

HARSHADA H. SAWANT  
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.10551 OF 2025**

Lokrajya Swayam Rojgar Seva Sahakari Sanstha  
Limited

.. Petitioner

**Versus**

Shramik Janata Sangh and Anr.

.. Respondents

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- Dr. D. S. Hatle a/w. Mr. Mandar Surve, Advocates for Petitioner.
- Ms. Sudha Bhardwaj, Advocate for Respondent No.1.
- Ms. Vrishali Raje, AGP for Respondent No.2.

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**CORAM : MILIND N. JADHAV, J.**

**DATE : SEPTEMBER 15, 2025**

**P.C.:**

**1.** Heard Dr. Hatle, learned Advocate for Petitioner; Ms. Bhardwaj, learned Advocate for Respondent No.1 and Ms. Raje, learned AGP for Respondent No.2.

**2.** I am informed that Government Department namely Regional Mental Hospital where employees are employed have been served. No Government Pleader is appearing in the matter despite being served.

**3.** I have requested Ms. Raje, learned AGP present in the Court to appear in the matter. The Chief Government Pleader, Appellate Side shall take cognizance of this order and take appropriate instructions from the concerned Officers of the Government and file appropriate Affidavit-in-Reply alongwith details of payments which are

outstanding as informed by Dr. Hatle.

**4.** In the present case, challenge is maintained by immediate employer of the employees who have given their life and blood to the service of the Government in the Thane Mental Hospital for several years as can be seen from the record. All that these employees have prayed for is minimum wages which are denied to them.

**5.** Dr. Hatle, learned Advocate appearing for the immediate employer who is a Contractor appointed by the Health Ministry of the State Government who is the Controlling Authority would submit that he is completely helpless because Government is not paying any amounts to the Contractor *albeit* rather even minimum wages which the Contractor can pass on to the employees.

**6.** This is the reason why I have directed the learned Chief Government Pleader to take appropriate instructions and apprise the Court on the next adjourned date. There is no dispute about the fact that these employees who are before the Court are performing work equivalent to and shoulder to shoulder with the permanent employees employed in the Hospital.

**7.** However, it is seen that the wages which are paid to them are below the minimum wages as alleged. Today when the matter is heard by me neither Dr. Hatle nor Ms. Bhardwaj, learned Advocate for the Workers – Union are able to assist the Court and inform the Court

about the outstanding arrears of wages which are due and payable to these workmen / employees.

**8.** Ms. Bhardwaj has drawn my attention to operative clause No.(4) appearing on page No.37 in the impugned order to contend that directions contained therein are not followed either by the immediate employer neither the State Government.

**9.** She would submit that she has instructions to file a cross Petition by placing on record all details of the outstanding arrears of minimum wages of the workmen / employees to apprise the Court and seek appropriate orders.

**10.** Dr. Hatle, learned Advocate on behalf of the immediate employer who is a Contractor would submit that the Contractor is virtually at the mercy of the State Government. If that be the case, the Contractor need not continue as Contractor. If he chooses to continue as the immediate employer, the primary onus will undoubtedly lie on him to ensure that minimum wages are paid to the employees who are working under him.

**11.** Petitioner is a registered Contractor under the Contract Labour (Regulation and Abolition) Act, 1971 (for short '**the said Act**'). Once that is the position, provisions of Section 12 and 21(4) of the said Act come into play.

**12.** Dr. Hatle would however argue that if Section 21(4) of the said Act is to be invoked, the primary liability will be that of the principal employer which is the Ministry of Health Affairs of the State Government in the present case.

**13.** Dr. Hatle is directed by the Court to place on record on Affidavit all details of the outstanding amounts of wages which are due and payable from the State Government to the workers / employees working under his client in the Government Mental Hospital within a period of one week from today.

**14.** Equally the Ministry of Health Affairs of the State Government is directed to depute a responsible Officer to remain present in Court on the next adjourned date and the learned GP is requested to ensure that she takes instructions from the concerned Officer and files an appropriate Affidavit in order to enable the Court to hear the present Writ Petition and pass appropriate orders therein.

**15.** Employees are at liberty to file the cross Petition as informed by Ms. Bhardwaj forthwith. Copy of the same shall be served on the other side.

**16.** Stand over to **29<sup>th</sup> September, 2025**. To be placed under the caption '**First on Board**'.