

Roshan Lal And Ors. vs International Airport Authority Of ... on 11 November, 1980

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Author: O. Chinnappa Reddy

Bench: O. Chinnappa Reddy, R.S. Pathak

JUDGMENT

O. Chinnappa Reddy, J.

1. The International Airport Authority was constituted by Act 43 of 1971 to administer the Airports of Bombay (Santacruz), Calcutta (Dumdum), Delhi (Palam) and Madras (Meenambakam). The petitioners and respondents Nos. 3, 5, 8, 11, 12, 13, 14 and 15 were appointed, on various dates, in the year 1972 and later as Airport Terminal Managers. In 1972 the organisation of an Airport Management consisted of an Airport Director at the apex, a Deputy Director immediately below him, an Airport Officer below the Deputy Director and Terminal Managers, Executive Engineers, Accounts Officer, Assistant Personnel Officers etc. below the Airport Officer. The scale of pay of a Terminal Manager was Rs. 350-900 (subsequently revised to Rs. 650-1200). The scale of pay of an Airport Officer was Rs. 400-950 (subsequently revised to Rs. 700-1300). The duties of Airport Terminal Managers and Airport Officers were prescribed respectively in Circulars Nos. 17/31/74-Ops, dated August 30, 1974, and 17/31/74-Ops, dated April 8, 1974. Though it was claimed by the learned Counsel for the petitioners that the duties of a Terminal Manager and an Airport Officer were the same a perusal of the two Circulars reveals that it is not so in fact. The circular prescribing "the duties and responsibilities of a Terminal Manager" expressly mentions that Terminal Managers "will have to maintain very close liaison and seek the directions/instructions in dealing with matters from the Airport Director/Deputy Director/Airport Officers as the case may be" clearly indicating that Airport Officer was superior and Terminal Manager was subordinate in status. The Terminal Manager is responsible for ensuring cleanliness of the Terminal Building and surrounding areas and to make periodical checks of the operational areas to see that runways etc., are clear of hazards of aircraft movement. They have to maintain liaison with airlines and Government Officers to collect information regarding aircraft movements. They have to take possession of unclaimed lost property and to make the same over to the Airport Director. They are required to keep a check on the distribution and sale proceeds of Airport admission tickets, car park admission tickets etc. They are to maintain liaison with local police and security forces. They are

required to check VIP and VVIP lounges to keep them neat. They are to check the suggestion box from time to time. They are also to maintain discipline of the staff placed under them. They are required to report to the Airport Director all events of unusual occurrence. They are also required to perform any other duties that may be assigned to them by the Airport Director. On the other hand the Airport Officer is required to assist the Director and Deputy Director in the day to day running of the Airport and to deal with correspondence in respect of the maintenance of the Airport runways etc. He is required to inspect the lighting systems and power generation sets and to check the efficient functioning of crash, fire and rescue services. He is to be in charge of co-ordination with all authorities, agencies for safety of aircraft operations. He is expected to take preventive measures against bird hazards, cattle and dog nuisance. He is to check the revenue from admission fees and passenger service fees at the Airport. He is to keep liaison with all Government Departments. He is to maintain discipline and orderly movement of vehicular traffic. He is to inspect and check the functioning of various passenger amenities and services, the functioning of P. A. System, Aircraft Movement Boards etc. etc. A comparison of the duties and responsibilities of the Terminal Manager with the duties and responsibilities of an Airport Officer clearly reveals that they are by no means the same and that the duties and responsibilities of an Airport Officer are of a supervisory character, endowed with greater responsibility.

2. The International Airport Authority of India at its meeting held on December 23, 1975 decided to accept the recommendations of a Task Force appointed by it to consider the question of reorganisation and rationalisation of the existing set up at the Airports and Headquarters. According to the decision which was taken on December 23, 1975 there was to be an Airport Director at the top, next to him a Deputy Director and below him Airport Officers, Executive Engineers etc. There were to be five Airport Officers (Ops)., instead of the existing single Airport Officer at the Bombay Airport. Five posts of Terminal Managers at the Bombay Airport were to be abolished. Officers known as E & M Officers were to be redesignated, as also the Accounts Officer. Similarly at the Airports of Delhi, Calcutta and Madras the number of Airport Officers (Ops.) was to be raised from one to five, from one to four, and from one to three respectively and the posts of Terminal Managers in all the Airports were to be abolished, five at Delhi, four at Calcutta and three at Madras. The posts previously called E & M Officers and Accounts Officers were to be redesignated. The duties of Airport Officer (Operations) were stipulated in these terms : "they will be responsible for all operational management on the air side and terminal (including facilitation) management, with Assistant Apron Controllers to assist them. They will work directly under Deputy Directors".

