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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Reserved on: 25.02.2026******Date of decision: 04.05.2026******Uploaded on: 04.05.2026***+ **W.P.(C) 615/2017 & CM APPL. 2792/2017****STANDARD CHARTERED BANK****.....Petitioner**

Through: Mr. Sudhir Nandranog, Sr.Adv.
with Mr. Amol Sharma, Mr. Ateev
Mathur, Ms. Jagruti Ahuja, Mr.
Sanjay Gupta & Mr. Ankita Singh,
Advs.

versus

UNION OF INDIA AND ORS**.....Respondents**

Through: Mr. Kaoliangpou Kamei, Adv.
Mr. Zain Haider, Adv.
Dr. Monika Arora, CGSC with Mr.
Subhrodeep Sahra, Mr. Prabhat
Kumar, Ms. Anamika Thakur & Mr.
Abhinav Verma, Advs.

CORAM:**HON'BLE MS. JUSTICE SHAIL JAIN****JUDGMENT****SHAIL JAIN, J.**

1. The present writ petition has been filed by the Petitioner, **Standard Chartered Bank**, under Article 226 of the Constitution of India, assailing the decision taken by the Central Advisory Contract Labour Board (*hereinafter referred to as "the Board"*) in its 90th meeting held on 04.11.2016, the minutes whereof were circulated on 30.12.2016, whereby the Board directed that the Committee constituted earlier shall proceed



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further and submit its report in relation to the issue of engagement of contract labour in the establishments of the Petitioner.

FACTUAL BACKGROUND:

2. The facts, in brief, leading to the filing of the present petition are that the Petitioner, Standard Chartered Bank, is a foreign banking company carrying on banking operations in India through its various branches. The present dispute arises out of a complaint dated 03.10.2002 made by Respondent No.3, namely Grindlays Bank Employees' Union, Mumbai (hereinafter referred to as "*the minority union*"), before the Ministry of Labour & Employment, Government of India, alleging that the Petitioner was engaging contract labour in its branches in Mumbai in violation of the Contract Labour (Regulation and Abolition) Act, 1970 (hereinafter referred to as "*the Act*").

3. Pursuant to the said complaint, the matter was taken up by the Board, which is constituted under Section 3 of the Act, and was referred to the Regional Labour Commissioner (Central), Mumbai (hereinafter referred to as "*RLC*") for conducting a field inspection. The RLC, after inspecting the premises of the Petitioner, submitted a report dated 11.03.2005, wherein it was categorically recorded that the work in question was being carried out through the Petitioner's own subsidiaries and that there was no engagement of contract labour in violation of the Act. The report concluded that there was no merit in the reference made by the minority union.

4. The aforesaid report was placed before the Board in its 72nd meeting held on 15-16.05.2008. After deliberations and consideration of the material on record, the majority of the Board accepted the findings of the



RLC and took a conscious decision that the matter did not warrant any action under the Act and accordingly directed that the case be treated as closed. The relevant extract of the minutes of the 72nd meeting is reproduced hereinbelow:

"...majority of the Board members are of the view that since the work in Standard Chartered Bank Ltd. is being done through own subsidiaries of the said bank, this is not a fit case for proceeding under CL (R&A) Act, 1970. Hence recommended to close the case. In view of the above, the case has been treated as closed..."

5. It is not in dispute that the said decision was taken after a prolonged consideration of the issue and constituted a final determination of the complaint. A minority dissent was recorded by Dr. Vivek Monteiro/Respondent No.4, one of the Board members, who filed a note of dissent advocating the formation of an investigative committee. The majority expressly overruled this dissent and directed that the case be treated as closed.

6. Aggrieved by the closure of the matter, Respondent No.3 preferred a writ petition being W.P. (C) No. 8398 of 2008 before this Court. The said writ petition was disposed of *vide* order dated 06.04.2009, wherein it was recorded that the Ministry of Labour had directed the Board to reconsider the matter, and liberty was granted to the union to raise all its contentions before the Board.

7. Subsequently, the Board, in its meeting held on 23.04.2010, passed a resolution constituting a three-member Committee to examine afresh the issue of engagement of contract labour in the establishments of the Petitioner. The Petitioner, being aggrieved by the constitution of the said



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Committee, approached this Court by way of W.P. (C) No. 4834 of 2010. By an interim order dated 21.07.2010, this Court restrained the Committee from proceeding further.

