

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15202 OF 2025**

Nitin Shankar Shinde & Ors.

...Petitioners

Versus

The Cloth Market and Shops Labour Board,
Greater Mumbai & Ors.

...Respondents

Mr. Bapat, Senior Advocate a/w Pandurang Andhale i/by Vaibhav Jagdale
for the Petitioners.

Mr. B. S. Mahamulkar for Respondent Nos.1 & 2.

Mr. S. H. Kankal for State.

Mr. B.V. Bukhari i/by Kulkeep Singh for Respondent Nos.4 to 7.

Mr. Santosh S. Patil, Assistant Section Officer is present.

**CORAM : R. I. CHAGLA AND
ADVAIT M. SETHNA, JJ.**

DATED : 17 APRIL, 2026

P.C.:-

1. Rule. Rule made returnable forthwith. Heard by consent of the parties.
2. By this Writ Petition the Petitioner is seeking quashing and setting aside of the impugned order dated 26 September 2025, passed by Respondent No.2.
3. Mr. Bapat, learned senior counsel appearing for the Petitioners states that in light of this Court expressing its view that the impugned order dated 26 September 2025 will not be acted upon till the representation of Respondent Nos.4 to 7 before the Labour Minister is decided and for a

further period of two weeks therefrom, all prayers in the Petition are not being pressed.

4. Having heard learned counsel for the parties, we are of the view that an Impugned Order dated 26 September 2025 (Exh.S to the Petition) has been passed by Respondent No.2-Secretary of Cloth Market and Shops Labour Board, Greater Mumbai (For Mumbai, Thane, Raigad and Palghar Districts) upon a direction being issued by the Minister of Labour suggesting that the order dated 25 August 2025 requires not to be acted upon. Such a direction ought not to have been issued by the Minister of Labour.

5. This Court in order dated 14 October 2022, passed in Writ Petition No.11497 of 2022 (Dilip Gajanan Gawde & Ors. Vs. The Metal and Paper Market and Shops Labour Board & Ors.) had considered a similar case as the present, where the direction had been issued by Minister of Labour to the Secretary of the Board to pass impugned order and it was held by the Division Bench of this Court that such orders should not be allowed to stand for a moment.

6. Considering that Respondent Nos.4 to 7 have made a representation to Labour Minister which is being considered by the Labour Minister, till such representation is decided and for a period of two weeks thereafter the impugned order dated 26 September 2025 (Exh.S to the Petition) will not be given effect to. The Labour Minister shall decide the representation

within a period of six weeks from the date of this order. In the event the order is adverse to the Petitioner, the same shall not given effect for the period of two weeks thereafter.

7. The Petitioner, if aggrieved by any adverse order, if passed by the Labour Minister, is at liberty to file appropriate proceedings challenging such decision/order.

8. We clarify that we have not gone into the merits of the present Writ Petition and all rights and contentions of the parties including the Petitioner's right to raise preliminary issue on maintainability of the representation before the Labour Minister, are kept expressly open.

9. The Writ Petition is disposed of in the above terms.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA, J.]