

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

WRIT PETITION NO. 16015 OF 2025

Sandip Santaram Rabbewar

....Petitioner

Versus

The State of Maharashtra & Anr.

....Respondents

Mr. Sushant Valimbe a/w Ms. Revati Alhat & Ms. Firdous Rajput,
for the Petitioner.

Mr. Vijay Dighe, for Respondent Nos. 2 & 3.

Mr. Rathod, Representative of Respondent Nos. 2 & 3, present in
Court.

Mr. Aditya R. Deolekar, AGP for State (Respondent No. 1).

**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.**

DATE : 10th MARCH, 2026

P.C. :-

1. The Petitioner was working as a Clerk-Typist with Respondent No. 2 – Lok Shahir Annabhau Sathe Vikas Mahamandal (Maryadit), on daily wages since 2003.

2. The Petitioner's basic grievance is that there has been a make-believe contractor who has been deploying the Petitioner with Respondent No. 2 as a contractual employee. Recently, Respondent No. 2 instructed the contractor that since the work performed by the

Petitioner was allegedly not satisfactory, his deployment was not required. This has led to the termination of the Petitioner.

3. The question is whether the contractor, who is not arrayed as a Respondent in this Petition, is a sham or bogus contractor, and whether the engagement of the Petitioner by the Respondent no. 2 Principal Employer, is camouflaged through such a contractor.

4. The law laid down by the Hon'ble Supreme Court in *Vividh Kamgar Sabha vs. Kalyani Steel Ltd & Another, 2001 (1) CLR 532: (2001) 2 SCC 381; Cipla Ltd. vs. Maharashtra General Kamgar Union & Others, 2001 (1) CLR 754 : AIR 2001 SC 1165;* and the judgment of the Hon'ble Supreme Court (Five Judges) in *Steel Authority of India Ltd. & Others vs. National Union Waterfront Workers & Others, 2001 (3) CLR 349: (2001) 7 SCC 1,* would require the Petitioner to raise an industrial dispute on the following aspects :

a) Whether the contractor is sham and bogus and deserves to be dislodged from the relationship between the Petitioner and the Respondent no. 2 Principal Employer?

- b) Whether the Employer-Employee relationship between the Petitioner and Respondent No. 2 Principal Employer deserves to be established by the verdict of the Court?
- c) Whether the termination of the Petitioner is vitiated and illegal and is, in fact, triggered by Respondent No. 2, through the contractor?

These issues need to be dealt with by raising an industrial dispute under the provisions of the Maharashtra Industrial Relations Act 2025 (erstwhile The Industrial Disputes Act, 1947).

5. In view of the above, we permit the Petitioner to raise such an industrial dispute by arraying Respondent Nos. 2 and 3, as well as the contractor, as Respondents in the said industrial dispute. Needless to state, the competent authority shall consider the grievance of the Petitioner by following the due procedure laid down in law, and keeping in view that the Petitioner has now been terminated giving rise to a deemed industrial dispute, refer the matter to the Industrial Tribunal for adjudication.

6. All contentions of all the litigating parties are kept open.

7. We clarify that, in the meanwhile, if the State Government takes a decision to regularize identically placed employees like the Petitioner, the case of the Petitioner shall also be considered by the State, in accordance with the dates of temporary engagement/seniority as daily wagers, notwithstanding that the Petitioner has now been terminated.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)