

30.03.2026.
Court No. 13
Item No. 36.
sp

F.M.A. No. 342 of 2026
With
CAN 1 of 2025
Airports Authority of India
Versus
Union of India & Anr.

Mr. Ayan Poddar,
Mr. Soham Dutta,
Ms. Anjali Shaw.

..for the appellant.

Mr. Bishwambhar Jha,
Mr. H.K. Jha,
Ms. Munmun Mishra,
Mr. Sourav Mondal,
Ms. Ayesha Iman.

..for the respondents.

1. The subject matter of the instant appeal is an order passed by the Single Bench of this Court dated 8th July, 2025.
2. By the said order, the Single Bench's finding that since the appellant has been supplied with a copy of the decision of the Chairman, Central Advisory Contract Labour Board (CACLB) of the Airports Authority of India dated 14th August, 2024 in the pleadings and/or reports filed, the appellant would be required to challenge the same in an independent writ petition.
3. Learned counsel for the appellant would argue that the Single Bench, having received the appellant's objection to the report of the Sub-Committee ought to

have decided the propriety of the decision of the CACLB itself.

4. The brief facts relevant to the case are that the Appellant/Airports Authority of India (AAI) controls and manages the Netaji Subhas Chandra Bose International Airport at Calcutta. They engage baggage trolley handlers through an outsource labour contractor.

5. The CACLB attached to the AAI, had visited and impeded the Netaji Subhas Chandra Bose International Airport at Calcutta for the purpose of assessment as to whether the Airport could be allowed to continue engagement of baggage trolley handlers through contractors. Both the appellant and the labour unions were heard. Based on the hearing, a Sub-Committee of the CACLB has recommended that engagement through contractors of baggage trolley handlers would now be prohibited at the Netaji Subhas Chandra Bose International Airport at Calcutta. This recommendation to mature into an order under Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970, requires a gazette notification to be published by the Central Government.

6. The appellant/Airports Authority of India is itself and other authority within the meaning of Article 12 of the Constitution of India.

7. It appears to this Court that the prohibition of engagement of baggage trolley handlers through contractors could have an impact on the financial strength and well being of the establishment being the Netaji Subhas Chandra Bose International Airport, Calcutta. According to the prohibition, recommended by the Sub-Committee, CACLB, is perverse and de hors the record.

8. It appears to this Court that the appellant was deprived of the principles of natural justice when it was not provided with a copy of the recommendation of the Sub-Committee of the CACLB. The appellant was indeed entitled to challenge the report in law. Civil consequences would ensue on the appellant if the prohibition against engagement of contract labour, is accepted by the Central Government and notification issued in terms of Section 10 of the Act of 1970.

9. Mr. Bishwambhar Jha, learned counsel for the Union of India opposes of the prayer of the appellant.

10. Having regard to the fact that the appellant itself is state and/or other authority within the meaning of Article 12 of the Constitution of India and is aggrieved by the action of the Central Government, this Court is of the view that the appropriate authority and/or the Secretary, Ministry of Labour of the Central Government gives an appropriate hearing to the appellant before any notification is issued in the

official gazette in terms of Section 10 of the Act of 1970.

11. For the aforesaid purpose, the appellant/Airports Authority of India shall be entitled to make a comprehensive representation with all supporting documents to the Secretary, Ministry of Labour of the Central Government located at New Delhi. The said Secretary shall, after hearing the appellant, and having due regard to the recommendation of CACLB, pass appropriate orders. If the decision of the Central Government is against the appellant, the same shall not be given effect to for a period of 45 days after receipt of a copy of the final order of the Secretary by the appellant.

12. With the aforesaid directions, FMA 342 of 2026 shall stand disposed of.

13. Consequently, all other connected applications shall also stand disposed of.

14. There shall be no order as to costs.

15. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)

