



W.P.No.30302 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.30302 of 2018

and

W.M.P.Nos.35358 & 35362 of 2018

M/s.Aarthi Enterprises,
Rep. by its Partner Mrs.G.Mythili,
No.1, Chelliamman Colony,
Second Street,
Peravallur,
Chennai – 600 082.

... Petitioner

Vs.

1.Southern Railways,
Rep. by its General Manager,
Office of the Southern Railways,
Chennai – 600 003.

2.Senior Divisional Mechanical Engineer/MAS,
Divisional Southern Railway Manager/Mechanical,
Divisional Office,
Southern Railways, Chennai – 600 003.

3.Coaching Depot Officer,
Basin Bridge,
Southern Railway, Chennai – 600 003.

4.Deputy Chief Labour Court Commissioner (Central),
No.4, Haddows Road,
Shastri Bhavan,
Chennai – 600 006.

... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India pleaded to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Letter No.M/M/W/271/I/Double Decker Dt.14.03.2018 on the file of 2nd Respondent and quash the same, consequently direct the Respondents 1 and 2 to sanction and pay the revised/enhanced minimum wages as per the Notification No.S.O.190(E) Dated 19.01.2017 of Government of India and as per the clarification given by the 4th Respondent in the letter No.M.26 (Misc)/01/2018-C1 Dated 28.05.2018 and No.M.26(Misc)/10/2018-C1 Dated 29.10.2018 relating to the Petitioner's contract of Interior cleaning, Exterior washing and watering of Train Number 22625/22626 MAS-SBC-MAS Double Decker at Basin Bridge Coaching depot pertaining to Tender No.M_M_W271_I_DD_BQ, from the date of notification for revised minimum wages and to reimburse the entire excess payments made by the petitioner to its employees as per the revised enhanced minimum wages, within a reasonable time to be fixed by this Court.

For Petitioner : Mr.Richardson
for M/s.P.Wilson Associates

For Respondents : Mr.P.T.Ram Kumar [R1 to R3]
Mr.B.Sudhir Kumar
SCGSC [R4]

ORDER

Challenging the impugned letter dated 14.03.2018 on the file of the 2nd respondent, the petitioner management has filed the present writ petition.



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2. It is the case of the petitioner that it is a partnership firm registered with the office of Registrar of Firms having Registration No.701/2009, mainly involved in construction and contract works. They have made a representation seeking reimbursement of enhanced minimum wages and the same was rejected by way of the impugned letter dated 14.03.2018 on the ground that it is not feasible in terms of the clause 8.8 of the agreement and clause 19 of special conditions of the contract. Challenging the same, the present writ petition has been filed.

3. Learned counsel appearing for the petitioner submitted that the claim made by the petitioner before the respondents is on the basis of the agreement for reimbursement of enhanced minimum wages, however it is a subject matter of the agreement entered into between the petitioner and the respondents, in which there was an arbitration clause provided to ventilate the grievance before the sole arbitrator. Hence, he submitted that this court may appoint an independent arbitrator, as the unilateral appointment of arbitrator by the Railway Police was negated by the Apex Court in the case of ***Central Organisation for Railway Electrification Vs. ECI SPIC SMO MCML (JV), a Joint Venture Company*** reported in ***2024 (6) CTC 495***.



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4. Learned respective counsel appearing for the respondents submitted that in view of the decision rendered by the Apex Court cited supra, the Railway Court cannot appoint an independent arbitrator, hence, this Court may appoint an arbitrator.

5. Learned counsel for the parties have suggested the name of Mr.Aravind Srivatsa, as arbitrator.

6. Accordingly, Mr.Aravind Srivatsa is appointed as the Arbitrator. The petitioner is at liberty to file appropriate claim before the learned Arbitrator within a period of six (6) weeks from the date of receipt of a copy of this order and thereafter, the respondents are at liberty to file counter statement. Learned Arbitrator is directed to conclude the matter as expeditiously as possible and he is at liberty to fix the remuneration on his own with the consultation of the petitioner and the respondents.



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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

NCC:Yes/No

sp

To

- 1.The General Manager,
Southern Railways,
Office of the Southern Railways,
Chennai – 600 003.
- 2.The Senior Divisional Mechanical Engineer/MAS,
Divisional Southern Railway Manager/Mechanical,
Divisional Office,
Southern Railways,
Chennai – 600 003.
- 3.The Coaching Depot Officer,
Basin Bridge,
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- 4.The Deputy Chief Labour Court Commissioner (Central),
No.4, Haddows Road,
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M.DHANDAPANI, J.

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