

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

WRIT PETITION NO. 9519 OF 2025

Kamgar Hitkarini Sabha & Anr. ... Petitioners
versus
The Navi Mumbai Municipal
Corporation & Ors. ... Respondents

Mr.Rashid Khan with Mr.Siddharth S. Ingle for the Petitioners.
Mr.Ravindra S. Pachundkar for Respondent No.1- Municipal
Corporation.
Mrs.Ashwini A. Purav, AGP for Respondent Nos. 2 to 5, State.

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

DATE : 10th September, 2025

P.C. :-

1. We have heard the learned Advocates for the Petitioners
and the Municipal Corporation, at length.

2. Considering the prayers put forth by the Petitioners
below paragraph 59 (a to m), we find that the issues pertain to the
following aspects:

(a) Implementation of certain decisions taken by the
Municipal Corporation in its meeting dated 6th June,

2007, to absorb the Petitioners and similarly placed employees, into permanent service;

(b) Categorization of the Petitioners into specific sections and determination of the nature of their duties;

(c) Draw their pay scales and allowances;

(d) Equal pay for equal work, by comparing the nature of duties performed by contractual employees working under the provisions of the Contract Labour (Regulation and Abolition) Act, 1970 (the CLRA Act, 1970), vis-à-vis the regular employees in the Class IV category of the Municipal Corporation;

(e) The Safai Kamgars' claim for salary benefits, service conditions and regularization;

(f) Elimination of the contractor to enable direct absorption of the contractual workmen by the Municipal Corporation.

3. Considering the above aspects, we find that the Petitioners are required to follow the law laid down by the Hon'ble Supreme Court in *Vividh Kamgar Sabha Versus Kalyani Steels Ltd.*

*and Another*¹ and *CIPLA Ltd. Versus Maharashtra General Kamgar Union and Others*², wherein it has been concluded that such employees must raise an industrial dispute under Section 2(k) of the Industrial Disputes Act, 1947, and implead, both, the Contractor and the Principal Employer as necessary parties to the dispute. On noticing an industrial dispute, the Conciliation Officer is required to initiate conciliation proceedings, and in the event of failure, submit a failure report to the appropriate Government. Thereafter, the reference may be forwarded to the concerned Industrial Tribunal having jurisdiction in the Thane District.

4. Insofar as the Petitioners' claim for the abolition of the contractual labour system under Section 10 of the CLRA Act, 1970 is concerned, they will have to approach the mechanism prescribed under that Act. They cannot lose sight of the judgment delivered by the Hon'ble Supreme Court (Five-Judges Bench) in the matter of *Steel Authority of India Ltd. and Others Versus National Union Waterfront Workers and Others*³

1 (2001) 2 Supreme Court Cases 381

2 (2001) 3 Supreme Court Cases 101

3 (2001) 7 Supreme Court Cases 1

5. The learned Advocate for the Municipal Corporation submits that if the industrial dispute is raised, the Municipal Corporation would participate in the conciliation proceedings. He, however, cannot make a statement as regards the claims of the Petitioners.

6. We find that these Petitioners claim to have been working for more than two decades. It is high time that they receive the benefits of employment, coupled with job security. Post-retirement benefits pose a necessity for them. Insofar as various decisions taken by the Municipal Corporation regarding such employees are concerned, and which are alleged to have not yet been implemented, the Industrial Tribunal would consider such claims in the light of Section 2(p) of the Industrial Disputes Act, 1947, read with Section 18. *Prima facie*, the non-implementation of such decisions or agreements, would constitute a recurring cause of action.

7. In view of the above, we grant liberty to the Petitioners to approach the industrial disputes resolution mechanism under the Industrial Disputes Act, 1947 by raising an industrial dispute under Section 2(k).

8. Needless to state, the Contractor as well as the Municipal Corporation, would be added as Respondents.

9. We would direct the Municipal Corporation to participate in the conciliation process which would be conducted by the Conciliation Officer.

10. All contentions of the parties are kept open.

11. **This Writ Petition is disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)