8. The said writ petition was ultimately disposed of on 09.05.2012 by way of a consent order, which assumes central importance in the present proceedings. It was recorded therein that the Board shall hear all parties afresh, and that the parties would be at liberty to raise all objections, including the objection as to whether the Board has the jurisdiction to review its earlier decision and whether the Committee could proceed further. It was further directed that such objections shall be dealt with by the Board in accordance with law.

9. Pursuant to the said order, the Board held its 82nd meeting in July 2012, wherein it was observed that considerable time had elapsed since the original complaint, and accordingly, the workers' representatives were directed to file a fresh application along with relevant details, with liberty to the Petitioner to file its objections thereto. However, the matter remained dormant for a considerable period thereafter.

10. In the year 2016, the proceedings were revived, and the Petitioner was called upon to participate in the proceedings before the Committee. The Petitioner raised objections to the continuation of the proceedings, *inter alia* contending that in view of the order dated 09.05.2012, the Board was required to first determine the issue of its jurisdiction and the permissibility of proceeding further before any inquiry could be undertaken by the Committee.



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11. Thereafter, the Board convened its 90th meeting on 04.11.2016 at Bengaluru. The Petitioner appeared before the Board and advanced detailed submissions on various issues, including the lack of jurisdiction of the Board to review its earlier decision, the binding nature of the consent order dated 09.05.2012, and the non-compliance with the directions issued in 2012. Considering the complexity of the issues involved, the Board granted the Petitioner two weeks' time to file written submissions, which were duly filed on 18.11.2016.

12. However, the minutes of the meeting dated 04.11.2016, which were subsequently circulated on 30.12.2016, revealed that the Board had already taken a decision to direct the Committee to proceed further and submit its report expeditiously. The impugned decision does not reflect any adjudication on the objections raised by the Petitioner, nor does it make any reference to the written submissions filed pursuant to the liberty granted by the Board.

13. Aggrieved by the aforesaid decision and the continuation of proceedings pursuant thereto, the Petitioner has approached this Court by way of the present writ petition.

SUBMISSIONS OF THE PARTIES :

14. Learned counsel appearing on behalf of the Petitioner assailed the impugned decision dated 04.11.2016 primarily on the ground that the same is ex facie contrary to the directions issued by this Court in its consent order dated 09.05.2012. It is submitted that the said order specifically required the Board to hear all parties and to adjudicate upon the objections raised, including the objection relating to its jurisdiction to review its



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earlier decision. It is contended that without deciding this foundational issue, the Board could not have directed the Committee to proceed further.

15. It is further submitted that the Contract Labour (Regulation and Abolition) Act, 1970 does not confer any power of review upon the Board and that the decision taken by the Board in its 72nd meeting in May 2008 had attained finality. In the absence of any statutory provision enabling review, the reopening of the matter is without jurisdiction and contrary to settled principles of law.

16. Learned counsel for the Petitioner further contends that the impugned minutes dated 04.11.2016 are vitiated on account of complete non-application of mind. It is urged that despite detailed oral arguments having been addressed before the Board and written submissions having been filed on 18.11.2016 pursuant to liberty granted by the Board, the impugned minutes do not deal with any of the contentions raised. The decision, it is submitted, is wholly non-speaking and fails to disclose any reasons for the conclusion arrived at. Reliance was placed on *Shree Mahavir Carbon Ltd. v. Om Prakash Jalan (Financer) & Anr., (2015) 12 SCC 653*, on the importance of recording reasons in support of any judicial or quasi-judicial order.

17. Learned counsel further submits that the manner in which the proceedings have been conducted gives rise to a reasonable apprehension of bias, particularly in view of the fact that one of the members of the Committee had earlier recorded a dissenting opinion in the 72nd meeting and was noted to have a vested interest in the matter. It is contended that the continuation of the Committee proceedings in such circumstances further vitiates the process.



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18. It is, therefore, submitted that the impugned decision dated 04.11.2016, being arbitrary, non-speaking and contrary to the directions of this Court, is liable to be set aside and quashed.

19. *Per contra*, learned counsel appearing on behalf of Respondent No.3 sought to sustain the impugned decision by contending that the Board has acted within the framework of the directions issued by this Court and that adequate opportunity of hearing has been afforded to the Petitioner at every stage. It is submitted that the order dated 09.05.2012 merely required the Board to hear the parties and decide the matter afresh and does not impose any restriction on the powers of the Board to proceed further.

