

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.665 OF 2024

Kachara Vahatuk Shramik Sangh

.. Petitioner

Versus

Bhushan Gagrani

Commissioner, Municipal Corporation of Greater

Bombay and Ors.

.. Respondents

-
- Ms. Rohini Thyagarajan, Advocate for Petitioner.
 - Mr. R. Y. Sirsikar, Advocate for Respondent.
-

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 18, 2025

P.C.:

1. Heard Ms. Thyagarajan, learned Advocate for Petitioner and Mr. Sirsikar, learned Advocate for Respondents.

2. The facts in the present Contempt Petition are extremely serious. There is a judgement passed by this Court dated 08.11.2023 in Writ Petition No.5357 of 2021. Timeline of two months was set in the said judgement passed by this Court. The same was challenged by Corporation in the Supreme Court by filing Special Leave Petition (Civil) No.58364 of 2024. The Supreme Court has molded the relief and passed a specific order disposing of the Special Leave Petition on 03.03.2025 directing the Award to be implemented within four months from that date. That timeline has expired on 03.07.2025. When the matter is heard by me today i.e. 18.08.2025, the approach of the

Advocate for Respondent Corporation – Contemnor is extremely casual. There is no sense of urgency expressed for the order passed by the Supreme Court by the Corporation. The issue involves payment of wages to 588 employees who have been serving the Corporation for decades since 1996 as observed by this Court and the Supreme Court. They all have been granted permanency. Their monetary benefits will have to be computed and given to them by the Corporation. The Corporation has taken limited steps after passing of the Supreme Court order on 03.03.2025 which has prompted the Petitioner – Union to seek redressal of Court.

3. Hence, I am inclined to issue notice to Respondent in the Contempt Petition and call upon a responsible Officer of the Corporation not below the rank of the Deputy Commissioner to file an appropriate Affidavit in this Court as to why the directions contained in the order dated 03.03.2025 passed by the Supreme Court are not been implemented and complied with despite the timeline of four months having expired as far back as on 27.07.2025 and why the same were not complied within the prescribed time stated in the Supreme Court order.

4. Ms. Thyagarajan informs the Court that pursuant to order dated 03.03.2025 passed by the Supreme Court, 217 letters of permanency have been issued to workers out of total 580 and 363

workers are left out in the lurch. She would submit that 77 of these workers have expired in the interregnum whose details are provided to the Corporation. She would submit that some of the remaining workmen may even have crossed the age of superannuation / retirement, but they will have to be identified. However to begin with, if the Corporation is unable to take further steps in respect of the balance 380 workers, it is required of the Corporation to engage the Petitioner for ascertaining their details.

5. I am informed that letter to that effect is written only on 14.08.2025 which is too late in the day according to this Court.

6. Be that as it may, copy of the said letter is handed over to Ms. Thyagarajan in Court for the first time before me today. She shall take appropriate instructions and compile the data from her end to the extent possible and inform the Corporation.

7. There is one more alarming issue which is raised by Ms. Thyagarajan with respect to the present case. The 217 workers out of the total 580 workers who have been issued letter of permanency have not been paid any wages whatsoever for the past two months by the Corporation. This submission by Ms. Thyagarajan is made on Affidavit dated 18.08.2025 which is filed in Court today. The averments made in paragraph No.9 of the Affidavit state that Respondent – Corporation has altogether stopped paying earned wages of these workmen who

have been issued their letter of permanency and who are still in active service of the Corporation. This is a very serious issue which the Deputy Commissioner of the Corporation who shall file the Affidavit of Compliance in the present Contempt Petition shall acquaint himself with and give an explanation to this Court on Affidavit.

8. It is shocking that despite exploiting services of these workmen, giving them status of permanency, they have not been paid for the past two months any wages, even the statutory minimum wages despite they rendering continuous service to the Corporation. This Court finds the above situation very serious and therefore the Court shall now monitor the same on all future dates.

9. Ms. Thyagarajan informs the Court that according to her information atleast 77 workers out of 580 workers have expired in the interregnum and the Corporation has not attempted to any steps to calculate their arrears amount and pay the same to their legal heirs who will also have to be ascertained which is her grievance expressed in paragraph Nos.14 and 15 of Additional Affidavit dated 18.08.2025 filed today. Considering the fact that the judgement was passed by this Court on 08.11.2023 i.e. more than one and half years ago and Supreme Court passed the final order on 03.03.2025 i.e. five months ago, it is seen that Corporation has not taken adequate steps as required.

10. Hence, issue notice to Respondent. Humdast permitted. Mr. Sirsikar waives service on behalf of Respondents.

11. Appropriate Affidavit is directed to be filed by Respondents within a period of one week from today.

12. Stand over to **25th August, 2025**. List the matter under the caption '**First on Board**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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2025.08.19
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