

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT APPEAL Nos.547, 874, 875, 876, 882, 891 & 984 of 2013

COMMON JUDGMENT: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

Learned counsel for the appellants is fair enough in stating before this Court that other writ appeals arising out of the same common order dated 07.03.2013 passed by the learned Single Judge in W.P.Nos.20102 of 2011 and batch has been disposed of by a common judgment dated 31.08.2015 passed in W.A.No.878, 879, 888, 892, 893, 894 & 983 of 2013 and 131, 132, 152 & 847 of 2015. The order passed by the Division Bench is reproduced as under:

“All these Writ Appeals are preferred by the Air India Limited acting through its Managing Director or the Regional Director, as the case may be.

A batch of Writ Petitions has been heard and disposed of by a very brief order by the learned Single Judge on 07.03.2013. The grievance of the petitioners, which was brought out in paragraph 2 of the order, sets out that the writ petitioners are engaged to work as Typists, Helpers, Casual Labour, Telephone Operators, Safaiwalas, etcetera in various sections of the Air India Limited at Begumpet Air Port. It is commonly urged that all of them have been engaged in service from the year 1999 onwards and they have been continuously rendering services to the Air India. It is also urged that pursuant to the orders passed by this Court, as the work requirement demanded, the services of the writ petitioners were continued without any artificial breaks which are being deployed earlier. It is also the grievance of the writ petitioners that they have already approached the Industrial Tribunal seeking regularization of their services. In view of the pendency of the Industrial Disputes so raised, the learned Single Judge directed the appellants herein to engage the services of the petitioners continuously without affecting any artificial breaks, but however, the learned Judge has carefully added the following rider thereafter:

“ so long as it is felt necessary for engaging their services, without resorting to engaging the services of freshers.”

In our view, these Writ Appeals are, in fact, unnecessary to be adjudicated upon. Ms. Uma, learned Standing Counsel for the Air India Limited would submit that pursuant to the policy decision of the Union of India to establish an International Air Port at Shamshabad, by entering into private public partnership agreement, the operations at Begumpet have become completely restricted. The Air Port is not used as a civilian Air Port any further. All operations are carried out from the Air Port at Shamshabad. Consequently, the services, which are required to be performed at Begumpet, have virtually come to a stand still. This apart, for running and maintaining the hangar to keep the fleet in airworthy condition, the Air India is carrying its technical operations at Begumpet. All commercial and passenger services of Air India are carried out only from the Air Port at Shamshabad. Therefore, urges Ms. Uma that there was no necessity to continue in service the respective petitioners any further.

It is true that after the Air Port at Shamshabad has been operationalized to both passenger and commercial freight, the operations at Begumpet Air Port have been completely restricted. The infrastructure at Begumpet Air Port is utilized for training facilities, both civilian and defence. It is also true that the Air Port at Begumpet is still utilized to allow flights ferrying VVIPs. to land and take-off, but such operations are far and few in between. In these set of circumstances, particularly in view of the changed scenario, the safety valve provided by the learned Single Judge, in our opinion, will insulate the claim of the appellants herein. The learned Single Judge has already granted the necessary leave to engage the services of the writ petitioners, on casual basis, till such time the quantum of work undertaken by the Air India requires any such engagement. If there is no requirement of man-power, in view of the operations at Shamshabad Air Port being handled by a private operator completely, freedom and liberty is already preserved by the learned Single Judge not to engage the casual employees, but however, the learned Judge has also taken care to ensure that as and when the services of casual employees, such as that of the writ petitioners, are needed, the Air India cannot engage someone afresh. They will have to necessarily offer to the respective writ petitioners the first opportunity to be so engaged. Only in the event the respective writ petitioners decline to accept the offer of engagement, on casual basis, the Air India can take resort to engage some one afresh other than the writ petitioners.

We therefore, do not see any necessity or reason to modify the order passed by the learned Single Judge. It is

for the Air India to make a careful assessment of its manpower requirement and on that basis, it must undertake the necessary engagement of human resources.

With this, all the Writ Appeals stand disposed of, after hearing Sri Ugra Narasimha, Sri Bathi Reddy and Sri A. Nagendra Rao, learned counsel appearing on behalf of the respondents. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.”

In the light of the aforesaid order, the present writ appeals also deserve to be disposed of and accordingly disposed of. The judgment delivered in the aforesaid cases shall be applicable as *mutatis mutandis* in the present cases also.

Miscellaneous petitions, if any, pending in these writ appeals shall stand closed. There shall be no order as to costs.

SATISH CHANDRA SHARMA, CJ

A. RAJASHEKER REDDY, J

09.11.2021
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