

Judgment

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY :  
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 3412 OF 2004.

The Gondwana Club, Nagpur  
a society registred under the  
Societies Registration Act, 1860  
through its President, Mr. Jaideo  
Kale, Seminary Hills, Civil Lines,  
Nagpur.

... PETITIONER.

VERSUS

1. State of Maharashtra,  
through the Secretary, Ministry  
of Industries, Energy and  
Labour, Mantralaya,  
Mumbai - 400 032.

2. The State Advisory Contract  
Labour Board, through its  
Chairman, Hon'ble Minister of  
Labour, Mantralaya,  
Mumbai - 400 032.

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RESPONDENTS

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Shri H.V. Thakur, Advocate for Petitioner.  
Ms. A.R. Kulkarni, A.G.P. for Respondents.  
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Judgment  
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CORAM : B.P. DHARMADHIKARI  
AND A.D. UPADHYE, JJ.

DATED : APRIL 05, 2018 ORAL JUDGMENT (PER B.P. DHARMADHIKARI, J.):

Heard Shri H.V. Thakur, learned Counsel for the petitioner and Ms. A.R. Kulkarni, learned A.G.P. for respondents.

2. Shri Thakur, learned counsel contends that petitioner, a Club, infact an association of individuals has been complying with the provisions of Contract Labour (Regulation and Abolition) Act, 1970 and accordingly, the contract labours were being provided till issuance of the impugned notification dated 09.03.2004. Thereafter, in present petition on 28.10.2004, while admitting the challenge, this Court granted interim relief and therefore, that system is still continued.

3. By placing reliance upon Constitution Bench judgment of Hon'ble Supreme Court reported at AIR 2001 SC 3527 (Steel Authority of India Ltd. .vrs. National Union Water Front Workers Judgment wp3412.04 and others), he submits that the violation of Act also does not result in automatic regularization of labour employed through contract.

4. Without any apparent reason and application of mind, on 09.03.2004, the impugned notification has been issued under Section 10[1] of the above mentioned 1970 Act, and employment of contract labours in khan-pan services and security services has been prohibited. He contends that there is no application of mind by the State Government (Appropriate Government) to the facts at hand and even the respondent no.2 Board, has not evaluated the relevant factors. There is no complaint of violation of terms and conditions of licence. He has invited our attention to orders passed by this Court on 09.12.2004, and submitted that though respondents were directed to produce relevant material, which may have been looked into by them, such material has not been produced till date. There is no reference to any such material even in the reply affidavit. Mere insistence on grant of permanency to contract labour or alleged refusal by petitioner cannot be such material.