

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2222 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 9904 of 2015**

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Geeta Devi, wife of Late Sushil Kumar, resident of Company Bag, Danapur Cantt.,
P.S. Danapur, District - Patna

.... Writ petitioner -Appellant

Versus

1. Union of India through the Principal Secretary, Ministry of Civil Aviation, Government of India, New Delhi.
2. The Regional Executive Director, Airport Authority of India, Neetaji Subhash Chandra Airport, Kolkata.
3. The Airport Director, Airport Authority of India, Jai Prakash Narayan International Airport, Patna.

.... Respondents-Respondents

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Appearance :

For the Appellant : Mr. Ashish Giri, Advocate

For the Respondent-UIO : Mr. S.D Sanjay, Addl. S. G.
Mr. Kumar Priya Ranjan, C. G. C.

For the respondent-AAI : Mr. (Dr.) Pankaj, Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 08-04-2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 26th of November, 2015 whereby the claim of the appellant for appointment on compassionate ground was declined.

2. Sushil Kumar, husband of the present appellant, was said to be missing since 5th February, 1997 and was declared dead by the decree of the Civil Court on 31st of August, 2005. Sushil Kumar was working as Safaiwala at Jai Prakash Narayan International Airport,

Patna under the control of the Airport Authority of India Limited. The appellant claimed that Airport Authority of India Limited is an adjunct of the Government of India and, therefore, as per the scheme framed by the Central Government for appointment on compassionate ground which has been adopted by the Airport Authority of India Limited, the appellant is entitled to be appointed on compassionate ground.

3. On 5th of December, 2014, the appellant was informed by the Government of India, Ministry of Civil Aviation, New Delhi that Airport Authority of India has intimated that consequent upon the restructuring of Delhi and Mumbai airports and handing over the same to Joint Venture Companies, a large number of employees had reverted back to Airport Authority of India and it has to be ensured that all such employees are gainfully deployed at other establishments of Airport Authority of India. In view of this, no Employment Assistance Committee meeting has been conducted since September, 2008 and no recruitment has been done after 2008 on compassionate ground.

4. It is contended that the stand of the Government of India that due to adjustment of the employees consequent upon the restructuring of Delhi and Mumbai Airports there is no requiring of the employees cannot be taken into consideration for the purpose of appointment on compassionate ground as such surplus employees can not be taken into consideration for considering the claim for appointment on compassionate ground.

5. The argument of learned counsel for the appellant that

the employees who have been absorbed by the Airport Authority of India at other stations are the surplus employees of the Airports and thus cannot be taken into consideration in terms of Clause 16 (f) of the Scheme framed by the Central Government.

6. We do not find any merit in the argument. The communication is not that they were surplus employees and/or their services were retrenched. The employees who were working in Delhi and Bombay Airports have to be gainfully utilized consequent to handing over the same to Joint Venture Companies. It is not a case of surplus employees, but the substantive employees, who are required to be adjusted. Such employees have to be given duty rather than to pay salary without being any work. Since after 2008, no compassionate appointment has been made, obviously, the appellant cannot claim any right to seek compassionate appointment.

7. We do not find any error in the order of the learned Single Bench of this Court which may warrant interference in the present intra-court appeal.

8. The Letters Patent Appeal thus stands dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

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