



No. CC/ATCG/WLF/2019/02

Date : 19.02.2019

**Dr. Guruprasad Mohapatra, IAS**  
**Chairman**  
**Airports Authority of India**  
**Rajiv Gandhi Bhawan, Safdarjung Airport**  
**NEW DELHI-110003.**

*[Handwritten signature and date 19/02/2019]*

**Sub.: Engagement of Defence Assistant in Disciplinary Proceedings - reg.**

Sir,

This is to bring to your kind notice that many Executives facing Disciplinary Proceedings and posted at various stations in AAI across the country have been facing problem in locating a suitable Defence Station either at the station of their posting or at a place where the inquiry is conducted. In many cases the Inquiry Officers have refused permission to engage a Defence Assistant, retired or serving, from a place other than the station of posting of Charged Officer or the place where the inquiry is conducted. Whereas, there is no bar for engagement of Inquiry Officers/Presenting Officers from any station/place and even outside, an embargo put in the case of Defence Assistant puts the Charged Officer at a disadvantageous place. We do not say that this amounts to denial of natural justice but definitely a big impediment in preparation of proper defence by the Charged Officer.

Earlier there was no restriction in engaging a Defence Assistant but on 28th June, 2004 vide letter No.14012/17/03-Disc., the Management decided not to grant permission for utilizing services of AAI employees posted at outside station where the inquiry is held to act as Defence Assistant.

These instructions were further re-iterated but with certain relaxations vide letter No.C.14012/17/2003-Disc./03 dated 31<sup>st</sup> December, 2013 which stipulated that IO may permit any serving/retired employee located in any station within the same Region to act as Defence Assistant. The number of cases in which an employee (serving or retired) could function as Defence Assistant was retained at two cases at a time, including the case at hand. These provisions, though brought little relief, are not fulfilling the objective of providing a fair opportunity to a Charged Officer to have a Defence Assistant of his choice, a choice that is fully available with the Disciplinary Authority to choose an Inquiry Officer/Presenting Officer of his choice. We wish to state here Sir that the Rules and Regulations framed by AAI in this regard should not dilute the spirits of Central Civil Services (Classification, Control and Appeal) Rules, 1965, which is the Law of the Land for conducting Disciplinary Proceedings against Central Government Employees and has been adopted by AAI also while framing AAI Employees(CDA) Regulations, 2005. Therefore, in the interest of justice and fair play, we request that the following suggestions may kindly be incorporated in the orders regulating Engagement of Defence Assistant:-

1. Power to permit engagement of Defence Assistants be vested solely with the Inquiry Officers.
2. IO should judiciously permit engagement of a Defence Assistant from any station/region/office of AAI, in case the Charged Officer is not able to locate a suitable Defence Assistant at the same station and there should not be any restrictions in this regard.

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3. In case of refusal by the IO to permit a Defence Assistant from a station/place outside the place where the inquiry is being conducted, the Charged Officer be permitted to file an appeal with the Disciplinary Authority, who may dispose of the appeal on merits.
4. While a serving employee be permitted to act as Defence Assistant in not more than two cases, the retired employees be permitted to act as Defence Assistant in five cases, as no man days loss is involved if a retired employee acts as Defence Assistant. This will ease the availability of Defence Assistant and also decrease load on serving employees.
5. As far as possible, the IO's should complete the Inquiry in one go i.e. on day to day basis so that the inquiries are expeditiously completed and there is no inordinate delays.
6. In order to ensure that Serving/Retired employees do not exceed number of cases fixed for them in which to act as Defence Assistant, they should give suitable undertaking to the IO and a copy of the same be forwarded by IO to Disc. Cell of CHQ for keeping a data in this regard. Action may be taken against the serving employees who are found to misuse this provision and the Retired Employee doing so be black listed from functioning as Defence Assistant further.
7. The TA/DA and other entitlements in respect of Retired Employees acting as Defence Assistant be clearly spelled out in the order so that Retired Employees, acting as Defence Assistants, are not treated differently at different stations. Presently, there is no mention in the revised orders dated 31st December, 2013, about TA/DA entitlements of the Retired Employees serving as Defence Assistants.

We shall be grateful if the above suggestions are considered sympathetically and suitable orders issued at the earliest.

With regards,



(D. K. Behera)  
General Secretary