms. Kadambari Patil, i/b. Mr.
Meelan S. Topkar, for Respondent No. 2 in WP/5539/2023, FOR
Respondent No. 3 in WP/17653/2024 and for Respondent No. 2 in
WP/18102/2024.

Mr. Rahul D. Oak, Advocate for Respondent No.3 in WP/8558/2024
and for Respondent No. 5 in WP/864/2025.

Mr. B.S. Mahamulkar, Advocate for Respondent No.4 in
WP/8558/2024, WP/16906/2024, WP/6268/2024, WP/5539/2023,
WP/864/2025.

Mr. B.V. Samant, Additional G.P. a/w Mr. K.S. Thorat, “B” Panel
and Ms. Nisha Mehra, AGP for Respondent/State in Sr. No. 901 and
902.

Mr. Sanjay P. Shinde, Advocate for Respondent No.1 in
WP/17653/2024, for Respondent No. 2 in WP/6268/2024 & for
Respondent No. 5 in WP/16906/2024.

Mr. Kiran Bapat, Senior Advocate a/w Ms. Melanie Dsouza i/b. M/s.

A.S. Dayal & Associates, Advocate for Respondent Nos.2 & 3 in WP/5539/2023.

Mr. J.P. Cama, Senior Advocate a/w Mr. Avinash Jalisatgi, Mr. T.R. Yadav, Mr. Varun Joshi, Mr. Chetan Alai & Ms. Divya Wadekar, Advocate for the Petitioners in WP/1552/2025, WP/1841/2025, WP/6268/2024, WP/17653/2024, WP/18102/2024.

Mr. Jigar K. Agrawal a/w Mr. Yogendra Sharma, Advocate for the Petitioners in WP/864/2025.

Mr. Sunil Kharwal a/w Ms. Sushma Sharma & Mr. Tanaji Jadhav, Advocate for Respondent Nos.3 and 4 in WP/1552/2025.

Mr. B.S. Mahamulkar, a/w. Mr. Rahul Oak, Advocate for Respondent No.1 in WP/6268/2024, WP/18102/2024, WP/17653/2024, WP/1841/2025, WP/1552/2025.

Mr. Laxman Deshmukh, Advocate for Respondent Nos. 3 to 6 in WP/1841/2025.

Mr. Mutahhar Khan a/w Ms. Kamini Pansare i/by V.M. Legal, Advocate for Respondent in WP/8558/2024.

Ms. I.A. Kundan, Principal Secretary, Labour Department, Government of India, present in person.

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

DATE : 2nd MAY, 2025

P.C. :-

1. On 17th April, 2025, this Court had passed a speaking order, practically giving guidance to the Ministry of Labour and Industries to publish advertisements calling for applications with the

purpose of nominating representatives to the Board to be constituted under Section 6 of the Maharashtra Mathadi Hamal and Manual Workers (Regulations of Employment and Welfare) Act, 1969 (hereinafter referred to as '**the 1969 Act**'). A time schedule was set out in the order.

2. However, we noticed on 30th April, 2025, when the learned Additional G.P. tendered a compilation of 141 Pages, marked as '**X-2**', that the Ministry had devised its own methodology for publishing the advertisements through the respective Boards. This created a picture as if the respective Boards, which are non functional under Section 6 of the 1969 Act, and are being administered under emergency provision of Section 6-A of the 1969 Act, by the Deputy Commissioner/Assistant Labour Commissioner, have undertaken the said exercise.

3. These Boards were directed by the Ministry to issue advertisements. Document '**X-2**', which contains the entire advertisements, clearly indicates that it is the Board which has issued the advertisement, though stating therein that such advertisements have been issued under the orders of the High Court.

We realised the chaos created by the Ministry of Labour and Industries and hence we passed an order on 30th April, 2025, calling upon the learned AGP to address the Court as to why proceedings under the Contempt of Courts Act should not be initiated against the person responsible for implementing our order in a different way and directing publication of advertisements by respective Boards, which was not the direction of this Court.

4. Today, we are informed that the Principal Secretary, Ministry of Labour and Industries Ms.I.A. Kundan is present in the Court. A three page note on the letterhead of the concerned Officer dated 2nd May, 2025, is placed before us and which is marked as 'X-3' for identification. The concerned Officer has set out certain reasons to indicate that the issue of publishing the advertisements was discussed at the Secretariat level and the Secretariat found it more practicable and convenient to have the advertisements published by the respective Boards.

