

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 4398 OF 2024**

Maharashtra Navnirman Kaamgar Sena

...Petitioner

Versus

State of Maharashtra Through The
Office of Government Pleader

...Respondent

**WITH
WRIT PETITION NO. 4439 OF 2024
WITH
WRIT PETITION NO. 4436 OF 2024
WITH
WRIT PETITION NO. 4315 OF 2024
WITH
WRIT PETITION NO. 4365 OF 2024
WITH
WRIT PETITION NO. 4416 OF 2024**

Mr. Sanjeev Gorwadkar, Senior Advocate a/w Abhijit Tulsankar and Amul Jawale for the Petitioner.

Mr. Manish Upadhye, AGP for Respondent No.1 in WP/4398/2024.

Mr. Akshay Patkar, AGP for Respondent No.1 in WP/4439/2024.

Ms. Anupamaa Pawar, AGP for Respondent No.1 in WP/4436/2024.

Ms. Varsha Sawant, AGP for Respondent No.1 in WP/4315/2024.

Mr. Vishal Thadani, Addl.GP for Respondent No.1 in WP/4365/2024.

Mr. Milind More, Addl.GP for Respondent No.1 in WP/4416/2024.

Ms. Neeta Karnik, Senior Advocate a/w Rupali Adhate i/by Ms. Komal Punjabi for Respondent Nos.2 and 3-BMC.

Mr. Vijay Vaidya a/w Jayesh K. Desai i/by Desai & Desai Associates for Respondent No.4 in WP/4398/2024, WP/4436/2024 and WP/4416/2024.

Mr. Vijay Vaidya a/w Jayesh K. Desai i/by Kashiram Sagun Desai for Respondent No.4 in WP/4439/2024, WP/4315/2024 and WP/4365/2024.

Mr. Prasad Karpe, Assistant Engineer (SWM) Planning Officer is present.

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

DATED : 24 APRIL, 2026

PC:-

1. Having heard the learned senior counsel appearing for the respective parties extensively and it being brought to our notice during the arguments that during the pendency of the present Writ Petitions, a representation had been made by the Petitioners to *inter alia* the Labour Commissioner dated 21 October 2024, as to the minimum wages payable to the Petitioners as claimed by them. Such representation remains to be decided as on date. By the present Petitions the Petitioners have prayed for implementation of Notification dated 24 February 2015 issued by Respondent No.1-State for minimum wages payable under the Minimum Wages Act, 1948 in regard to which Petitioners have claimed benefit of.

2. Considering the pending representation, it would be appropriate for the Labour Commissioner to decide the representation along with additional representation to be made by the Petitioners in terms of the averments and prayers made in these Writ Petitions. The Respondent-Corporation is also permitted to file their say before the Labour Commissioner. A hearing shall be provided by the Labour Commissioner to the parties in the present Writ Petitions, prior to the passing of a reasoned order in the proceedings.

3. Accordingly, we pass the following order:-

ORDER

- i. The Petitioners in the above Writ Petitions shall apart from the representation dated 21 October 2024 file an additional representation in terms of the averments and prayers made in the above Writ Petitions within a period of two weeks from the date of this order.
- ii. The Respondent No.2-The Municipal Corporation of Greater Mumbai shall file their say to the representations filed by the Petitioners within a period of two weeks from service of the representations of the Petitioners made before the Labour Commissioner.
- iii. The Labour Commissioner shall grant a hearing to the Petitioners as well as the Respondent No.2-The Municipal Corporation of Greater Mumbai and upon grant of such hearing and consideration of the representations the Labour Commissioner shall pass a reasoned order within a period of 12 weeks from the filing of the representations.
- iv. In the event an adverse order is passed by the Labour Commissioner, the Petitioners in the above Petitions are at liberty to adopt appropriate proceedings impugning the same in accordance with law.

4. We make it clear that we have not expressed any opinion on the merits of these Writ Petitions and all rights and contentions of the parties are expressly kept open, to be raised before the Labour Commissioner.

5. The captioned Writ Petitions are disposed of in the above terms. There shall be no order as to costs.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA, J.]