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

Judgment pronounced on: 22nd January, 2018

+ W.P.(C) 8561/2017

AIRPORTS AUTHORITY OFFICERS ASSOCIATION (INDIA)

..... Petitioner

Through Mr. S.M. Sundaram and Mr. K.
V. Balakrishnan, Advs.

versus

AIRPORTS AUTHORITY OF INDIA

..... Respondent

Through Mr. Digvijay Rai and Mr. Pulkit
Tyagi, Advs.

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HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL)

1) This is a writ petition in which the following substantive reliefs have been claimed:-

“a) Issue an appropriate writ, order or direction directing the Respondent to recognise the Petitioner Association as the Association of Officers of CNS Cadre in terms of the Policy dated 01.03.2017.

b) Restrain the Respondent from extending the dates of submission of documents and undertakings as stated in its Policy from other Association claiming to be the representative of CNS Cadre.”

2) The first substantive hearing in the matter was held on 27 September 2017. The following order was passed: -

“Mr. Rai, Id. Counsel for the respondent submits that for the purpose of recognition of the Association in terms of its policy dated 1.3.2017 that has come to be framed in pursuance of the order passed by this Court on 23.12.2015 and in respect whereof, process has come to be concluded on

25.9.2017, there shall not be any further extension for the purpose. Mr. Rai also states that the respondent shall strictly follow the instructions or the guidelines provided under the policy on the subject in vogue. Let a short affidavit to that effect be filed, a week before the adjourned date.

List on 8th December, 2017.”

(emphasis is mine)

3) As would be evident on that date, an opportunity was given to the respondent to file a short affidavit in terms of the observations made in the order.

4) The respondent, accordingly, has filed a short affidavit. Along with the affidavit, the respondent has appended a letter dated 9 November 2017.

5) Via the said letter, the respondent has recognised the petitioner/ association. The only grievance that the petitioner has vis-a-vis the communication is that the period of recognition has been truncated and would, accordingly, end on 31 March 2019. According to the petitioner, the period should end in November, 2019. The petitioner's assertion in this is sought to be backed by the extant policy, which is the policy dated 1 March 2017. As per this policy the period of recognition is two years, and, therefore, the petitioner says the period of recognition in its case should end on 9 November 2019.

6) On the previous date, Mr. Rai, who appears for the respondent had sought time to obtain instructions. Mr. Rai says that if recognition period qua the petitioner is extended till 9 November 2019 it will bring about administrative difficulties.

7) Concededly, paragraph 7 of the policy (i.e., policy dated 1 March 2017) clearly stipulates that the period of recognition, in each

category qua associations should be of two years, which should commence from the date of recognition.

7.1) Therefore, the petitioner, in my view, is rightly aggrieved inasmuch as the communication dated 9 November 2017 truncates the period of recognition.

8) What has emerged during the course of arguments is that there are, broadly, three cadre based associations. These are AAI, CNS and Engineering.

8.1) The petitioner represents the CNS Cadre and upon the issuance of letter dated 9 November 2017 is the only recognised association qua the said cadre.

9) I was told by Mr. Rai that in terms of paragraph 3, chapter-6 of the extant policy, the respondent is empowered to recognise one more officers' association, which could be considered for grant of recognition on All India Basis. Such an association according to Mr. Rai would function for the welfare of employees the respondent falling in any cadre, for instance, HR/ Administration/ Finance/ Commercial/ Land/ Law/ OL/ Operations etc.

9.1) It is Mr. Rai's submission that any direction issued to enlarge the tenure of the petitioner till 9 November 2019 will, as indicated above, cause administrative difficulties. I think these are matters which the respondent will have to work out. Since, the policy itself says that recognition will run for a period of two years from the date of recognition being granted, the respondent cannot take a stand contra to its own policy.

10) Furthermore, an argument was advanced by Mr. Rai that the scope of the writ petition did not envisage as to the period for the

recognition would last. In my view, the submission is untenable as a perusal of the very first prayer, i.e., prayer clause (a) would show that the petitioner was seeking recognition in terms of policy dated 1 March 2017. Since, the policy itself, as indicated above, says that the period of recognition will be two years, the said relief was clearly embedded in prayer clause (a).

10.1) In so far as prayer clause (b) is concerned, the same has already been worked out in view of the fact that respondent, concededly, had fixed 25 September 2017, as the date of a final submission of documents by interested associations.

10.2) As a matter of fact, the petitioner had, as the record would demonstrate, submitted the relevant documents for recognition before the initial cut off date, which was 30 April 2017. The petitioner, admittedly, had submitted its documents on 23 March 2017, and, therefore, given facts, no fault can be found with the approach of the petitioner. The petitioner is, in my opinion, entitled to complete relief.

10.3) During the course of hearing, Mr. Rai submitted minutes of meeting dated 5 January 2018, whereby, he sought to demonstrate the petitioner/ association had agreed with truncated period. The photocopy of the said letter has been placed before me. I have perused the minutes. Nowhere does it indicate that the petitioner has agreed to a truncated period. While the issue pertaining to truncated period on the agenda but there is no consent given by the petitioner in that behalf. Therefore, this submission advanced by Mr. Rai will have to be rejected.

10.4) As indicated above, to my mind, consents cannot be given and taken contra to the stated policies.

10.5) At the fag end of the proceedings, Mr. Rai makes another submission which, according to me, is completely untenable. Mr. Rai says that even though the relevant documents were filed by the petitioner before the cut off date, it ought to have been approached the Court at the earliest and not waited as long as it did.

10.6) According to me, taking recourse to a legal remedy is the last resort of any person or entity. Approaching Courts for relief requires an aggrieved party to put in place financial and logistical wherewithal; a harsh truth which the Courts cannot ignore. Besides this, the usual exhortation by us to litigants to exhaust avenues for amelioration of their grievances, in the first instance, on the administrative side. The petitioner, perhaps, kept this wholesome dicta in mind and approached this Court, though not, instantly but within a reasonable period. It is when the grievance was not addressed by the concerned authority that the petitioner instituted the present writ petition.

11) The respondent, to my mind, cannot take advantage of its own wrong. If this argument of the respondent is accepted apart from anything else the period of recognition will then depend upon the whim and fancy of the respondent.

12) Thus, the respondent is directed to issue an amended letter indicating therein that the petitioner's period of recognition will end on 9 November 2017. The writ petition is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

JANUARY 22, 2018

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