

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. Ravi Kadam, Senior Advocate a/w. Mr. Pralhad Paranjpe, Mr. Drupad Patil, Mr. R.Y. Sirsikar, Mr. Indrajeet Jagdale and Mr. Santosh Parad, Advocates for BMC.
 - Ms. Angha Padiyar, Deputy Chief Engineer (SWM) present.
 - Mr. Sudhakar Suradkar, Joint Chief Labour Officer present.
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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 25, 2025

P.C.:

1. Heard Ms. Thyagarajan, learned Advocate for Petitioner;
Mr. Kadam, learned Senior Advocate for Respondents.

2. On 18.08.2025, the following order was passed:-

"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'."

3. Affidavit in compliance of the said order has been filed by the Corporation. *Prima facie* on going through the Affidavit, I am of the opinion that intent has been shown by the Corporation to ensure that payment to all concerned workmen is duly made.

4. There are three categories of workmen. 77 out of 580 workmen have expired in the interregnum. Hence their legal heirs will be in a position to claim their dues from the Corporation .

5. Learned Senior Advocate informs the Court that only in cases of dispute between legal heirs and they not coming to a settlement, the Corporation shall hold their dues subject to they getting an appropriate order from the Civil Court / Competent Court. However in cases where there is no dispute the dues shall be paid by

the Corporation. This is a positive statement.

6. Next he would submit that insofar as 217 workmen are concerned, their details are all available and provided by the Union to the Corporation and directions contained in the above order passed by Court shall be duly complied with by the Corporation.

7. Regarding 363 workmen some of whose whereabouts are unknown and some of whom are not traceable, Corporation has shown a positive approach by issuing a public advertisement in the local newspaper Mumbai Choufer, Maharashtra Times, Nava Kal, Yashobhumi, Punyanagari and two Gujarati papers to give wide publicity to call upon the workmen to take notice and approach the Corporation. Hence time will have to be given to the Corporation to take further steps with respect to these 363 workmen, 9 out of which are already identified. The Union can also be proactive and help the Corporation in this regard for tracing the said workmen.

8. Ms. Thyagarajan would persuade the Court to notify a time bound programme. Considering the history of the present dispute between the parties during the last two decades, the Court cannot put a fetter on the Corporation so as to disturb the working of the Corporation. At the end of the day what is important is to ensure that orders passed by the Court are complied with by parties and it is seen that a very positive and clear intent is shown by the Corporation in the

present case. In that view of the matter, I am inclined to dispose of the Contempt Petition with leave and liberty to the Petitioner to approach this Court in case of any further difficulty.

9. There is another issue raised by Ms. Thyagarajan in the additional Affidavit which is noted in paragraph No.8 of the above order. This was regard to non-payment of salary to the workmen who are presently working with the Corporation since July 2025. In that regard Mr. Kadam would inform the Court that the said issue has been resolved by the Corporation and it will be ensured by the Corporation that these workers shall receive their monthly wages on month to month basis from October 2025 onwards. He submits that Corporation needs time to compute and prepare their salary details / table. The instructing officer of the Corporation Ms. Padiyar is present in the Court and she is impressed upon by the Court to ensure that if the workers do their work on day to day basis then they should be paid their monthly dues. Mr. Kadam thereafter on taking instructions and deliberating with his team informs the Court that since these workers have already worked but were not paid / underpaid for the month of July and August 2025, Corporation shall pay them on ad-hoc basis an amount of Rs.50,000/- and ad-hoc wages shall also be paid for the month of September so that in the meantime the Corporation will get time to compute their monthly wages for the above months and further thereafter and then it shall ensure that they all will get their regular

monthly salary from October 2025 onwards alongwith any difference in salary for the above months.

10. No further orders are required to be passed at this stage.

11. Contempt Petition is therefore disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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SAWANT

Digitally signed
by HARSHADA
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SAWANT
Date:
2025.08.25
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