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

Date of decision: 04.04.2019

+ W.P.(C) 7634/2013

AIRLINES RETIRED OFFICERS WELFARE ASSOCIATION

AND ORS

..... Petitioner

Through Mr. Arvind Kr. Sharma & Mr. Aniteja
Sharma, Advocates

versus

AIR INDIA LTD.

..... Respondent

Through Ms.Ratna Dwivedi Dhingra, Adv.
with Ms.Chandni Sadana & Mr.Ajay
Pratap Singh, Adv.
Ms.Meenakshi Kashyap, GM (IR).

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

1. Vide the present petition, the petitioners seek direction thereby directing the respondent to continue with the medical and free air passage entitlement as per the terms and service conditions prevailing at the time of superannuation and as per the scheme of amalgamation of Indian Airlines and Air India duly approved by the Ministry of Corporate Affairs order dated 23.08.2007. They further seek direction thereby quashing the

Memorandum No.HPD01/4501 dated 30.09.2013 issued by Air India Ltd., Executive Director (Personnel) being illegal, arbitrary, violative of the terms and conditions of the service after retirement.

2. The present petition was filed in the year 2013 and the same was admit vide order dated 23.02.2015. Thereafter the petitioners moved CM APPLN. 12241/2015 praying to hear the present petition under the category of '*Senior Citizens*'. The said application was allowed vide order dated 05.08.2015 and accordingly directed the Registry to list the petition in the category of 'Senior Citizens' as per its seniority. Since the matter could not reach for hearing, therefore, the petitioners moved another application for early hearing vide CM APPLN. 38787/2018 and the same was allowed vide order dated 26.09.2018.

3. Thereafter, this petition heard in length and vide order dated 09.01.2019, the respondent was directed to file an affidavit clarifying that if any of the retired employee is admitted in the empanelled hospital, he is getting cashless facility at par with the serving employee. Accordingly, the respondent filed affidavit dated 31.01.2019 and in para 4 of the same, it is stated that as of today, the respondent has arrangements with about 50 hospitals which are empanelled with the respondent Air India Limited and

are providing medical services as per the scheme and in accordance with their arrangement with the respondent. It is further stated that the retired employees of the respondent are getting cashless facility at par with the serving employees of the respondent at the time of their admission in the hospital which is empanelled with the respondent.

4. As the issue of the medical facility is concerned, as per the affidavit filed by the respondent, there is no change in the medical facilities of the petitioners as they were availing at the time of their retirement. Counsel appearing on behalf of the petitioners, on instructions, does not dispute the same.

5. The second issue raised in the present petition is regarding the free passage given to the employees and retired employees of the Air India. Counsel for the respondent has produced Air India Employees' Passage Regulations, March 27, 2017 and submits that as per clause 3.2, entitlement for retired employees is as under:

“3.2 Entitlement for Retired Employees:

The entitlement of retired employees will be the same as that of the existing employees of the same level/grade.

Retired employee and Board level functionaries- who have retired/demitted office in Air India shall be entitled for passage facilities as applicable to their grade at the time of superannuation.

Full time ACC Appointed Directors selected through notified PESB Selection Process in Schedule B Scale of Pay shall both on retirement and/or demitting office would be entitled for 24 passages as per the entitlement of retired Directors in the new Passage Regulations. The entitlement of retired Dy. MDs, will be the same as that of Functional Directors. Entitlement of officials retired as Directors when there were no Functional Directors will be that of Executive Directors.”

6. As per clause 6 confirmed SOL passage-procedure which is as under :

“6. Confirmed SOL Passage- Procedure

After issuance of RAO, the staff concerned will, at the time of converting the RAO into ticket, make an endorsement that he/she wishes to travel on a particular flight at a particular date. Such a booking can be carried out one month prior to the date of travel.

- (a) If the seats are available, it will be blocked for travel of employee and his/her family members (from the date of booking till the date of travel but not earlier than one month) travelling on Confirmed tickets, and will not be allotted to any other revenue passenger.”*

7. Learned counsel appearing on behalf of the petitioner submits that though the respondent has stated in the affidavit and relied upon the Regulations dated 27.03.2017, in fact they are not complying with what is stated in the affidavit and in Regulations dated 27.03.2017.

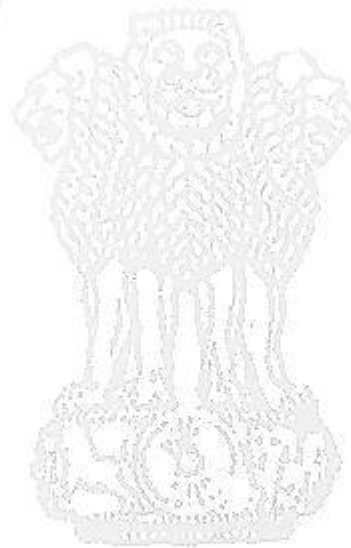
8. Regarding the medical facility, affidavit is filed by the respondent which is binding and as regards Regulations dated 27.03.2017, the same is produced in the Court and counsel for the respondent has relied upon it, on

instructions, from the officer Ms.Meenakshi Kashyap, General Manager (IR) who is present in court today, therefore, this policy is also binding upon the respondent to give facility to the petitioners.

9. The present petition is disposed of, accordingly.

(SURESH KUMAR KAIT)
JUDGE

APRIL 4, 2019
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