20. Learned counsel further submitted that the present petition pertains to the very same subject matter which had earlier been agitated by the Petitioner in W.P.(C) No. 4834 of 2010, and which came to be disposed of by this Court *vide* order dated 09.05.2012 on the basis of consent between the parties. It is contended that the relief sought in the present petition is substantially identical to that sought in the earlier proceedings, namely, to quash the proceedings before the Central Advisory Contract Labour Board, and therefore the present petition amounts to a misuse of the process of law. It is further submitted that the filing of the present petition is a deliberate attempt on the part of the Petitioner to delay and obstruct the proceedings before the Board

21. Learned counsel for the Respondents also submitted that the earlier closure of the matter in 2008 was not based on a comprehensive examination of all relevant aspects, and in view of the passage of time and the nature of the allegations, it was open to the Board to seek further material through the Committee.



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22. With regard to the allegation of bias, it is submitted that the same is unfounded and based on mere apprehension, without any cogent material. It is contended that such allegations do not warrant interference by this Court.

DISCUSSION:

23. This Court has heard the learned counsel for the parties at length and has carefully perused the material placed on record, including the impugned minutes of the 90th meeting of the Central Advisory Contract Labour Board dated 04.11.2016.

24. At the outset, it is necessary to reproduce the operative portion of the impugned minutes dated 04.11.2016, which forms the foundation of the present challenge. The minutes record that after hearing the objections raised by the legal counsels appearing for the Petitioner, the Board was of the view that the Committee appointed by it should proceed further and submit its report expeditiously. The relevant extract of the minutes of the 90th meeting records as under:

“Item No.12.The Committee to go into the question of abolition of contract labour in the establishment of Standard Chartered Bank Limited in its Branches in Mumbai.(U-23013/01/2010-LW).

The legal counsels appearing on behalf of the Standard Chartered Bank claimed that the committee constituted by the Board and Notified vide Resolution dated 23.04.2010 is against the letter and spirit of the Hon'ble Delhi High Court Order dated 09.05.2012 and therefore cannot proceed further in the case unless the Board decides the objections raised by the Bank after hearing. Further the legal counsels argued that the Board does not have the power to review its own decision



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taken in the 72nd meeting wherein the Board decided to close the matter.

After hearing the objections raised by the legal counsels the Board was of considered the view that the committee appointed by it in the matter should proceed further and submit its report expeditiously.”

25. A reading of the aforesaid extract, and of the impugned minutes as a whole, discloses the following. **First**, the objection of the Petitioner regarding the Board's lack of jurisdiction to review its 2008 decision was noted. **Second**, no finding whatsoever was recorded on that objection. **Third**, no reasons were assigned for the conclusion that the Committee should proceed further. It is this manner of decision-making which falls for scrutiny before this Court.

26. The principal question which arises for consideration before this Court is whether the Board, while taking the decision in its 90th meeting dated 04.11.2016 directing the Committee to proceed further, acted in accordance with the mandate of this Court's order dated 09.05.2012 and in consonance with the settled principles of fair and reasoned decision-making. It is clarified at the threshold that this Court is not called upon to express any view on the merits of the underlying controversy, namely, whether contract labour at the Petitioner's establishment ought to be abolished, but only with the legality of the process adopted by the Board in arriving at its decision.

27. In order to appreciate the controversy, it becomes necessary to first examine the scope and effect of the consent order dated 09.05.2012, passed by this Court in W.P.(C) No. 4834 of 2010, which forms the fulcrum of the present dispute and governs the manner in which the Board was required to



proceed thereafter. The said order, in its material portion, specifically recorded the following agreed position between all parties including the Union of India, the Board, and the Petitioner:

"...It is agreed that the Central Advisory Contract Labour Board constituted under Section 3 of Contract Labour (Regulation and Abolition) Act, 1970 shall hear all the parties and during that hearing the parties shall be at liberty to raise whatever points would liable to raise before the Board and the same shall be dealt with in accordance with law and uninfluenced by the filing of the present petition and the orders passed by the Board earlier. It is specifically further agreed that in case the Petitioner herein raises an objection before the Board that it has no jurisdiction to review its earlier decision as also the objection that the Committee already appointed by the Board should not go ahead with the inquiry, the Board would be at liberty to take any decision in respect of those objections after hearing all the parties..."

28. The said order clearly records that the Board shall hear all parties and that the parties would be at liberty to raise all objections, including specifically the objection as to whether the Board possesses jurisdiction to review its earlier decision, and that such objections shall be dealt with in accordance with law. The import of this direction is unambiguous. The Board was not merely required to afford a formal hearing; it was under an obligation to consider and adjudicate the objections raised before it. The requirement of "dealing with" the objections in accordance with law necessarily implies a duty to apply mind and return findings on such objections. Mere noting of submissions cannot be equated with adjudication. Hon'ble Supreme Court in ***S.N. Mukherjee v. Union of India., (1990) 4 SCC 594*** has clearly held that recording of reasons is an



essential component of decision-making, and that absence of reasons would render the decision arbitrary.

