

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3486 OF 2025

Shri Sandeep Janu Gavit & Ors. ... Petitioners

versus

The State of Maharashtra & Ors. ... Respondents

Mr.Tanaji Mahatugade for the Petitioners.

Mr.A.K.Naik, AGP for the Respondent -State.

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

DATE : 10TH MARCH, 2025

P.C. :-

1. The Petitioners have put forth prayer clauses (A), (B)
and (C), as under :

“A] That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ, direction or order under Article 226 of the Constitution of India, 1950, and be please to direct the Respondent No.5 to ensure that the minimum pay in the lowest pay grade, inclusive of dearness allowance, payable to the regular/permanent employees shall be paid to these Petitioners.

[B] That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ, direction or order under Article 226 of the Constitution of India, 1950, and be please to

direct the Respondent No.5 not to terminate the services of the Petitioners till the permanent posts in clear vacancies are filled up by following due procedure.

[C] That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction or order under Article 226 of the Constitution of India, 1950, and be please to direct the Respondent No. 5 Principal Employer not to transfer the Petitioners to the Contractor as Contractual employees of the Contractor.”

2. The Petitioners are class IV employees. All of them fall within the definition of ‘workman’ under Section 2 (s) of the Industrial Disputes Act, 1947. All of them have preferred a complaint (ULP) No. 167 of 2024 before the Industrial Court at Thane on 24th October, 2024 seeking regularization of services and all incidental and consequential benefits.

3. The Petitioners had earlier approached this Court in Writ Petition No. 397 of 2024. By order dated 2nd February, 2024, this Court directed them to approach the Industrial Adjudicator. In the ULP complaint pending before the Industrial Court, the Petitioners have put forth ten prayer clauses in which the prayer for minimum rates of wages, Corona incentive allowance,

regularization of service upon completion of 240 days, equal wages for equal work in relation to regular sweepers and declaration of ULP, have been set out. Their Interim Application has been rejected vide order dated 3rd December, 2024, running into eight pages. The interim relief has been refused. Thereafter, the Petitioners preferred a Review Application (ULP) bearing No. 4 of 2024. The said Review Application has also been rejected by order dated 28th January, 2025.

4. In the light of the above, filing a Writ Petition before the Division Bench is not the relief permissible in law. The Petitioners will have to approach the learned Single Judge Bench, if they are aggrieved by the interim orders of the Industrial Court.

5. In view of the above, **this Writ Petition is dismissed.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)