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

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Date of decision: 27.07.2020

+ CONT. CAS (C) 365/2020

AIR TRAFFIC SAFETY ELECTRONICS PERSONNEL
ASSOCIATION (INDIA)

..... Petitioner

Through: Mr. S.M. Sundaram and Mr. K.V.
Balakrishnan, Advocate

versus

ARVIND SINGH, CHAIRMAN, AIRPORTS AUTHORITY
OF INDIA & ORS.

..... Respondents

Through: Mr. Digvijay Rai and Mr. Aman
Yadav, Advocates

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

Hearing has been conducted through Video Conferencing.

Present petition has been filed seeking directions to initiate contempt proceedings against the Respondents for wilful disobedience of the order dated 24.02.2020 in W.P(C) 2011/2020.

Mr. Sundaram, Learned Counsel for the Petitioner submits that there is wilful disobedience and violation of the order passed by this Court on 24.02.2020 in as much as the Respondents have issued provisional recognition to CNSOG. They have also given various

circulars/orders to the said Association though it is not entitled to receive them, not being a Recognised Association.

Learned counsel further points out that by a letter dated 30.06.2020, Office Bearers of Association were called for a meeting through video conferencing, though this privilege is available only to a Recognised Association.

Learned Counsel in support of his contention points to the Circular dated 27.05.2020 more particularly, paragraphs 3 and 4, which are as under:

“3. It is further informed that this recognition is subject to the outcome of WP (C) No. 2011 of 2020 in the matter of Air Traffic Security Electronics Personnel Association (India) Vs. Airports Authority of India subjudice before the Hon’ble High Court of Delhi and as such, in terms of order dated 24.04.2020, CNS Officers Guild is not entitled to claim any equity or right to continuance because of this provision recognition.

4. Nevertheless, in view of this provisional recognition, the CNS Officers Guild may be supplied with the copies of Circulars/Orders, considered important, till further orders.”

I have carefully perused the order passed by this Court on 24.02.2020. Operative part reads as under:

“In view of the above, the respondent may continue with the process, however, its result shall be subject to the outcome of the present petition and any Association granted recognition shall not be entitled to claim any equity or right to continuance because of such recognition.”

A perusal of the order passed by the Court indicates that the Court had permitted the Respondents to continue the process of election with a direction that recognition granted to any Association would be subject to the outcome of the present petition. It was also observed that any Association granted recognition will not claim any equity or right to continuance because of such recognition. Thus it cannot be contended by the Petitioner that grant of recognition is in violation of the order. Rather the Court had permitted the election to continue and envisaged that consequent thereto recognition would be granted to the successful Association and had made the grant of recognition subject to outcome of the petition.

Perusal of the said Circular dated 27.05.2020, in fact reflects that Respondents are conscious of the fact that the recognition is only provisional and subject to the outcome of the petition and this is so stated in paras 2 and 3 of the Circular. Para 3 is extracted above and para 2 is as under:

“2. In this regard, it is informed that consequent upon the outcome of the recognition process (24.02.2020-26.02.2020), this office vide letter dated 28.02.2020 (copy enclosed) granted provisional recognition to CNS Officers Guild (Reg. No. S-54400) to represent CNS cadre upto 26.02.2022 or till the Association continues to retain its registration under Act or the management of AAI does not cancel the recognition, whichever is earlier.”

Calling upon the Association to participate in routine meetings or sharing Circulars/Orders is only a natural consequence of provisional

recognition. In my view there is no wilful disobedience of the order dated 24.02.2020.

Contempt Petition is accordingly dismissed.

Petitioner is however at liberty to resort to such appropriate remedies as may be available to it in law.

At this stage, Mr. Sundaram points out that despite the order passed by this Court on 06.03.2020 in the writ petition, wherein Respondents were directed to disclose list of members who have voted, by way of an affidavit within two weeks from the order dated 06.03.2020, Respondents have not filed the affidavit. He also points out that four weeks were granted to file Counter Affidavit by the order dated 24.02.2020. Even the Counter Affidavit has not been filed. Respondents are flouting all orders of this Court. Order dated 06.03.2020 is as follows:

“Having considered the submissions made, the respondent is directed to disclose the list of Members who have voted in the recognition process to the petitioner by way of an affidavit within two weeks from today. This shall be without prejudice to the rights and contentions of the respondent in the main petition.”

Mr. Digvijay Rai appearing on behalf of Airport Authority of India, submits that there is no wilful non-compliance and delay has occurred on account of COVID-19. He seeks a period of two weeks to file Counter Affidavit to the writ petition as well as to disclose the list of voters on an affidavit as directed by the Court in the order dated 06.03.2020.

Counter-Affidavit and list of voters on an affidavit will be positively filed by the Respondents within 2 weeks from today in the writ petition.

JYOTI SINGH, J

JULY 27, 2020
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