29. It is in this backdrop that the submissions advanced by the parties are to be considered. Learned counsel for the Petitioner has contended that the objection raised by it before the Board, namely that the Board lacks the power to review its earlier decision of 2008, goes to the root of the jurisdiction of the Board. It is submitted that the Contract Labour (Regulation and Abolition) Act, 1970 does not confer any power of review upon the Board and that once the matter stood closed in 2008, the same could not have been reopened in the absence of express statutory authority. It is further contended that this objection was specifically raised before the Board, both orally and by way of detailed written submissions filed pursuant to liberty granted by the Board itself, yet no finding has been returned thereon. The impugned decision, it is urged, is therefore vitiated by non-application of mind and violation of principles of natural justice.

30. *Per contra*, learned counsel for Respondent No.3 submitted that the subject matter of the present petition is essentially identical to that of the earlier writ petition filed by the Petitioner being W.P.(C) No. 4834 of 2010 and therefore the present petition amounts to a misuse of the process of law. Further, learned counsel has sought to justify the impugned decision by contending that the Board has merely permitted a fact-finding exercise to proceed and that no prejudice is caused to the Petitioner at this stage. It is further submitted that the Board was not required to decide the jurisdictional objection as a preliminary issue and that sufficient opportunity of hearing has been afforded to the Petitioner.



31. Having considered the rival submissions, this Court finds it necessary to first delineate the legal framework within which the Board was required to act. Although the Board is constituted as an advisory body under Section 3 of the Act, the nature of the function being discharged by it in the present proceedings cannot be viewed in a purely administrative or advisory light. Pursuant to the directions of this Court, the Board was required to hear the parties and determine specific legal objections having direct bearing on the rights of the Petitioner. It is well settled that when a statutory authority is called upon to decide disputes between parties, especially where such decision entails civil consequences, the principles of natural justice apply with full vigour. The character of the function is determined not by the label attached to the authority but by the nature of the power exercised and its impact on the parties. In this regard, reference may be made to *A.K. Kraipak & Ors. v. Union of India & Ors (1969) 2 SCC 262*, wherein the Hon'ble Supreme Court held that rules of natural justice are not confined to bodies which are quasi-judicial in a strict technical sense. They operate wherever a statutory authority affects the rights of parties in the exercise of its functions, and they are intended to secure justice and prevent miscarriage of justice.

32. In this context, reference may further be made to the settled principle that the power of review is not an inherent power and must be conferred either expressly or by necessary implication. The Petitioner had relied upon this settled proposition to contend that the Board lacks jurisdiction to reopen its earlier decision. The Supreme Court in *Patel Narshi Thakershi v. Pradyumansinghji Arjunsinghji, (1971) 3 SCC 844*, and *Kalabharati Advertising v. Hemant Vimalnath Narichania, (2010) 9 SCC 437* has



categorically held that the power of review is not an inherent power and must be conferred by statute. Whether or not this contention is ultimately sustainable is not for this Court to decide at this stage. However, what is of significance is that such an objection was squarely raised before the Board and was required to be considered and adjudicated in accordance with law.

33. A perusal of the impugned minutes, however, reveals that the Board has failed to discharge this obligation. The objection regarding lack of jurisdiction has been recorded in the minutes, yet there is a complete absence of any finding thereon. There is no discussion, no analysis, and no indication of the reasons which weighed with the Board in proceeding further despite the objection. The decision proceeds as if the objection had no bearing on the matter. Such an approach, in the considered view of this Court, is fundamentally flawed and contrary to the settled requirement that a quasi-judicial authority must deal with the submissions advanced before it.

34. The failure to deal with the jurisdictional objection is further compounded by the fact that during the course of the 90th meeting held on 04.11.2016, the Petitioner had been granted liberty by the Board itself to file written submissions on the issues raised. Acting upon such liberty, the Petitioner filed detailed written submissions on 18.11.2016 within the stipulated time. However, the impugned decision does not even advert to these submissions. There is nothing on record to indicate that the written submissions were placed before or considered by the Board prior to taking the decision. This omission strikes at the very root of the fairness of the proceedings. An opportunity of hearing cannot be reduced to a mere ritual. The essence of a fair hearing lies not in the formality of granting an



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opportunity, but in the consideration of the submissions made pursuant thereto. Hon'ble Supreme Court in *Mohinder Singh Gill & Anr. v. The Chief Election Commissioner, New Delhi & Ors., (1978) 1 SCC 405* has held that when a statutory functionary makes an order, its validity must be judged by the reasons recorded, and absence of such reasons reflects non-application of mind.

