

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11407 OF 2025

M/s. Swagat Services

.. Petitioner

Versus

The Regional Labour Commissioner (Central),
Mumbai and Ors.

.. Respondents

.....

- Mr. S. Xavier Fernando, Advocate for Petitioner.
- Mr. J. P. Patil, AGP for Respondent No.2.
- Ms. Deepa Kedari, Advocate for Respondent No.4.

.....

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 26, 2025

P.C.:

1. Heard Mr. Fernando, learned Advocate for Petitioner; Mr. Patil, learned AGP for Respondent No.2 and Ms. Kedari, learned Advocate for Respondent No.4.

2. The grievance of Petitioner before me is that recovery certificate dated 10.03.2025 issued by Competent Authority under Payment of Wages Act, 1936 (for short '**the said Act**') and the The Regional Labour Commissioner (Central) is for directing recovery from the Petitioner. The said Certificate is appended at page No.55 of the Writ Petition.

3. Mr. Fernando has drawn my attention to the impugned Award appended at page No.41 passed by Competent Authority under the said Act in Application dated 07.08.2023 filed by the Union -

Hawai Karmachari Sena under Section 15(2) of the said Act against Petitioner, Air India Staff Colony Association and Air India Limited, *inter alia*, pertaining to payment of unpaid wages for the period stated therein totally amounting to Rs.40,26,646/-. He would submit that there was a tripartite arrangement / Agreement between the parties which is seen from the observations of the Competent Authority at page No.49 whereby Air India Limited was paying the wages for the concerned house keeping since the year 1972 until 2023 through the Staff Colony Association which has been admitted by Air India Limited.

4. He would submit that the tenure of outstanding arrears which is subject matter of Application dated 07.08.2023 filed by Union dates back to the period 2023 - 2024. He would submit that accordingly the Competent Authority has passed Award dated 15.07.2024 in a structured manner imposing payment of liability on Indian Airlines Staff Colony Association in the first place and on Air India Limited in the event of Petitioner not making the said payment within a period of 15 days. He would submit that Petitioner was called upon to make payment as per the operative part of the order, but the said order to Petitioner is merely directory and liability under the order as per operative clause (3) of the order is actually of the Indian Airlines Staff Colony Association or Air India Limited who were Opponent Nos.2 and 3 before the Competent Authority.

5. An arguable case has been made out by Mr. Fernando for intervention of this Court in the wake of the recovery certificate being issued only against Petitioner especially when the operative part of the Award when read with the observations recorded by the Competent Authority are seen by this Court. Considering that challenge is to the recovery certificate only, the Petitioner has not impleaded the original opponent Nos.2 and 3. Hence leave is granted by the Court to implead Air India Staff Colony Association and Air India Limited on as Respondent Nos.7 and 8 to the Petition and serve them the Petition. Amendment is permitted to be carried out forthwith in the presence of the Court. Re-verification is dispensed with.

6. Hence, issue notice to Respondents and newly added Respondents. Mr. Patil, learned AGP waives service on behalf of Respondent No.2. In addition to Court notice, Petitioner is permitted to serve copy of amended Petition and this order on the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.

7. Respondents are directed to file their Affidavit-in-Reply to the Petition within a period of four weeks from today. Recovery Certificate which is under challenge in the present Petition is directed to be held in abeyance and no coercive steps shall be taken against

Petitioner until the present Writ Petition is heard and decided by the Court.

8. List the Writ Petition on **23rd September, 2025**.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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