3. Even before the Board of the International Airport Authority passed its resolution accepting the scheme of reorganisation proposed by the Task Force, two posts of Airport Officers (Operations) were advertised in September, 1974. Among other applicants for the posts there were ten out of the fourteen Air port Terminal Managers then employed. After considering the rival merits of all applicants and interviewing them a common panel for the posts of Airport Officers (Operations), Airport Officers (Apron Control) was prepared. Four out of the ten Airport Terminal Managers who had applied were included in the panel. After the approval of the proposal for rationalisation and reorganisation, the posts of Airport Officer (Apron Control) were abolished and those posts were converted into posts of Airport Officers (Operations). Appointments to some of the posts of Airport

Officers (Operations) were made from the panel. In order to facilitate the absorption and appointment of the remaining Terminal Managers (which posts were abolished) as Airport Officers "a general mental ability and aptitude test was held". The petitioners and various other employees of the International Airport Authority appeared at the aptitude test and were selected. Thereafter they were appointed as Airport Officers (Ops.). In December, 1977, a seniority, list of Airport Officers was published and the complaint of the petitioners is that although they were senior to some of the respondents as Terminal Managers and had entered the service of the International Airport Authority long before the appointment of the remaining respondents as Airport Officers, they were placed below the respondents in the seniority list.

4. One of the principal submissions made by Smt. Shyamla Pappu, learned Counsel for the petitioners was that the appointment of the respondents as Air port Officers (Ops.) was made at a time when there was no sanction for such posts and therefore their appointment was illegal. Other reasons were also advanced in support of the claim that the respondents were irregularly appointed as Airport Officers. We are afraid that it is rather late in the day for the petitioners to question the appointment of the respondents as Airport Officers (Ops.). The respondents were appointed as Airport Officers in 1975 and the present Writ Petitions were filed in 1978. We do not think we will be justified in reopening the question of the legality of the appointment of respondents as Airport Officers several years after their appointment. We also notice that the prayer in the Writ Petitions also is confined primarily to the seniority list and the consequences flowing from the seniority list.

5. The next submission of Smt. Shyamla Pappu was that Terminal Managers and Airport Officers were discharging the same duties and that the recommendation of the Task Force was, in effect merely to redesignate them as Airport Officers (Ops.). The erstwhile Terminal Managers were, therefore, entitled to claim seniority from the respective dates of their initial appointment as Terminal Managers. We have earlier referred to the respective duties of Terminal Managers, Airport Officers and Airport Officers (Operations). As already pointed out by us it is not possible to come to the conclusion that Terminal Managers were discharging the same duties as Airport Officers and Airport Officers (Operations). Smt. Shyamla Pappu relied on a duty roster which showed that Airport Officers (Operations) and Terminal Managers were relieving each other in the performance of their duties. That the Airport Officers were also attending to the duties of Terminal Managers cannot lead to the conclusion that all their duties are identical. For some time during the period before the selection and appointment of the petitioners as Airport Officers (Operations) they continued to work as Terminal Managers notwithstanding the abolition of those posts. It was during that period that Airport Officers and Terminal Managers were relieving each other in the performance of their duties. We are not prepared to hold that this circumstance would entitle the petitioners to claim that they were already performing the duties of Airport Officers (Operations) and that they were entitled to claim seniority on that basis. Smt. Shyamla Pappu also placed reliance on the office note put up by Shri Viswanath according to which the duties and responsibilities of Airport Officers (Operations) are generally the same as were being performed by the erstwhile Terminal Managers. Dr. Anand Prakash, learned Counsel for the International Airport Authority drew our attention to the circumstance that the note of the Director of Operations was part of a note file and he placed before us the rest of the file which showed that the Chief of Operations, the Chief of Personnel and the Deputy Director of Personnel disagreed and observed:

The Airport Officer (Operations) post was created which involves higher responsibilities than those which were shouldered by the Terminal Managers. This is evident from the fact that Asstt. Apron Controller is to assist them in carrying out the responsibilities. The post of Terminal Manager was abolished and persons holding these posts were made to undergo a fresh interview and given specialised training at CATC, Allahabad. New persons with requisite qualifications were inducted in the newly created post of Airport Officer (Operations) and on the basis of the marks obtained in the interview board, their seniority was decided upon.

Since there has been delay in implementation of the Apron Control and the Airport Officers (Ops.) have been managing the duties of the Terminal Manager, it cannot be said that the duties of the Airport Officers (Ops.) are the same as those of the Terminal Managers.

6. We are therefore, unable to see any force in the submissions of Smt. Shyamla Pappu. In the result the Writ Petitions are dismissed but in the circumstances there is no order as to costs.