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

+ W.P.(C) 3446/2017, CM No. 15099/2017

AIR TRAFFIC CONTROLLERS GUILD (INDIA) & ANR

..... Petitioners

Through: Mr.A.S.Chandhiok, Sr. Adv. with
Mr.Piyush Sanghi, Mr.Dipender Chauhan,
Ms.Ramya Kutty, Advs.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Ms.Anjana Gosain, Adv. for R-4-5
Mr.Arpit Shukla, GP for R-1 to 3

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% 03.05.2017

CM 15099/2017

1. Heard the Ld. counsel for the parties.
2. It is the submission of Mr.A.S.Chandhiok, learned senior counsel for the petitioner that on the instructions contained in the Department of Public Enterprises vide office Memorandum dated 25th June, 1999, the respondent no.4 decided to revise the scales of pay of Executives (below Board level) effective from 1st January, 1997 vide order dated 5th April, 2000. He also states that the service conditions including pay and allowances of the workmen category of employees were also enhanced by way of a bipartite settlement executed between the Management of the respondent no.4 and the trade union representing the workmen which formally recognized the effected additional increments given w.e.f. 1st January, 1997. It is his contention that in the month of March, 2016, the petitioners have come to

know that the respondent no.4 had written to the Union of India on 16th March, 2011 on the issue of granting increment, that it was not feasible to re-open the issue from the period 1st January, 1997 to 31st December, 2006 or from 1st January, 2007 to 31st December, 2016 as that would lead to ramification on Industrial relations. He would state that immediately on coming to know about such decision in middle of July, 2016 and by communications dated 12th July, 2016 and 22nd July, 2016, the respondent no.4 has sought to regularize the additional increment granted to the executives with effect from 1st January, 1997 and re-fix the pay of the members of the petitioner no.1, the petitioner no.1 vide letter dated 26th July, 2016 requested the respondent no.4 not to give effect to and / or to take steps for implementation of the process of recovery of the grant of additional increments and higher pay scales to the employees of the respondent no.4. He would refer to writ petition bearing WP(C) no.15229/2016 filed by the petitioner before the Calcutta High Court and the same having been withdrawn, as an issue of maintainability of the writ petition was raised from the other side.

3. Be that as it may, it is his submission that in WP(C) No.20042/2016 filed by some Members of the Petitioner Guild, the Calcutta High Court had directed the respondent no.4 /Airport Authority of India not to give effect to the revised guidelines / orders impugned in the writ petition, without leave of the Court.

4. Mr.Chandhiok, states, the subject matter of that writ petition is the same as same orders have been challenged which have been impugned here.

5. Noting the above, it is directed that as petitioners have enjoyed the benefit of pay protection for two decades w.e.f. 1st January, 1997, balance of

convenience lies issuing a direction to the respondent no.4 not to give effect to the revised guidelines/orders impugned in the writ petition without the leave of this Court.

6. Application is disposed of.

V. KAMESWAR RAO, J

MAY 03, 2017
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