IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 126 OF 2026
IN
WRIT PETITION NO.11718 OF 2025

Rajendra Naumi Chhajlane and Anr. ...Petitioners

V/s.

The State of Maharashtra and Ors. ...Respondents

Mr. Akash Menon *with Ms. Isha Porje for the Petitioners.*

Mr. Suresh M. Kamble *for Respondent Nos.2 to 4.*

Ms. Shivani S. Shinde *for Respondent Nos.5 to 46.*

Mr. A.C. Bhadang, *AGP for Respondent-State.*

CORAM: SANDEEP V. MARNE, J.

DATED: 12 OCTOBER 2026.

P.C.:

1) The Petition is filed seeking review of order dated 20 August 2026 by the Petitioners, who were never part of the three Writ Petitions, decided by order dated 20 August 2026. By the present Review Petition, Petitioners essentially seek deletion of condition No.(ii) in paragraph 5 of order dated 20 August 2026. Paragraph 5 of the order under review reads thus:-

> 5) In the light of the above position, the proceedings are remanded before the Industrial Court for re-examination of the claims of the

> Petitioners. They shall be considered for appointment as Safai Kamgar if they fulfill the criteria viz.,(i) reflection of names in seniority list, (ii) reflection of names in the list of employees, on whose behalf the Complaint (ULP) No. 134 of 2007 was filed, (iii) not crossing the age of 50 years and (iv) producing Aadhar card number. The Industrial Court shall accordingly re-examine the eligibility of the Petitioners afresh according to the above criteria. This exercise shall be completed as expeditiously as possible, preferably within a period of three months.

2) The exercise of examination of eligibility for grant of benefits of the consent terms is directed by Division Bench of this Court by order dated 5 February 2024 passed in Writ Petition No.10225 of 2017 towards execution of order dated 25 January 2010 passed by the Industrial Court in Complaint (ULP) No.134 of 2007. While undertaking the exercise of determining eligibility, the Industrial Court erroneously included the condition of inclusion of name in the three Writ Petitions, which are decided by order dated 5 February 2024 thereby restricting the scope of eligibility process. Since the exercise of examination of eligibility is being carried out towards execution of order dated 25 January 2010 passed in Complaint (ULP) No.134 of 2007, it cannot be that the Complainants of Complaint (ULP) No.134 of 2007 are excluded from the process of determination of eligibility. In that sense, condition imposed by the Industrial Court of a person being a Petitioner in the three Petitions decided on 5 February 2024 was clearly erroneous. All that is done by this Court is to ensure that persons whose names figured in Annexure-A to the Complaint (ULP) No.134 of 2007 are also included in the process of examination of eligibility for grant of benefits of the consent terms.

3) The learned counsel appearing for the Petitioner invites attention of this Court to averments in paragraph 11 of the Complaint, in support of his contention that the list appended at Annexure-A to the Complaint was not an exhaustive list of Safai Kamgars. In my view, however, once a complaint of unfair labour practice is filed by an Union for espousing cause of specific employees /workmen, it is incumbent to attach to the Complaint a list of affected workmen. The Union cannot maintain a complaint on behalf of unnamed members. In that view of the matter, benefits of consent terms will have to be necessarily restricted only to the workmen, whose names are included in Annexure-A to the Complaint (ULP) No.134 of 2007. Since the Division Bench has contemplated the process of verification of eligibility through the process of execution of order dated 25 January 2010 passed in Complaint (ULP) No.134 of 2007, it is imminent that the benefits of such execution cannot travel beyond the scope of named individuals in Annexure-A to Complaint (ULP) No.134 of 2007. In this regard, observations made by the Division Bench in paragraph 9 of the order dated 5 February 2024 passed in Writ Petition No.10225 of 2017 are relevant, which read thus:-

> 9. Accordingly, we permit the Petitioners to file an application for execution of the order dated 25 January 2010 passed by the Industrial Court in Complaint (ULP) No.134/2007 read with the order dated 27 June 2016 passed by learned Single Judge of this Court in Writ Petition No.7060/2010. If such an application is filed by the Petitioners within a period of four weeks, the Industrial Court will examine the case of each of the Petitioners as regards their eligibility as on 25 January 2010 as as per the consent terms arrived at before this Court and once the Petitioners are found to be eligible as above, will issue necessary orders to the Respondent- Corporation for complying with the order. The said exercise to be carried out by the Industrial Court within a period of six months from the date of the application. The eligibility of the Petitioners will have to be accepted

from the date of the order of the Industrial Court, that is, 25 January 2010

4) Since the exercise directed to be undertaken by the Industrial Court in terms of paragraph 9 of order dated 5 February 2024 is only for execution of order passed in Complaint (ULP) No.134 of 2007, it is necessary that remit of such enquiry is restricted only to persons whose names are included in Annexure-A to Complaint (ULP) No.134 of 2007.

5) Now the Petitioners seek removal of condition No.(ii) from paragraph 5 of order dated 20 August 2026, because their names are not included in annexure-A to Complaint (ULP) No.134 of 2007. If at the instance of the Petitioners, condition No.(ii) in paragraph 5 of order under review is removed, the same would result in a situation where the Complainant's Complaint (ULP) No.134 of 2007 would stand excluded from the execution proceedings whereas persons like Review Petitioners, who are not part of Complaint (ULP) No.134 of 2007, would seek to get their eligibility examined from the Industrial Court. Thus, the demand for removal of condition No.(ii) from paragraph 5 of order under review is sought with a view to deprive the persons whose names are included in Annexure-A to Complaint (ULP) No.134 of 2007 of the benefits of execution and to expand the execution proceedings to those who were never part of that Complaint. Since order passed by the Division Bench on 5 February 2024 envisages execution of the order dated 25 January 2010 passed in Complaint (ULP) No.134 of 2007, ordinarily those whose names are not included in Annexure-A in the said Complaint cannot be permitted to take part in execution proceedings. In my view, therefore, the Review Petitioners cannot be part of exercise of determination of

eligibility, which is now undertaken by the Industrial Court. Their eligibility cannot be determined by the Industrial Court.

6) In view of the above discussion, I find no error apparent on face of record for review of order dated 20 August 2026. Review Petition is accordingly **rejected.**

[SANDEEP V. MARNE, J.]

Signed by: Megha S. Parab
Designation: PA To Honourable Judge
Date: 13/10/2026 15:13:08