

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18854 of 2024

Om Prakash, son of Sri Nagendra Prasad, resident of Village-Masiha, P.S.-
Ashthaina, P.O.-Asthama, District-Nalanda at present posted Asst. Manager
(CNS), at Gaya Airport Gaya, District-Gaya.

... .. Petitioner/s

Versus

1. The Union of India through the Director General, Civil Aviation
Department, Opposite to Safdarganj Airport, New Delhi-110003.
2. The Chairman, Airport Authority of India, Rajiv Gandhi Bhawan, Safdarganj
Airport, New Delhi.
3. The General Manager (H.R.) ANS/CPIO, Airport Authority of India, New
Delhi.
4. The Executive Director (P & A), CHQ, Airport Authority of India, New
Delhi.
5. The Executive Director (P & A), CHQ, Airport Authority of India, E.R.
NSCBI, Airport, Kolkata.
6. The Director, Airport Authority of India, Gaya Airport, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate
For the Respondent/s : Mr. Additional Solicitor General

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-12-2024 Heard the parties.

2. The petitioner has invoked the jurisdiction of this
Court seeking a direction upon the respondents to credit the
admissible earned leave accrued during the period of suspension
with effect from 13.01.2013 to 27.03.2016 after revocation of
suspension which was treated the period on duty according to
the regulation of the Airport Authority of India (Leave)
Regulation, 2003.



3. It is contended that while the petitioner was working on the post of Senior Superintendent (Elex) in the Grade NE-9 with effect from 23.07.2011 on account of institution of a criminal case, he was placed under suspension with effect from 13.01.2013 vide order dated 10.04.2013.

4. The suspension of the petitioner was subsequently revoked vide office order dated 09.08.2018, but the salary of the period of suspension was not paid, compelling the petitioner to approach before this Court in CWJC No. 2951 of 2021. The afore-noted writ petition came to be disposed off on 12.01.2023 with a direction to dispose of the appeal filed by the petitioner. In pursuant thereto, the appeal of the petitioner was duly considered and disposed off, extending the full salary and allowances for the entire period of suspension to the petitioner vide letter dated 12.05.2023, the copy of which is marked as Annexure P/1.

5. It is the contention of the petitioner that in terms of Regulation 2(a)(v) of the Airport Authority of India (Leave) Regulation, 2003 the Earned Leave accrued for the period of suspension is liable to be credited in Earned Leave account of the petitioner, in case the period of suspension is treated as period spent on duty.



6. Admittedly by the order as contained in letter dated 12.05.2023, now the petitioner has been accorded full salary and allowances for the entire period of suspension by treating his services on duty and, as such, in that view of the matter the petitioner is entitled to the reliefs prayed for in the present writ petition.

7. The grievance raised before this Court has also been agitated before the General Manager, Human Resources, Eastern Region, Airport Authority of India, NSCBI, Kolkata through the proper channel on 07.10.2024 with a request to credit the admissible Earned Leave for the afore-noted period of suspension, but the same has not been done.

8. Considering the limited grievance of the petitioner and taking note of the order passed by this Court and the consequential order extending the benefit of full salary and allowances for the entire period of suspension vide Annexure P/1; as also the fact that the representation of the petitioner is pending before the respondent no. 3, this Court deems it fit and proper to direct the respondent no. 3 to take up the representation of the petitioner and bring to its logical conclusion in view of the facts afore-noted, preferably within a period of twelve weeks from the date of receipt/production of a



copy of this order.

9. The writ petition stands disposed.

(Harish Kumar, J)

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