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W.P.No.23537 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.23537 of 2017
and
WMP.No.24682 of 2017

C.Saravana Kumar

...Petitioner

Vs.

1. The Airport Director,
Airports Authority of India,
Chennai Airport,
Meenambakkam, Chennai-600 027.
2. The Deputy Chief Labour Commissioner,
No.26, 3rd Block, 5th Floor, Shastri Bhawan,
Haddows Road, Nungambakkam,
Chennai-600 006.
3. The General Manager,
M/s.Garuda Aviation Services Pvt. Ltd.,
Head Off:142, Garuda House,
Upper Govind Nagar, Malad (E),
Mumbai-400 097.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider the representation sent by the petitioner dated on 09.08.2017.



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For Petitioner : No Appearance

For Respondents : Ms.A.Arul Mary, for R1
: Mr.Siva Bharathi, for R2

ORDER

This Writ petition has been filed seeking direction to the 1st respondent to consider and pass orders on the representation made by the petitioner dated on 09.08.2017.

2. The case of the petitioner is that the petitioner was working as Supervisor in the Chennai Airport Car Parking Contract from the year 2003 under various contractors without any break. However, the petitioner was not paid monthly wages as per law and he was not provided with salary slip, PF information, ESI and other benefits. Hence, the petitioner made a complaint before the 2nd respondent, which evoked no response. While so, the 3rd respondent came into force as contractor and started to terminate the services of the old employees, despite the order of this Court made in W.P.No.28530 of 2010, protecting the employment of the persons working in the car parking area by restraining the employers from dismissing the



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employees from their services. Though the 3rd respondent exploited the services of the workers, however, did not pay any benefits as per law.

Further, as the 3rd respondent's term is going to get over, unless the 1st respondent hold the deposit made by the 3rd respondent and settle the account of the workers, they will be put to huge loss. Therefore, the petitioner made a representation dated 09.08.2017 before the respondents, seeking to hold the deposit made by the 3rd respondent until the 3rd respondent settles the pending benefits to all the workers as per law which evoked no response. Hence, this Writ petition.

3. Though the matter was listed today, there was no representation on behalf of the petitioner. However, considering the period of pendency of this Writ petition, this Court is inclined to dispose of this Writ petition with the available records.

4. Considering the limited prayer sought for in this Writ petition, this Court without expressing any opinion on the merits of the case directs the 1st respondent to consider the petitioner's representation dated 09.08.2017 on merits and in accordance with law and pass appropriate orders, within a



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period of four weeks from the date of receipt of a copy of this order, after
affording an opportunity of personal hearing to the petitioner and aggrieved
persons, if any.

5. Accordingly, this Writ petition stands disposed of. No costs.
Consequently, connected Miscellaneous petition is closed.

02.08.2023

skt

NCC	: Yes/ No
Speaking Order	: Yes/ No
Index	: Yes/ No



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M.DHANDAPANI., J.

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