



W.P.No.21522 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.21522 of 2018

and

W.M.P.No.25274 of 2018

The Management of
Blue Dart Aviation Limited,
88-89, Old International Terminal
Meenambakkam Airport,
Chennai – 600 027,
rep. by its Chief HR Manager

... Petitioner

Vs.

1.The Deputy Chief Labour Commissioner (Central),
Shastri Bhavan, Haddows Road,
Chennai – 600 006.

2.The Labour Enforcement Officer (Central),
Office of the Deputy Chief Labour Commissioner (Central),
Shastri Bhavan, Haddows Road,
Chennai – 600 006.

3.Krish Consultancy Services,
No.15, 2nd Cross Street,
Mahalakshmi Nagar,
Adambakkam, Chennai – 600 088,
Rep. by its Proprietor S.Krish

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
for issuance of a Writ of Certiorari, calling for the records of the 2nd



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Respondent in its Proceedings No.34(10)2018-EIII/R.Y and quash its order dated 03/5.07.2018.

For Petitioner : Mr.P.Raghunathan
for M/s.T.S.Gopalan & Co.

For Respondents : Mr.V.Udayakumar [R1 & R2]
Not Ready Notice [R3]

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorari, to call for the records of the 2nd Respondent in its Proceedings No.34(10)2018-EIII/R.Y and quash its order dated 03/5.07.2018.

2. The case of the petitioner is that it is engaged in domestic transportation of consignments by Air. The appropriate Government for the petitioner is the Central Government and as such, the petitioner would fall within the purview of Minimum Wages fixed by the Central Government. However, the petitioner entered into a contract with the 3rd respondent contractor, for whom the appropriate Government is the State Government and the 3rd respondent is governed by the Minimum Wages fixed by the State Government. However, the 2nd respondent on the basis of the inspection held that the 3rd respondent should also comply with the Minimum Wages prescribed for the petitioner who is the principal



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employer and as such directed the petitioner to ensure that the contractor complies the notification issued by the Central Government in this regard. The communication addressed by the petitioner relying on the judgement of the Hon'ble Supreme Court reported in **2006 5 SCC 170** has not been responded to by the 2nd respondent. As the 2nd respondent has wrongly proceeded on the footing that the difference in Minimum Wages fixed by the Central Government by notification apply to the 3rd respondent as well and insisted the petitioner to pay the difference, against which the present writ petition has been filed challenging the impugned communication of the 2nd respondent dated 03.07.2018.

3. Learned counsel appearing for the petitioner submitted that the petitioner subjected themselves before the Central Government and prayed that the petitioner is not liable to pay the minimum wages to the contract workmen, who are engaged by the 3rd respondent and the 3rd respondent alone is responsible for the payment of minimum wages to their workmen. Further, as per the notification, the 3rd respondent has to pay the minimum wages fixed by the State Government. However, without jurisdiction, the 2nd respondent had issued a direction to the petitioner to ensure the payment of minimum wages fixed by the Central



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Government to the contract workmen engaged by the petitioner, which is unsustainable in law. Accordingly, he prays for allowing the writ petition.

4. *Per contra*, learned counsel appearing for the respondents 1 and 2 submitted that the petitioner themselves admitted that they are amenable to the Central Government and as such they will fall within the purview of minimum wages fixed by the Central Government. In the present case, the petitioner engaged the 3rd respondent as a contractor and the 3rd respondent supplied manpower to the petitioner Management for handling the airports, in which case, the petitioner, being the principal employer, to ensure the minimum wages paid to the contract workmen or not and they cannot wash their hands, without ensuring the minimum wages paid to the 3rd respondent's employees or not. In the present case, after adjudication, the 2nd respondent passed an order, directing the petitioner Management to ensure the payment of the minimum wages to the contract workmen engaged by the petitioner through the 3rd respondent. Such an order passed by the 2nd respondent is perfectly in order, which does not require any interference. Accordingly, he prays for dismissal of the writ petition.



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6. The facts in the present case are not in dispute. Admittedly, the petitioner is a Central Government agency amenable to the jurisdiction of the Central Government and they have to pay the minimum wages as fixed by the Central Government. It is claimed by the petitioner that they have entered into a contract with the 3rd respondent / contractor and the 3rd respondent is amenable to the State Government and thereby, the 3rd respondent has to pay the minimum wages fixed by the State Government. However, the 3rd respondent supplied manpower to the petitioner for handling the airport services, in which case, the 3rd respondent has to ensure the payment of minimum wages to the workmen engaged by the petitioner through the 3rd respondent. The petitioner is amenable to the State Government and the minimum wages fixed by the Central Government, in which case, the petitioner has to pay the minimum wages fixed by the Central Government and not by the State Government. The said issue was rightly adjudicated by the 2nd respondent



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and issued a direction to the petitioner to ensure the payment of minimum wages to the contract workmen engaged by the petitioner. Such a factual finding rendered by the 2nd respondent cannot be said to be perverse, illegal or unreasonable. Therefore, this Court does not find any reason to interfere with the impugned order passed by the 2nd respondent and finds no merit in this writ petition.

7. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected writ miscellaneous petition is also dismissed.

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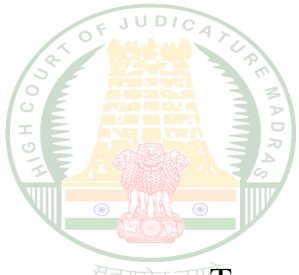
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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To
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M.DHANDAPANI, J.

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