5. The learned AGP informs us that there are no specific Rules under the Maharashtra Mathadi Hamal and Manual Workers (Regulations of Employment and Welfare) Act, 1969, in order to

monitor the procedure for publishing advertisements while constituting the Board under Section 6 of the 1969 Act or the Advisory Committee under Section 14 of the 1969 Act.

6. Along with the learned AGP, the Principal Secretary who was permitted by us to address the Court, concede that it would have been pragmatic for the Secretariat to approach this Court and seek guidance in the backdrop of the task to be performed by publishing advertisements by the Secretariat. This was missed by the Secretariat. The slip is regretted, and an unconditional apology is tendered.

7. We have considered the submissions of the learned Senior Advocates, Mr. Cama and Mr. Pakale, along with the learned AGP, and it is suggested that the State needs to come out with a corrigendum and put things in proper perspective so as to lend a meaning that the said advertisements were published for and on behalf of the Ministry of Labour and Industries.

8. We put it across to the learned Senior Advocates as to what would be the fate of these advertisements if any person was to

challenge the selection process on the foundational pleading that the advertisement was *void ab initio*. The learned Senior Advocates have assisted the Court by suggesting that the corrigendum must be in clear terms that a mistake had occurred and the said advertisements shall be deemed to have been issued for and on behalf of the Ministry of Labour and Industries for the purpose of constituting the Board under Section 6 of the 1969 Act. It was also suggested that which ever applications that the Boards would now receive, should be forwarded to the Secretariat of the Ministry of Labour and Industries by each of these Boards without opening the envelopes. In addition, the time period may be extended to permit those desirous of being considered for nomination on the Board, to make applications directly to the Secretariat.

9. We believe from the address of the Principal Secretary that the apology is genuine. She has frankly stated that it was a mistake out of sheer pressure of work, in trying to simplify things that led to the above stated error. Hence, we close this issue at this stage.

10. In order to rectify the mistake that was committed by the Secretariat, we are issuing the following directions :

(a) The State Government shall issue a corrigendum in all those newspapers in which the advertisements were published, with a clear indication that the advertisement shall be deemed to be published for and on behalf of the Ministry of Labour and Industries and under the instructions of the said Ministry.

(b) The corrigendum would also contain a direction to each of the Boards that which ever applications the Boards would receive, should be forwarded to the Secretariat of the Ministry of Labour and Industries without any of those applications being opened. In the event, any application is opened, the same shall be forwarded to the Secretariat.

(c) So also, the time which was granted till 10th May, 2025 for tendering such applications or nomination papers, would be extended to 15th May, 2025, and consequentially, the timeline as directed in the order dated 17th April, 2025, would also stand postponed by five days to 15th June, 2025.

(d) Insofar as the scrutiny of the nomination papers/applications of the candidates, the Secretariat may take the assistance of the respective Boards as well as the Authorities at the local place for checking the antecedents of the Applicants/nominations. The presently operating Single Member Board would keep in mind the scheme prescribed under the 1969 Act for the purposes of Constitution of the Board under Section 6 of the 1969 Act and ensure appropriate scrutiny of each applications/nomination, accordingly.

(e) We expect the Secretariat to constitute a Committee, which shall be Chaired by the Additional Commissioner (Mathadi) or seniormost Deputy Commissioner Labour, posted at Mumbai, which will scrutinize the applications and if required, would also collect information or feedback from the respective Single Member Boards in Maharashtra.

(f) The Secretariat would publish the list of Applicants/nominations received from the respective Boards, on its website, in between 18th May, 2025 to 20th May, 2025.

(g) Last date for receiving such applications would be 15th May, 2025. Online applications or physical applications, would

be permitted till 23:59 hours on 15th May, 2025.

11. We make it clear that the above directions are being issued in order to neutralize the deficiencies that have crept into the advertisement process on account of a misinterpretation or wrong interpretation of the directions of this Court set out in the order dated 17th April, 2025.

12. By consent of the parties, list these Petitions on **30th June, 2025** as **Part-heard** at **2:30 p.m.**, in the fresh admissions category.

13. Writ Petition No.2509 of 2025 and Writ Petition No.1885 of 2025, be also listed along with these Writ Petition on 30th June, 2025.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)