

BEFORE SHRI R.K.KHOMANE, MEMBER,
INDUSTRIAL COURT, MUMBAI.

REVISION APPLICATION (MHWA) NO. 06 OF 2024
CNR NO : MHICO1-000779-2024
IN
COMPLAINT (MHWA) NO. 06 OF 2023

M/s. Maruti Transport Service
& Anr.

...Applicant

Versus

Mr. Sachin S. Pawar
Inspector appointed under
Maharashtra Mathadi Hamal & Ors.

... Opponent

ORDER BELOW EXH.C-2
(Passed on 01.09.2024)

1. This is an application for granting stay to the order dated 28.02.2023, whereby process has been issued against the applicant for the contravention of clause 14 of the Grocery Market or Shops Unprotected Workers (Regulation of Employment and Welfare) Scheme 1971, passed by the Ld. Labour Judge, Court No.10, Mumbai.

2. By order dated 28.02.2023, process came to be issued against the revision applicant for the contravention of clause 14 of The Grocery Market or Shops Unprotected Workers (Regulation of Employment and Welfare) Scheme 1971 read with Clause 44 of the said scheme, for not employing registered workers allotted to the employer by the Secretary and also for non-payment by the registered employer the levy payable under clause 42(1) of the Scheme.

3. It is contented by the applicants that applicant No.1 is the proprietary concern inter-alia dealing in the business of

delivering of cloths from the dyeing house to the various parties providing logistic service to its customers who are exclusively dealing in the cloth market. Applicant No.2 is a proprietor of the applicant No.1. The frivolouse complaints is filed against the applicants in order to harass them. The applicants are executive the work of mathadi nature with the help of registered mathadi workers. The opponents are not justified in initiating the criminal prosecution against the applicant.

04. Heard Ld. Advocate Shri. Peerzada for the applicants and Mr. S. B. Mahamulkar for the opponents. Perused the material on record. Perusal of the Complaint and other material shows that various grounds for challenge the order of issuance of process have been taken by the applicants, which can be decided after the full fledged hearing. Hence, issuance of process order dated 28.02.2023 is required to be stay till further order. Hence, I pass following order :-

ORDER

1. The order of issuance of process dated 28.02.2023 passed by the Ld. Judge, 10th Labour Court, Mumbai in Complaint (MHWA) No. 06/2023 is stayed till further order.

Date : 02.09.2024
ppkadam/-

Sd/-
(R.K. Khomane)
Member,
Industrial Court, Mumbai