

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**2 WRIT PETITION (STAMP) NO.10596 OF 2020**

KARMYOG AUTO SERVICES  
VERSUS  
UNION OF INDIA AND OTHERS  
AND

**3 WRIT PETITION (STAMP) NO.10597 OF 2020**

SHEET SHAPERS INDIA PRIVATE LIMITED AND  
ANOTHER  
VERSUS  
UNION OF INDIA AND OTHERS  
AND

**4 WRIT PETITION (STAMP) NO.10598 OF 2020**

PRECISE CUTS INDIA PRIVATE LIMITED AND  
ANOTHER  
VERSUS  
UNION OF INDIA AND OTHERS  
AND

**5 WRIT PETITION (STAMP) NO.10599 OF 2020**

TIRUPATI PRESSCO AND ANOTHER  
VERSUS  
UNION OF INDIA ND OTHERS

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Mr.T.K. Prabhakaran, Advocate for the  
petitioners.

Mr.S.B. Deshpande, ASG for the respondent  
Respondent No.1.

Mr.D.R. Kale, GP for respondent nos.3 to 5

Ms.V.N. Patil-Jadhav, AGP for Respondent  
Nos.3 to 5 in WP (Stamp) No.10599/2020.

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**CORAM: V.L. ACHLIYA, J.**

**DATE : 19.05.2020**

**ORAL ORDER:**

In view of the extreme urgency expressed by the petitioners, the matters are taken up for urgent hearing through video conferencing.

2. Heard learned counsel for the petitioners in respective Petitions, Mr.S.B. Deshpande, learned ASG representing the Union of India, Mr.D.R. Kale, learned Government Pleader representing the State and Mrs.V.N. Patil-Jadhav, learned A.G.P. for the State.

3. By these Petitions filed under Article 226 of the Constitution of India, the petitioners have challenged the validity of order dated 29.03.2020 issued by respondent no.2 and Government resolution dated 31.03.2020 issued by respondent nos.3 and 4.

4. Mr.Deshpande, learned A.S.G. pointed out that the issue raised in these group of Petitions already under-challenge before Hon'ble Apex Court in the matter of ***Hand Tools Manufacturers Association V/s Union of India and others [Writ Petition (Civil) Diary No.11193/2020 and connected Writ Petitions]***. On instructions, the learned A.S.G. submits

that the Hon'ble Apex Court has issued notices to respondents and now the matters are likely to be taken up for hearing in this week. In view of pendency of identical issue before the Hon'ble Apex Court, the learned A.S.G. requested to postpone the hearing of the case for one week.

5. Mr.Kale, learned Government Pleader submits that in group of matters raising similar challenge, this Court has refused to interfere with the order and express that petitioner should pay the monthly salary of those workers, who required to report on duty.

6. Mr.Prabhakaran, learned counsel for the petitioners submits that the orders passed in group of matters no where direct the petitioner to pay the amount. The learned counsel tendered the copy of order dated 30.04.2020.

7. By order dated 30.04.2020 no specific order to pay the salary to employees has been passed. In para 6 and 7 the Court has observed as under :-

*"6. I am of the view that as the*

*Hon'ble Apex Court is dealing with a similar cause of action, I would not be inclined to interfere with the impugned order and would expect the petitioners to pay the gross monthly wages to the employees, save and except conveyance allowance and food allowance, if being paid on month to month basis in the cases of those workers who are not required to report for duties.*

*7. The learned Advocate for the petitioners seeks liberty to add the workers' representative/Union/Works Committee or intimate the workers' representatives to come forward with an intervention application. The said request is accepted."*

8. Since the order dated 29.03.2020 issued by respondent no.2 is challenged in group of petitions and those petitions are likely to be heard in this week, it is desirable to post the petitions after one week.

9. List the Petitions on 29<sup>th</sup> May, 2020.

10. In meantime the petitioners are directed to serve the respondents. Private service is permitted.

11. Mr.Deshpande, learned A.S.G. waives

notice for the Respondent No.1 and Mr.Kale, learned G.P. and Mrs.V.N. Patil-Jadhav, learned A.G.P. waive notice for respondent nos.3 to 5.

12. Till 29<sup>th</sup> May, 2020, the respondents are directed not to take coercive action based up impugned orders.

13. S.O. to 29<sup>th</sup> May, 2020.

14. All concerned to act upon copy of the order authenticated by Court Sheristedar.

**[V.L. ACHLIYA]**  
**JUDGE**

SGA