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Court : Supreme Court of India

Decided On : Aug-09-2001

Reported in : [2002(92)FLR348]; JT2001(10)SC5; (2002)ILLJ833SC; (2002)10SCC410

Judge : S. Rajendra Babu and; Doraiswamy Raju, JJ.

Acts : nternational Airports Authority of India Act, 1971 - Sections 37(2)(vi), 30

Appeal No. : Civil Appeal No. 4850 of 1994

Appellant : international Airports Authority of India Engineers Association and ors.

Respondent : international Airports Authority of India

Judgement :

S. RAJENDRA BABU and DORAISWAMY RAJU, JJ.

The appellant is an association of the employees in the International Airports Authority of India. The appellant Nos. 2 and 3 are employees of the respondent and are working as assistant engineers. The next promotional grade for assistant engineers on the engineering side is the post of executive engineers. To become eligible to be promoted as executive engineer an assistant engineer has to put in 8

years of service in the case of diploma holders and 5 years in the case of degree holders as assistant engineer. It appears that some of the assistant engineers who are members of the appellant-association have fulfilled the conditions and are empanelled for promotion as executive engineers.

The regulations have been framed under Section 37(2)(vi) of the International Airports Authority of India Act, 1971. The regulations will not have effect unless approved by the Central Government and are published in the official gazette.

The respondent authority has not yet obtained the approval of the Central Government under these regulations and therefore, no rules have been framed under Section 30 of the Act and as a result of which the respondent authority has been acting arbitrarily and there is no check on this power and this leads to unfair and discriminatory treatment to the employees. On this basis a writ petition was filed before the High Court. The High Court dismissed the said writ petition stating that there is no vacancy in the post of executive engineer as of date and as a result, stagnation has resulted in the matter of promotion from the post of assistant engineer to the post of executive engineer and after the introduction of the new grade of assistant executive engineer, 82 posts have been created in the new grade and even the eligibility period as regards degree holder is not changed under the revised hierarchy. In fact it is reduced in the case of diploma holders. The High Court also found that the chance of promotion is reduced by the introduction of the new grade. In the circumstances, the High Court also did not find any merit in the contention of the petitioners. It found that the orders impugned are administrative in nature and pending approval of the Central Government, the authority was entitled to frame its administrative guidelines and act upon the same.

In our view, when the respondent has acted in a manner which has found approval of the High Court, no interference is called for. Hence the appeal is dismissed.

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