35. It is a settled principle that a decision which does not reflect consideration of the submissions advanced cannot be sustained merely on the ground that an opportunity of hearing was granted. The requirement of natural justice is not satisfied by an empty formality; it requires real and effective consideration. In the present case, the grant of time to file written submissions created a legitimate expectation that the same would be taken into account before any decision was taken. The failure to do so renders the entire exercise illusory.

36. Equally significant is the absence of reasons in the impugned decision. The minutes merely record the conclusion that the Committee should proceed further, without disclosing any basis for such conclusion. It is well settled that the requirement to record reasons is an integral component of the principles of natural justice and this obligation has been consistently and emphatically affirmed by the Hon'ble Supreme Court. In *The Siemens Engineering & Manufacturing Co. of India Ltd. v. The Union of India & Anr. (1976) 2 SCC 981*, the Hon'ble Supreme Court held that where an authority exercises quasi-judicial functions, it is imperative that it accords a proper hearing and gives clear and explicit reasons in support of its conclusions, observing that:



*“6. [...] It is now settled law that where an authority makes an order in exercise of a quasi-judicial function, it must record its reasons in support of the order it makes. Every quasi-judicial order must be supported by reasons...If courts of law are to be replaced by administrative authorities and tribunals, as indeed, in some kinds of cases, with the proliferation of Administrative Law, they may have to be so replaced, it is essential that administrative authorities and tribunals should accord fair and proper hearing to the persons sought to be affected by their orders and give sufficiently clear and explicit reasons in support of the orders made by them. Then alone administrative authorities and tribunals exercising quasi-judicial function will be able to justify their existence and carry credibility with the people by inspiring confidence in the adjudicatory process. The rule requiring reasons to be given in support of an order is, like the principle of **audi alteram partem**, a basic principle of natural justice which must inform every quasi-judicial process and this rule must be observed in its proper spirit and mere pretence of compliance with it would not satisfy the requirement of law.”*

37. In **Union of India v. Mohan Lal Capoor & Ors. (1973) 2 SCC 836**, Hon'ble Supreme Court held that reasons must be clear and explicit and must disclose the manner in which the authority's mind was applied to the subject matter of the decision, and that a bare conclusion, stripped of reasoning, cannot be sustained in law. The court explained the nature and purpose of reasons in the following terms:

"28. [...]Reasons are the links between the materials on which certain conclusions are based and the actual conclusions. They disclose how the mind is applied to the subject matter for a decision whether it is purely administrative or quasi-judicial. They should reveal a rational nexus between the facts considered and the conclusions reached. Only in this way can opinions or decisions recorded be shown to be manifestly just and reasonable."



38. The aforesaid exposition makes it clear that reasons are not a mere formality, but the very foundation of a valid decision-making process, as they alone disclose application of mind and establish a rational connection between the material on record and the conclusion reached. These principles have subsequently been consolidated and elaborated in ***Kranti Associates Private Limited & Anr. v. Masood Ahmed Khan & Ors. (2010) 9 SCC 496*** where the Hon'ble Supreme Court, after an exhaustive survey of the law on the requirement of reasons, summarised the governing principles in the following terms:

“47. Summarising the above discussion, this Court holds:

- (a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.*
- (b) A quasi-judicial authority must record reasons in support of its conclusions.*
- (c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.*
- (d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.*
- (e) Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.*
- (f) Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.*
- (g) Reasons facilitate the process of judicial review by superior courts.*



- (h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.*
- (i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.*
- (j) Insistence on reason is a requirement for both judicial accountability and transparency.*
- (k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.*
- (l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or "rubber-stamp reasons" is not to be equated with a valid decision-making process.*
- (m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny.*
- (n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence.*
- (o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "due process."*



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39. When the impugned decision is examined in light of these principles, it becomes evident that it suffers from multiple infirmities. The Board has failed to adjudicate a foundational objection going to its jurisdiction, has failed to consider the written submissions filed by the Petitioner, and has passed a decision devoid of reasons. The cumulative effect of these deficiencies is that the decision-making process stands vitiated.

