

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION St. NO.30318 OF 2018
IN
WRIT PETITION NO. 8002 OF 2018**

K. L. Lakshminarasimhan

..Petitioner

Vs.

Airports Authority of India & Ors

..Respondents

Mr. Yeshwanth Shenoy I/b Rajgor Ranjan for the Petitioner

**Mr. Anil C. Singh Addl Solicitor General a/w Mr. P. J. Rony I/b Rony & Co.
for the Respondent No.1**

**CORAM :R. M. SAVANT, &
NITIN W. SAMBRE, JJ
DATE : 2nd NOVEMBER, 2018**

P.C.

1 By the above Review Petition, the review is sought of our order dated 10-10-2018 passed in the above Writ Petition, by which order we have refused to grant any relief to the Petitioner in the Writ Petition and have dismissed the Writ Petition. The said Writ Petition was filed for quashing and setting aside the eviction order dated 12-7-2018 passed against the Petitioner. The Writ Jurisdiction of this court was invoked in view of the fact that the Airport Appellate Tribunal before whom an Appeal would lie against the eviction order was not constituted and therefore the Petitioner could not effectively avail of the remedy by way of an Appeal, which is provided under the Airports Authority of India Act, 1994. Since the Petitioner was applying for interim relief in the said Writ Petition, in the absence of the Airport

Appellate Tribunal, the Learned Counsel appearing on behalf of the Petitioner in the above Writ Petition submitted that this court hear the Petition in respect of the grant of interim relief pending the Appeal before the Airport Appellate Tribunal. The Petitioner had assailed the eviction order on the ground that the Eviction Officer who passed the eviction order did not have the authority to do so. Since the said issue went to the root of the matter we at the instance of the Learned Counsel for the Petitioner deemed it appropriate to adjudicate upon the same. We have accordingly in the order dated 10-10-2018 have held that the Eviction Officer who passed the eviction order was authorised to do so. We therefore as indicated above declined to grant any relief to the Petitioner in the said Writ Petition.

2 The Review Petition is founded on the fact that in terms of the Airport Authority Employees (Conduct, Discipline and Appeal) Regulations 2003 and especially Regulation 24 thereof an employee under suspension would not be required to vacate the accommodation provided by the Authority. It was therefore the submission of the Learned Counsel for appearing for the Review Petitioner that the eviction proceedings could not have been commenced against the Petitioner since he was under suspension.

3 We have already in our order adverted to the factum of the suspension of the Petitioner vide order dated 17-12-2015 pending

Departmental Enquiry to be held against him as also the factum that the Petitioner's headquarters being changed to ATC-Kolkata and the Petitioner's suspension being revoked on 27-4-2016 on the condition that the date of revocation of the suspension will be the date he joins at Kolkatta. In the aforesaid factual situation we are of the view that the protection of regulation 24 would not be available to the Petitioner. The Learned Counsel for the Petitioner thereafter sought to contend that the Petitioner is an upright officer and is sought to be victimised on account of an incident involving his wife who is also an officer working with the Airport Authority of India Ltd. as DGM (Aviation Safety). The Learned Counsel also sought to place reliance on the judgment of the Apex Court date 17-11-2015 in Writ Petition (Civil) No.933 of 2014 in the matter of Dr. Ram Lakhan Singh Vs. State Government of Uttar Pradesh through Chief Secretary. The said judgment of the Apex Court is on the point of the need to protect honest officers who are victimised for not towing the line. In the facts of the present case, we are afraid that the said judgment would be of no assistance to the Petitioner as the present proceedings are involving the eviction order passed against the Petitioner and the point for consideration was whether interim reliefs could be granted to the Petitioner till such time as his Appeal is considered by the Airport Appellate Tribunal.

4 In our view, there is no error apparent on the face of the record or

there are no other circumstances which would come within the grounds on which review can be sought under Order 47 of the CPC. The Review Petition is accordingly dismissed. The protection which has been granted vide order dated 10-10-2018 which is to come to an end on or about 7-11-2018 is continued up to 7-12-2018.

[NITIN W. SAMBRE, J]

[R.M.SAVANT, J]