

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

(Sr. No. 901) 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
versus	
The State Of Maharashtra & Ors	Respondents

**WITH
(Sr. No. 902) WRIT PETITION NO.1552 OF 2025**

Fedex Express Transportation and Supply Chain Services (India) Pvt Ltd.	Petitioner
versus	
Goods Transport Labour Board, Mumbai & Ors.	Respondents

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

Parle Agro Pvt Ltd	Petitioner
versus	
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
versus	
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. 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. Dilip Vanire, Under Secretary, Labour Department present in Court.

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

DATE : 17th APRIL, 2025

P.C. :

1. It is not for the first time that in matters of such nature, we have noticed an urgent and imminent need to have regular Boards 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”).

2. All over the State, Unions as well as the Managements have

been constantly demanding the constitution of such Boards under section 6. It is undisputed that for more than 2 decades, the State Government has exercised its power under section 6A, to appoint a one man Board which was to be done supposedly to overcome a situation. However, this has practically become the norm. It is for more than 2 decades that one member Boards are functioning in all such areas to which the 1969 Act and the Scheme framed thereunder, has been made applicable.

3. Each time when such a Petition comes before the Court, the first question to be raised is why is a one man Board continued under Section 6A which is a special provision inserted by Maharashtra Act 27 of 1972, to tide over peculiar situations. The State has always been offering an answer that it is in the process of constituting the boards under section 6. After more than 2 decades, we are compelled to issue directions for the constitution of the Boards within a particular time line.

4. The learned Senior Advocates/Advocates appearing on behalf of the Petitioners and the Respondents are united in submitting that directions need to be issued for constitution of the Boards under Section 6 of the 1969 Act.

5. The learned AGP was instructed to convey to us on 12th March, 2025 that the file would be reaching the Hon'ble Chief Minister shortly to enable the said Authority to issue directions for initiating the procedure for constitution of the Boards, as well as the Advisory Committees. We had recorded such statement in our order dated 12th March, 2025 and we had granted time to the State to make a statement on 3rd April, 2025.

6. On 3rd April, 2025, the learned Add. G.P. placed a copy of L.C. Bill No. III of 2025, dated 19th March, 2025 (5 pages). This was taken on record and marked as X-1 for identification. We had considered the statement made on instructions and recorded the same in paragraphs 2 and 3 in our order dated 3rd April, 2025 which read thus :

“2. He informs that the said bill pertains to the amendment to the Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969. At clause 7, Section 14 is sought to be amended with the introduction of sub-Section 1A, enabling the State Government to issue a notification or take a decision for implementation of the provisions of the Act without advise or consultation of the Advisory Committee, if the Advisory Committee is not functional for any reason.

3. *The said provision is relevant to the cause that is being taken up in these matters wherein it has been brought to our notice that the Special Board under Section 6A appointed for dealing with the implementation of the provisions of the Act in the form and nature of a Single Member Board for the various Boards, is continued for more than 20 years. Under Section 6, the Board has to be constituted by the Government. The learned Additional G.P. submits that the Hon'ble Governor is likely to grant his assent to the said Bill No.III of 2025, shortly.”*

7. The learned Senior Advocate Shri Cama has pointed out by referring to the provisions of 1969 Act, that there is no mandate for the State Government to consult an Advisory Committee and then constitute the Board under Section 6. So also, the formation of the Advisory Committee provided under Section 14 of the said Act, is to enable the Committee to advise the State Government on matters arising out of the Administration of the Act or any Scheme thereunder, relating to the application of the provisions of the Act to any particular class of unprotected workers and employers, or coordination of work of various Boards. The manner in which the Advisory Committee is to be appointed is also prescribed below section 14. There is a slight distinction between the constituents of the Advisory Committee under section 14 and the

Board under section 6.

8. Since it has been a too long a call for constituting the Board in these last 20 years, that we are exercising our extraordinary powers under Article 226 of the Constitution of India. We are constrained to issue a mandamus to the State Government as under :

(a) The concerned Labour and Industries Ministry shall publish an advertisement in largely circulated one English and one Marathi Newspaper, at each place where a Board is provided through the One Man Board, under Section 6A 1969 Act.

(b) Such an advertisement would be published on or before 25th April, 2025.

(c) we direct that the interested employees/Unions as well as the Managements would forward their applications/recommendations/nominations, with 15 days in order to enable the State Government to constitute the Board for the unprotected workmen and those industries in which the Mathadi activity is on going. In short, such applications/nominations should reach the Authorities mentioned in the advertisement, by 10th May, 2025.

(d) Considering the urgency involved in constitution of the Boards in certain areas, the State Government shall publish the constitution of the

Boards after the exercise of nominations is completed, in the official gazette, on or before 10th June, 2025, in areas of Nagpur, Amravati, Mumbai / Thane, Raigad, Palghar, Pimpri Chinchwad/Pune, Chatrapathi Sambhaji Nagar (Aurangabad), Nashik, Satara, Sangli and Kolhapur.

(e) In so far as the other districts/areas are concerned, the constitution of the Boards would be published in the Gazette on or before 30th June, 2025.

9. The learned Addl. G.P. submits on instructions from the Under Secretary Shri Dilip Vanire present in the court, that some process of constituting the Board has been initiated. We are circumspect about how the process has been started without inviting applications and without publishing the advertisements. We disapprove of any procedure *dehors* the rules available on the Statute Book and such Board shall be constituted strictly in accordance with prescription set out in the 1969 Act and the Schemes.

10. *Dehors* the Statutory guidelines/Rules and nominations to be made by the Unions/workers/ unprotected workers/ employers, meant for the purpose of advancing the intent/object and the provisions of the 1969 Act and the Scheme thereunder, we trust the State Government will

not consider outsiders. The representatives would be persons who are actually workers working in such Mathadi activities and industries.

11. List these Petitions on 30th April, 2025 at 2.30 p.m., in order to enable the learned AGP to place on record the various advertisements to be published as directed above,

12. Interim orders passed earlier to continue.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)