

Kavita S.J.

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

WRIT PETITION NO.2778 OF 2026

WITH

WRIT PETITION NO.2784 OF 2026

Kailash Chintaman Ghule & Anr.,

...Petitioners

Versus

**Grocery Markets and Shops Labour Board, Mumbai
(for Greater Mumbai, Thane & Palghar Districts)**

...Respondents

Mr. J.P. Cama, Senior Counsel a/w Mulanshu Vora for the Petitioners in both Writ Petitions.

Mr. Balasaheb Mahamulkar for Respondent No.1 in Writ Petition No.2778/2026 (thru V.C.).

Mr. Piyush Todkar for Respondent No.3.

Mr. N.C. Walimbe, Addl. GP a/w Mr. S.P. Kamble, AGP for Respondent No.5 – State in Writ Petition No.2778/2026.

Mr. Kedar Dighe, Addl. GP a/w Mr. S.P. Kamble, AGP for Respondent No.5 – State in Writ Petition No.2784/2026.

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

DATED : 25TH MARCH, 2026.

ORDER :

KAVITA
SUSHIL
JADHAV

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SUSHIL JADHAV
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1. Mr. J.P. Cama, learned Senior Counsel for the Petitioners has tendered Affidavit of Service dated 24th March, 2026 which shows

that the Respondents have been served. The Affidavit of Service is taken on record.

2. By this Writ Petition, the Petitioner is seeking declaration that the impugned order passed by Respondent No.2 dated 18th February, 2026 is illegal, bad in law, completely without jurisdiction and liable to be quashed and set aside. Further direction is sought to the Respondent No.2 to forthwith recall or withdraw the impugned order.

3. The Writ Petition has been moved on the ground of urgency by Mr. J.P. Cama, learned Senior Counsel appearing for the Petitioner on the ground that by the impugned Order, the Order dated 14th January, 2026 passed by the Secretary of the Grocery Markets and Shops Labour Board, Mumbai (referred to as “the Board”) has been stayed until further orders. Further, Respondent No.2 is proceeding with the hearing of the matter as if it is an Appeal from the Order dated 14th January, 2026 passed by the Secretary. He has submitted that there is no provision for Appeal under the Maharashtra Mathadi, Porters and other Labourers (Regulation of Employment and Welfare) Act, 1969 (“the said Act”) from an Order

passed by the Secretary of the Board. He has accordingly sought for a stay on the operation and execution of the impugned Order dated 18th February, 2026 passed by Respondent No.2.

4. Mr. Mahamulkar, learned Counsel appearing for Respondent No.1 has stated on instructions that status-quo as of date of the impugned order may be maintained by the parties and there is no impediment to the Petitioners from carrying out the mathadi work with the other workers of the Toli till the matter is disposed of by Respondent No.2. The statement is accepted.

5. Having recorded the above statement, we informed Mr. Mahamulkar that by the impugned order the status-quo to be maintained was that as existed prior to 14th January, 2026 i.e. the passing of the order by the Secretary of the Board. Nevertheless, Mr. Mahamulkar has maintained the above statement.

6. Mr. Mahamulkar has submitted that the Chairman of the Board has powers under 8(C) & (D) of the scheme framed under the said Act to supervise and control the working of the scheme and to take suitable steps if any irregularities are detected by him or brought to his notice and to ensure that the provision of the scheme in regard

to transfer and promotion of workers are carried out. He has submitted that Respondent No.2 – Chairman of the Board has exercised such powers by passing the impugned order holding the order of the Secretary dated 14th January, 2026 has been passed against the interest of the workers, and that before passing the said order sufficient opportunity was not given to their Toli or their Union, therefore, irregularities occurred whilst passing the order. It is on this ground that the request is made for the said order to be cancelled.

7. The Respondent No.2 shall file an Affidavit-in-Reply to the Petition within a period of two weeks from today. The Petitioner is at liberty to file Affidavit-in-Rejoinder thereto within a period of one week therefrom.

8. In view of the above statement, status-quo shall be maintained by the parties till the disposal of the proceedings before the Respondent No.2. There shall be no impediment to the Petitioner carrying out the Mathadi work as presently being carried out.

9. This Court has been informed by Mr. Mahamulkar that the hearing has been concluded by Respondent No.2 and the matter has been closed for orders.

10. Place the Writ Petition for further consideration on 20th April, 2026, High on Board.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA, J.]