



WEB COPY



W.P.No.25690 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25690 of 2023

and W.M.P.Nos.25111, 25112 & 25113 of 2023

1.AI Airport Services Limited (AIASL)

Formerly known as Air India Air Transport
Services Ltd (AIATSL)

Rep by its Chief Executive Director,
Registered Office,
2nd India Complex, Terminal-2,
IGI Airport, New Delhi-110 037.

2.AI Airport Services Limited (AIASL)

Formerly known as Air India Air Transport Services Ltd (AIATSL)
Rep by its General Manager-Southern Region,
Air India Unity Complex,
Pallavaram Cantt,
Chennai-600 043.

.. Petitioners

Vs.

1. Authority under the Minimum Wages Act, 1948

and Regional Labour Commissioner (Central), Chennai
Office of the Regional Labour Commissioner,
Sastri Bhawan,
Chennai-600 006.

2.Labour Enforcement Officer (Central)

Office of the Regional Labour Commissioner,
Sastri Bhawan,
Chennai-600 006.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue appropriate writs, orders or directions and in particular a Writ in the nature of Certiorarified Mandamus after calling for the records from the 1st respondent relating to the order dated 22.05.2023 vide claim Application NoM.39/MWA/378/2019-B2 and quash the same as illegal, arbitrary, without jurisdiction and to consequently direct the Respondents 1 & 2 to afford due opportunity to the Petitioner by furnishing the copies the documents/notifications relied by them.

For petitioner : Mr.N.G.R.Prasad

For Respondents : Mr.J.Madanagopal,
Senior Panel Counsel for R1 & R2

ORDER

Aggrieved by the impugned order dated 22.05.2023 of the 1st respondent, the petitioners are before this Court by way of this Writ Petition.

2. The petitioner namely “AI Airport Services Limited” is a Company registered under Companies Act and was formed as a subsidiary of Air India. The Government of India granted license to the petitioner to carry out Ground Handling services to various Airlines. Alleging non payment of difference of minimum wages to the workmen as per the Notification dated 19.01.2017, the present impugned order has been passed



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under the Minimum Wages Act, 1948 directing the petitioner to pay a sum of Rs.32,86,819/- to 157 workmen. Challenging the same, the petitioner has come up with this Writ Petition.

3. When the matter is taken up, learned counsel for the petitioner submitted that this above Writ Petition has been filed mainly on the ground that no opportunity of personal hearing was granted to the petitioner before passing the impugned order to establish their case. Hence, the impugned order may be aside and this Writ Petition may be allowed.

4. Learned Senior Panel Counsel appearing for respondents 1 & 2 fairly submitted that the order impugned in this Writ Petition may be set aside and remand the matter to the authority for fresh consideration.

5. It is evident from the materials available on records that no opportunity of hearing has been given to the petitioner while passing the order under challenge and in view of the consent expressed by the learned counsel for the petitioner as well as the learned Senior Panel Counsel for the



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respondents, this Court is inclined to set aside the impugned order dated 22.05.2023 and accordingly, the same is hereby set aside. The matter is remanded to the 1st respondent for fresh consideration. The 1st respondent is directed to decide the issue and pass appropriate speaking orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner.

6. Accordingly, the Writ Petition is disposed of with the above direction. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No

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M.DHANDAPANI, J.

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