

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**WRIT PETITION NO.02 OF 2019
WITH
CHAMBER SUMMONS NO.16 OF 2019
IN
WRIT PETITION NO.02 OF 2019**

Bird Worldwide Flight Services MumbaiPetitioner

Versus

The Union of India & Ors.Respondents

Mr. S.K. Talsania, Senior Advocate a/w. K.S. Bapat, Mahesh Landhe,
Vedant Chhajed i/by M/s. Sanjay Udeshi & Co., for the Petitioner.

Mr. Neel Helekar a/w. Mr. A.D. Yadav i/by Ajinkya Jaibhave for
Respondent Nos.1 and 2.

Mrs. Mitra Das a/w. Ms. Jayeeta Das, Vipul Bilve, Kunal Kirphalani i/by
Mulla & Mulla for Respondent No.3.

Ms. Mini Mathew for Intervener/Applicant in CHSWST/16/2019.

**CORAM : RANJIT MORE &
SURENDRA P. TAVADE, JJ.**

DATE : 6th DECEMBER, 2019.

P. C. :

1. Heard learned counsel for the respective parties.
2. By this petition, the petitioner is challenging the communication dated 22.10.2018 at Exhibit-E issued by Respondent No.2-Deputy Chief Labour Commissioner (Central), Mumbai. By the said communication, the petitioner was asked to stop the ground handling

operations at Chhatrapati Shivaji Maharaj International Airport with immediate effect and comply with various provisions of the Contract Labour (Regulation And Abolition) Act, 1970 (hereinafter referred to as “the said Act”) and the Rules made thereunder.

3. It is the specific case of the petitioner that they are doing ground handling work under the statutory regulation, and therefore, the said Act is not applicable to the petitioner.

4. Mr. Talsania, learned senior counsel for the petitioner also made a grievance that the petitioner has been asked to stop the ground handling operations by the impugned communication without giving an opportunity of hearing to him. This statement is not disputed by Mr. Helekar, learned counsel for respondent Nos.1 and 2. He submits that as a matter of fact, before issuing impugned communication, the petitioner was not given an opportunity of being heard. He further submits that Respondent No.2 shall hear the petitioner and only thereafter pass appropriate order regarding applicability of the said Act to the petitioner therein.

5. In the light of the above, we deem it convenient to dispose of the petition by passing following order.

ORDER

- (i) The writ petition is allowed.

(ii) Impugned communication dated 22.10.2018 is quashed and set aside.

(iii) Respondent No.2 is at liberty to give 15 days notice of the action which he proposes to take against the petitioner and thereafter, after following the principles of natural justice, to take appropriate action.

(iv) All points and contentions of the respective parties are expressly kept open.

(v) In the event, any order passed by respondent No.2 is adverse to the interest of the petitioner, same shall not be implemented for a period of two weeks from the receipt of same by the petitioner.

In view of disposal of the present writ petition, Chamber Summons (Stamp) No. 16 of 2019 does not survive and the same is accordingly disposed of.

[SURENDRA P. TAVADE, J.]

[RANJIT MORE, J.]