

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF
ANDHRA PRADESH**

WRIT PETITION No. 6296 OF 2011

Between:

Indian Airports Kamgar Union, represented by its General Secretary

....Petitioner

A n d

Central Government Industrial Tribunal cum Labour Court,
Hyderabad, Exhibition Grounds, M.J. Road, Hyderabad and one
another

....Respondents

DATE OF ORDER: 29.08.2016



HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION NO. 6296 OF 2011****ORDER:**

Petitioner-Union was aggrieved by not granting wage revision as demanded by the Union. A further demand made by the petitioner-Union was that the Fire Service also has non-executive Cadre comprising of Junior Assistant, Assistant, Senior Assistant, Superintendent and Senior Superintendent and they should also be granted restructuring with higher pay scale. Union also contended that a new cadre of 'Fire and Rescue Operator' was created by merging the existing cadres of Driver(Fire) M.T Driver (First Aid) and Fire Foreman (Driver), but in-service candidates were not given the benefit. Contending that as endeavor made by the petitioner -Union to persuade the Management did not yield result, they raised an Industrial Dispute. The claim made by the petitioners, on a reference by the Government of India under Section 10 (1)(d) of the Industrial Disputes Act, 1947, was registered as I.D.No. 49 of 2005 on the file of Central Government Industrial Tribunal-cum- Labour Court at Hyderabad.

2. The claim of the petitioners-Union was opposed by the Management. Primarily, it was the contention of the Management that proposals of Justice Jain Committee were only recommendatory and were not binding on the Management, to accept all the recommendations irrespective of its requirements. The Management also opposed bringing the existing persons into the re-structured cadre of 'Fire and Rescue Operator' on the

ground that the newly integrated post requires higher eligibility criteria with reference to the educational qualifications, possessing the driving license etc. No in-service candidate was qualified and therefore, they cannot be fitted into it. According to the Management, even recommendation of Justice Jain Committee was only for new recruits and not for existing personnel. With reference to the claim on non-executive cadre of Fire Services, the stand of the respondent was that there are promotional avenues already created with an objective to avoid stagnation and they would be granted promotion as per the seniority/experience subject to the requisite qualification; therefore, the question of re-structure of these categories would not arise. It was further contended that the recommendations of the Jain Committee to the extent possible were agreed upon and revised pay scales and restructure of cadres came into force and were operative up to 2006.

3.1 After an elaborate consideration of the claims of the petitioners, the Industrial Tribunal dismissed the claim. At this stage, it is relevant to note the observations of the Industrial Tribunal. According to the Industrial Tribunal, 'not a single workman has been produced by the Union but for its Joint General Secretary who has not been able to prove or place any such material which may show that the entire non-executive cadre was allowed to be upgraded, without any condition by expert committee'. The Tribunal noticed that the contention of the petitioner and the evidence brought about by the Petitioner-Union would show that up-gradation was recommended by the expert committee introducing higher educational qualification and there

technical qualification. The Tribunal, therefore, opined that there was no settlement between the petitioner and respondent-Management for upgradation of the entire existing personnel of the fire services to the cadre of 'Fire and Rescue Operator' with higher pay scale, and held that the respondent-Management has not committed any illegality or irregularity in not granting the upgradation of fire cadre and justified the action of respondent-Management in not implementing the recommendation of the expert committee.

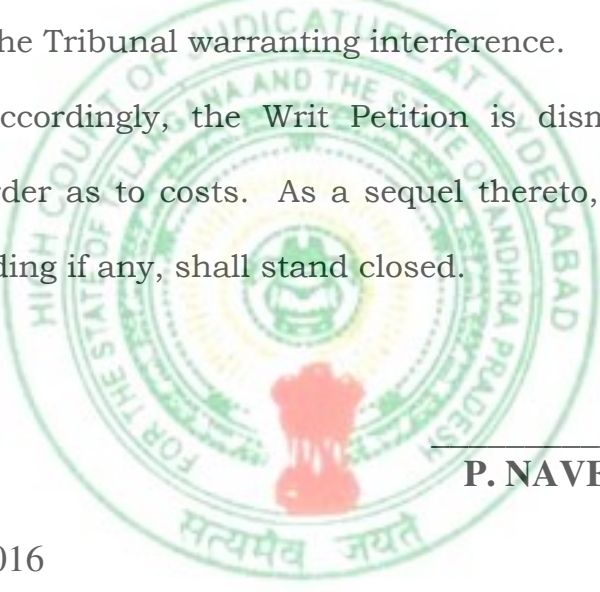
3.2 The Tribunal further noticed that no material was placed on record to show that other divisions of Airports Authority of India have upgraded the post and observed that the recommendations of Justice Jain Committee were not related to only Hyderabad Division but are applicable to all Divisions of Airports Authority of India and unless the same was placed on record to show that it was implemented elsewhere, the petitioner cannot make such allegations that the recommendation of Justice Jain Committee applicable only to Hyderabad Division of Airports Authority of India.

3.3 It is appropriate to notice the observations of the Tribunal at paragraph 24, which would sum up the case. It reads as under

“24. The question as to what relief petitioner is entitled, that the petitioner has not been able to prove illegality or unjustifiability in the action of Management of Hyderabad Division of AAI, as such Petitioner is not entitled to any relief. This question is answered accordingly. Hence, this award.”

4. Even in the Writ Petition bald averments are made and no material is brought on record to show that findings recorded by the Tribunal, after elaborately considering the claims of the petitioner-Union are contrary to the record. It is not a case of perverse findings by the Tribunal. It is settled principle of law that the Pay Committee recommendations are not binding on the employer and they are only guiding factors for the employer to decide the application of the revised pay scales to various categories of employees subject to its administrative requirements and financial implications. Therefore, I do not see any error in the decision arrived at by the Tribunal warranting interference.

5. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.



P. NAVEEN RAO, J

Date: 29.08.2016
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