

ITEM NO.30

COURT NO.17

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 321-322/2019

[Arising out of impugned final judgment and order dated 28-11-2018 in CA No. 1871/2015 14-12-2018 in CA No. 1871/2015 passed by the High Court of Judicature at Bombay]

THANE MUNICIPAL CORPORATION & ANR.

Petitioner(s)

VERSUS

MUNICIPAL LABOUR UNION & ORS.

Respondent(s)

(IA No. 137315/2021 - APPLICATION FOR PERMISSION; IA No. 2442/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; IA No. 2443/2019 - EXEMPTION FROM FILING O.T.; IA No. 65528/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 25-02-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Vinay Navre, Sr. Adv.
Ms. Abha Sharma, AOR
Mr. Yashodhan Chandurkar, Adv.
Ms. Manshi Jain, Adv.
Ms. Abha R. Sharma, AOR

For Respondent(s) Mr. Colin Gonsalves, Sr. Adv.
Mr. Ali Qambar Zaidi, Adv.
Mr. Satya Mitra, AOR

Mr. Aaditya Aniruddha Pande, AOR
Mr. Siddharth Dharmadhikari, Adv.
Mr. Sourav Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The present appeals have been filed against the interim orders dated 28.11.2018 and 14.12.2018 passed by the High Court of Judicature at Bombay in Civil Application No.1871 of 2015 in Writ Petition No. 5988/2013, by which the petitioners have been directed

to implement the resolution dated 19.12.2013 by paying requisite amounts to the contract workers.

2. Learned counsel for the petitioners submits that later on, the resolution has been interfered with by the State Government and thus, the very basis of passing of the interim order by the High Court does not exist.

3. Learned counsel for the respondent-Union submits that the stand of the petitioners is erroneous inasmuch as, the resolution of the State Government has only interfered with regard to the proposal for creation of posts and not with regard to making payment on the principle of equal pay for equal work, as far as, the members of the Union are concerned.

4. Be that as it may, we do not find any occasion to interfere in the order impugned for the reason that first of all, it is an interim order and secondly, whatever argument learned counsel for the petitioners is raising before us, could well be agitated and brought to the notice of the High Court and prayer made for modification of the order.

5. Accordingly, the Special Leave Petition stands dismissed with the observation that the petitioners will be at liberty to get the main Writ Petition decided itself or in the alternative seek for modification of the interim order(s).

6. The interim order dated 14.01.2019 stands vacated.

7. It is further clarified that all contentions available to the parties are left open to be decided by the High Court.

8. As jointly prayed by the parties, we would further request the High Court to dispose of the matter, as expeditiously as possible

and in accordance with law.

9. Pending application(s), if any, shall also stand disposed of.

(VARSHA MENDIRATTA)
COURT MASTER (SH)

(ANJALI PANWAR)
COURT MASTER (NSH)