40. The submission of Respondent No.3 that the present petition is essentially identical to that of the earlier writ petition filed by the Petitioner being W.P.(C) No. 4834 of 2010 and is intended to delay the proceedings before the Board does not merit acceptance. The earlier writ petition bearing W.P.(C) No. 4834 of 2010 was disposed of on 09.05.2012 on the basis of a consent arrangement. The present petition does not seek to reopen or challenge the said order; rather, it is directed against the subsequent decision of the Board dated 04.11.2016, which is alleged to have been taken in violation of the mandate of the said consent order. The cause of action in the present proceedings thus arises from the impugned decision itself, which was not in existence at the time of disposal of the earlier petition. In these circumstances, the present petition cannot be said to be barred or to constitute a misuse of the process of law.

41. The submission of Respondent No. 3 that the direction to the Committee is merely a procedural step not warranting interference at this stage does not merit acceptance. It is well settled that judicial review under Article 226 extends to examining the legality of the decision-making process, and interference is warranted where such process is found to be arbitrary, unfair or contrary to the principles of natural justice. The Hon'ble Supreme Court in *Whirlpool Corporation v. Registrar of Trade Marks*,



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Mumbai & Ors. (1998) 8 SCC 1, has held that the writ jurisdiction of a High Court under Article 226 is not affected by the existence of alternative remedies in at least three contingencies., one of which is where there has been a violation of the principles of natural justice, and another of which is where the order or the proceedings are wholly without jurisdiction. Both contingencies are present in the facts of this case. The infirmity identified by this Court lies not in the ultimate conclusion that may be reached but in the process by which the impugned decision was arrived at, and where that process is found to be vitiated by violation of natural justice or want of jurisdiction, interference under Article 226 is not only warranted but necessary.

42. The contention that the Board was not required to decide the jurisdictional objection at this stage is also without merit. While it may be correct that the Board was not bound to decide the issue as a preliminary question, it was certainly required to deal with the objection once it had been raised and noted. The obligation to “deal with” the objection cannot be satisfied by mere acknowledgment; it necessarily requires a reasoned determination. The failure to do so is indicative of non-application of mind and renders the decision unsustainable.

43. Viewed thus, this Court is of the considered opinion that the impugned decision dated 04.11.2016 cannot be sustained in law. The decision is vitiated by failure to comply with the mandate of the consent order dated 09.05.2012, by violation of the principles of natural justice, and by absence of reasons. The process adopted by the Board falls short of the



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standards required of a statutory authority exercising adjudicatory functions and therefore cannot be allowed to stand.

CONCLUSION:

44. In view of the foregoing discussion and for the reasons recorded hereinabove, this Court is of the considered opinion that the decision of the Central Advisory Contract Labour Board, as reflected in the minutes of its 90th meeting held on 04.11.2016 and circulated on 30.12.2016, cannot be sustained in law. The same suffers from non-consideration of material submissions, failure to adjudicate the jurisdictional objection raised by the petitioner, and absence of reasons, thereby violating the mandate of this Court's order dated 09.05.2012 as well as the settled principles of fair decision-making.

45. Accordingly, the impugned decision contained in the minutes of the 90th meeting of the Central Advisory Contract Labour Board dated 04.11.2016, recorded as Item No. 12 insofar as it directs the Committee to proceed further and submit its report, is hereby **set aside and quashed**.

46. The matter is remanded back to the Central Advisory Contract Labour Board for fresh consideration, subject to the following directions:

(i) The Board shall first consider and decide, as a threshold issue, the objection raised by the petitioner regarding its jurisdiction to review or reopen its earlier decision dated 15-16.05.2008;

(ii) The Board shall afford due opportunity of hearing to all parties, including the petitioner and Respondent No. 3, and shall take into account the written submissions already filed, as well as any additional submissions that may be placed before it;



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(iii) The Board shall pass a reasoned and speaking order, dealing with all contentions raised by the parties, in accordance with law and uninfluenced by the earlier impugned decision;

(iv) It is made clear that the Committee shall not proceed further with the inquiry until the Board decides the aforesaid objections in accordance with law.

47. It is further clarified that this Court has not expressed any opinion on the merits of the controversy relating to engagement or abolition of contract labour in the establishment of the petitioner, and all rights and contentions of the parties in that regard are left open to be considered by the Board.

48. The Board is directed to complete the aforesaid exercise expeditiously, preferably within a period of three months from the date of receipt of this judgment.

49. The writ petition is allowed in the above terms. Pending applications, if any, also stand disposed of.

**SHAIL JAIN
JUDGE**

MAY 4, 2026/DG