

Form No. J(2)

Item No. DL / 14

RKD – A.R.(CT)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

W.P.A. NO 4253 OF 2025

Syed Firdaus Ali

-Vs-

AI Airport Services Limited (formerly known as Air India Air Transport Services Limited) & Ors.

For the Petitioner : Mr. Sabyasachi Chatterjee,
Mr. Omar Faruk Gazi

For the respondent : Mr. Dipankar Das

Heard On : 10.12.2025

Judgment On : 10.12.2025

SAUGATA BHATTACHARYYA, J.:

1. In terms of the order dated 1st December, 2025 a report in the form of affidavit affirmed on 8th December, 2025 by the General Manager, Ground Handling, Eastern Region, AI Airports Services Limited is filed today and same is taken on record.

2. Petitioner was recruited as Customer Agent vide letter dated 27th November, 2012 issued by the Manager (C-Admin) of Air India Air Transport Services Limited (hereinafter referred to as “said organization”). Subsequently, petitioner was appointed as Junior Officer-Customer Service vide letter dated 11th November, 2023.
3. In the writ petition, *inter alia*, order of termination dated 6th January, 2025 issued by the Manager-HR of said organization is questioned.
4. It is submitted by Mr. Chatteerjee, learned advocate representing the petitioner that impugned termination letter dated 6th January, 2025 was issued without following due process of law and principle of natural justice was not complied with in drawing up proceeding against the petitioner.
5. It is also submitted since petitioner was terminated on the ground of misconduct and serious lapse this impugned termination shall operate as future disqualification in getting employment in other organization.
6. It is contended that after issuance of show-cause notice dated 2nd December, 2024 no charge-sheet was issued and relevant materials relied upon in the proceeding were not supplied to the petitioner thereby he was prejudiced in defending his case before the concerned respondent authorities.
7. There is a specific submission made on behalf of the petitioner that no opportunity was afforded to him to respond to the enquiry report dated

19th December, 2024 albeit said enquiry report was not prepared pursuant to any charge-sheet but show-cause notice dated 2nd December, 2024.

8. Said organization is represented by Mr. Das, learned advocate who has made submissions to defend the steps taken by the concerned respondent authorities while terminating the petitioner vide letter dated 6th January, 2025.
9. Notice of this Court has also been drawn to Clause 12.3 of Contract Engagement document relating to Senior Customer Service Executive dated 5th June, 2023 wherein it is provided that employment can be terminated without any cause by the company giving the said employee three months' notice in writing or gross emolument/compensation in lieu of notice period.
10. Based on said Clause 12.3 it is submitted on behalf of the said organization that as the engagement of the petitioner was contractual, said authority is not required to take all necessary steps for compliance of natural justice while terminating the petitioner.
11. However, in consideration of the materials available on record and submissions made on behalf of the respective parties, Court finds that while terminating the petitioner vide order dated 6th January, 2025 aforesaid Clause 12.3 was not applied.

12. If steps was taken in terms of Clause 12.3 in that event it would have been termination simplicitor without attaching stigma. But here in the instant case petitioner was terminated on the ground of misconduct and serious lapse which will operate as future disqualification in getting employment in other organizations requiring compliance of principle of natural justice.
13. While scrutinising steps taken by the respondent authorities in drawing up proceeding against the petitioner it is found that entire action rests on show-cause notice dated 2nd December, 2024 and there is no issuance of formal charge-sheet.
14. Moreover, in responding to the said show-cause notice petitioner vide letter dated 2nd December, 2024 prayed for record sheet of baggage trolleys which ultimately was not supplied to the petitioner.
15. While perusing the enquiry report dated 19th December, 2024 it further appears that CCTV footage dated 2nd December, 2024 was taken into consideration but same was not supplied to the petitioner as it appears from the submissions made on behalf of the parties.
16. Statements of Mr. Sanjay Chakraborty, Jr. CSE Staff No. 47857, Mr. Abhijit Chowdhury, UARD Staff No.94219 and Mr. Nurejamal, Sr. UARD Staff No. 94211 were recorded but it is contended on behalf of the petitioner that opportunity was not granted to him to cross-examine the aforesaid staff of the said organization during the course of enquiry.

17. As per settled principle in drawing up disciplinary proceeding vis-a-vis enquiry proceeding authority is required to provide relevant materials to the employee against him proceeding is initiated in order to grant opportunity to said employee to make deliberation in support of his case.
18. If during course of enquiry statements of other staff are recorded by the enquiry officer copies of such statements are required to be provided to the employee and the employee concerned needs to be granted opportunity to cross-examine those staff/witnesses.
19. However, in the present case there is omission on the part of authority concerned to comply with the aforesaid requirements rendering the proceeding initiated against the petitioner illegal, bad which cannot survive on judicial review.
20. Furthermore, it is not a case of termination simplicitor in terms of Clause 12.3 and on the allegation of misconduct and lapse petitioner is terminated requiring due compliance of natural justice.
21. In aforesaid conspectus, impugned order of termination dated 6th January, 2025 stands set aside.
22. However, this order shall not preclude the respondent authorities to initiate enquiry proceeding de novo against the petitioner in accordance with law.

23. Petitioner shall be permitted to resume duty by seven days from date subject to initiation of proceeding against the petitioner, if authority decides accordingly.
24. It is also made clear that concerned respondent authorities of the said organization shall also be at liberty to pass appropriate order relating to the service of the petitioner in accordance with terms and conditions of his engagement.
25. The writ petition stands disposed of.
26. There shall be no order as to costs.
27. Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)