

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: May 28, 2018

+ **W.P.(C) 7080/2016**
+ **W.P.(C) 7083/2016**
+ **W.P.(C) 7084/2016**
+ **W.P.(C) 7085/2016**
+ **W.P.(C) 7130/2016**
+ **W.P.(C) 7225/2016**
+ **W.P.(C) 10918/2016 & CM 42747/2016**

G. REVATHI
R. VIJAYA KUMARI
SHARAD KUMAR DUBEY
R.R. RAVI KUMAR
J. YUVARANI
T.T. POULOSE & ORS.
ULHAS KULKARNI & ORS

..... Petitioners

Through: Mr. Ashish Dixit, Ms. Drishti Jha
and Mr. Rishabh Tripathi, Advocates

Versus

AIRPORTS AUTHORITY OF INDIA THROUGH: ITS
CHAIRMAN & ORS

..... Respondents

Through: Mr. Digvijay Rai and Mr. Pulkit
Tyagi, Advocates for respondent-AAI
Mr. Vikram Jetly, CGSC for respondent No.2
(in I-14 to 19)
Mr. Roshan Lal Goel and Ms. Anju Gupta,
Advocates for respondent No.2 (in I-21)

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. With the consent of learned counsel for parties, the above-captioned petitions have been heard together and are being disposed of by this common order.
2. A mandamus is sought to respondent-Airport Authority of India (*hereinafter referred to as 'AAI'*) to promote petitioners in the grade of Assistant General Managers w.e.f. 1st July, 2014. A direction is also sought to quash the impugned draft seniority list of Assistant General Managers and Senior Managers of 27th February, 2015. Restoration of seniority of petitioners in terms of Guidelines enumerated in DoPT's Office Memorandum of 3rd June, 1986 is also sought.
3. Petitioners vide Representation had sought withdrawal of Combined Seniority List of 27th February, 2015, with a prayer to treat Electronics Assistants junior to Executives in Communication-Operations and Communication-Technology. Vide order of 9th May, 2016, Representation made by petitioners have been disposed of, with a clarification that seniority of all three cadres i.e. Communication-Technology / Operations / Electronics, is maintained separately and thus, the date of initial induction cannot be the criteria for further promotion. It is also clarified by respondent-AAI in its Communication of 9th May, 2016 that promotion of Sh. V. Satyam to the post of Senior Manager/AGM is as per R&P Regulations.
4. Learned counsel for petitioners had sought to argue on merits to submit that petitioners are from substantive cadre and preference to the feeder cadre cannot be given. It was put to petitioner's counsel to point out as to where is the challenge to the impugned draft seniority list of

Assistant General Managers and Senior Managers of 27th February, 2015. Learned counsel for petitioners had drawn attention of this Court to combined seniority list as on 1st January, 2015 (*Annexure-N*) to point out that this seniority list is not cadre wise.

5. On the contrary, learned counsel for respondent-AAI has drawn attention of this Court to counter affidavit filed by first respondent to point out that the Manpower Advisory Board had allocated posts to the different cadres and on instructions, it is submitted as third respondent has been granted promotion as per his seniority in the cadre. In rebuttal, petitioners' counsel points out that in the counter affidavit filed by first respondent, it is maintained by them that although induction of Electronics Assistants/Electronics Officers and their seniority was being separately maintained but they were considered as feeder cadre alongwith Technical Assistants/Communication Assistants for the purpose of promotion. It is pointed out by learned counsel for respondent-AAI that third respondent has been dropped by petitioners from the array of parties.

6. Upon hearing and on perusal of impugned draft seniority list of Assistant General Managers and Senior Managers as on 1st January, 2015 circulated on 27th February, 2015 and the material on record, I find that there is no clarity regarding there being separate cadres for Electronics Assistants/Communication Assistants and Technical Assistants. In any case, impugned draft seniority list of Assistant General Managers and Senior Managers as on 1st January, 2015 (*Annexure-N*) needs to be finalized after considering the objections of petitioners.

7. Let first respondent invite objections to the impugned draft seniority list of Assistant General Managers and Senior Managers as on 1st January, 2015 (*Annexure-N*), within four weeks from today, by putting it on the official website.

8. At this stage, learned counsel for petitioners submits that objections to impugned draft seniority list of Assistant General Managers and Senior Managers as on 1st January, 2015 (*Annexure-N*) would be submitted to first respondent within two weeks from today.

9. In the facts and circumstances of this case, the above-captioned seven petitions are disposed of with direction to first respondent to finalize impugned draft seniority list of Assistant General Managers and Senior Managers as on 1st January, 2015 (*Annexure-N*) within twelve weeks of receiving the objections from petitioners. Before this is so done by first respondent, let the objections so received from petitioners be considered by way of a speaking order and its fate be conveyed to petitioners within a week thereafter, so that they may avail of the remedies as available in law, if need be. It is made clear that till the said impugned draft seniority list of 27th February, 2015 (*Annexure-N*) is not finalized by respondents, promotion to the post of Deputy General Manager (DGM) be not made.

10. It is clarified that if the impugned draft seniority list of Assistant General Managers and Senior Managers as on 1st January, 2015 (*Annexure-N*) has been already finalized, then petitioners be apprised of it within four weeks from today, so that they are able to have recourse to law, if need be.

11. With aforesaid directions, the above-captioned seven petitions and the application are disposed of.

Copy of this order be given *dasti* to learned counsel for the parties.

(SUNIL GAUR)
JUDGE

MAY 28, 2018

s

