

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 181/00038/2017

Wednesday, this the 30th day of January, 2019

CORAM:

Hon'ble Mr. Ashish Kalia, Judicial Member

C.N.Bi, aged 60 years
 W/o.P.Mohamed Koya
 (Retd. Woman Sub Inspector of Police
 Agatti Airport, Agatti)
 Residing at:Baith-Ul-Izzath,Koommel
 Kalpeni -682 557
 Union Territory of Lakshadweep **Applicant**

(By Advocate : Mr. T.C.G Swamy & Ms.Kala.T.G)

V e r s u s

1. The Administrator
 Lakshadweep Administration
 Union Territory of Lakshadweep
 Kavaratti-682 555
2. The Superintendent of Police
 Union Territory of Lakshadweep
 Kavaratti-682 555
3. The Secretary to the Government of India
 Ministry of Civil Aviation, Government of India
 New Delhi – 110001
4. The Director,Bureau of Civil Aviation Security
 Government of India, New Delhi – 110 001 **Respondents**

(By Advocate : Mr.S.Manu for R1&2 and Mr.N.Anilkumar,SCGSC for R 3&4)

This application having been heard on 30.1.2019 the Tribunal on the same day delivered the following:

O R D E R (ORAL)**Hon'ble Mr. Ashish Kalia, Judicial Member –**

The reliefs claimed by the applicant are as under:

“a. Declare that the non-feasance on the part of the respondent authorities particularly the respondents 3 to 6 to grant the various allowances as stated in A1 and also as granted to the CISF personnel, is arbitrary, discriminatory and unconstitutional;

b. Direct the respondents to forthwith release the security allowance, mess allowance, deputation allowance etc. as agreed to in A1 and as applicable to the CISF personnel with arrears thereon for the period of service rendered by the applicant in the Security Branch of Agatti Airport between April 2011 to 30.06.2016.”

2. The present Original Application is filed by a retired Sub Inspector of Police, Agatti Airport, Agatti. Applicant is aggrieved by the refusal on the part of the respondents to release the security allowance, diet allowance (mess allowance), deputation allowance etc. which were due to the applicant while working under the Airports Authority of India on transfer/deputation for the period from April 2011 to 30.6.2016. Applicant had made Annexures A6 & A-7 representations to the competent authority but no response has been received so far. Feeling aggrieved by this applicant has approached this Tribunal for redressal of her grievances. Initially the General Manager of Airports Authority of India (Southern Region), Chennai Airport and the Airport Director, Airports Authority of India, Agatti were made parties as respondent nos.5&6. They filed Review Application No.181/65/2017 before this Tribunal praying for hearing the issue of jurisdiction afresh. The Review Application was heard and the R.A was

allowed. This Tribunal vide order dated 23.5.2018 deleted respondent nos.5& 6 from the party array as the Tribunal has no jurisdiction over them.

3. Notices were issued and the respondents put their appearance and filed reply statement. The main contention raised by the respondents in the reply statement is that salary of the staff posted at Agatti Airport has been paid by the Lakshadweep Police and the same has been reimbursed by the Airport Authority of India up to the period of March,2005. For the remaining period, bills have been submitted before the Airport Authority of India as per letter F.No.10/42/99-AC-Pol.dated15.12.2009 and as per letter F.No.10/42/2013 -AC- Pol., dated 4.7.2016 respectively (Annexures R1(c) and R1(d). However, the bill amount has not yet been reimbursed by the Airport Authority of India. In reply to Annexure R1(d), the Airport Authority of India sought some clarification as per Annexure R1(e). As per the Police Department records, there is no MOU signed by the Airport Authority of India and the Lakshadweep Police regarding sanctioning of salary and other allowances for the Airport staff. Respondents submitted that there is no record available in the Police Department to prove whether an MOU was signed between the Lakshadweep Police and Airport Authority of India. So Lakshadweep Police requested the Director, Regional Headquarters, Airport Authority of India, Chennai as per their Annexure R1(f) and Annexure R1(g) letter to provide copy, if any, of the MOU signed by the Lakshadweep Administration and Airport Authority of India. However, no reply has been given by the Airport Authority of India. From October 1998 to March 2005, the Airport Authority of India had been

reimbursing the various bill submitted by the Lakshadweep Police towards the amounts already paid to the police staff posted at Agatti Airport. It is also stated that even though there is no MOU available, it is clear that Lakshadweep Police personnel are posted at Agatti Airport as per the clear direction of the competent authority only. Agatti Airport is functioning under the direct control and supervision of the Airport Authority of India (AAI). Hence, the averment of the applicant in the O.A and her request at Annexure A6 and A7 in the O.A has to be considered by the AAI only. AAI is the sole authority to make payment of the pay and allowances of the staff posted at Agatti Airport.

4. Heard Mrs.Kala representing Mr.T.C.G Swamy, learned counsel for the applicant and learned counsel for the respondents. Perused the records.

5. This Tribunal is of the view that any arrears or dues to the applicant should not have been denied. Respondents should not denied allowances due to him for performing diligent duties. This Tribunal shows its dismay for applicant standing before the Court for seeking petty relief from the respondents after his retirement. Government being a welfare state, the rights of the applicant should have been dealt with without intervention of the Court. But that has not happened in present case. This Tribunal hereby directed the Secretary, Government of India, respondent no.3, Ministry of Civil Aviation to take up this matter with appropriate authorities concerned in order to see whether those above said allowances are payable or not, if not payable record reason for non-payment or shall be paid to the applicant.

This exercise shall be completed within a period of 60 days from the date of receipt of a copy of this order. Ordered Accordingly. No order as to costs.

6. The Original Application is disposed of as above. No costs.

**(ASHISH KALIA)
JUDICIAL MEMBER**

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List of Annexures

Annexure A-1 - True copy of standing order regarding setting up of a separate identifiable Force for Airport Security at Agatti Airport

Annexure A-2 - True copy of letter bearing No.AAI/SR/RTI/AGT-16/2011/910 dated 20.3.2012, with its enclosures issued from the office of the 5th respondent

Annexure A-3 - True copy of letter bearing No.AAI/SR/AGT/RTI/2012 dated 9.3.2012 issued by the officiating Airport Director, Agatti Airport

Annexure A-4 - True copy of communication bearing No.AAI/SR/AGT/RTI/2011/558 dated 21.4.2011, issued by the Public Information Officer of the Agatti Airport.

Annexure A-5 - True copy of letter bearing No.AAI/SR/RTI Act2005/2014/147 dated 29.9.2014, issued from the office of the 5th respondent

Annexure A-6 - True copy of representation dated 21.5.2015 submitted by the applicant to the 2nd respondent

Annexure A-7 - True copy of representation dated 7.2.2016 submitted by the applicant to the 2nd respondent

Annexure R6(a) - True copy of the computer print out of the institutions notified under Section 14(2) of the Administrative Tribunals Act.

Annexure R6(b) - True copy of the communication No.AAI/AGT/Sec/2016/771-72 dated 16.8.2016

Annexure R1(a) - True copy of the message through wireless F.No.1/5/2008-ESTT-POL dated 10.6.2011 issued by the 2nd respondent

Annexure R1(b) - True copy of the standing order regarding set up of separate identifiable force for Airport Security at Agatti Airport.

Annexure R1(c) - True copy of letter F.No.10/42/99 -AC-Pol. Dated 15.12.2009 submitted by the Lakshadweep Administration to Airport Authority of India.

Annexure R1(d) - True copy of letter F.No.10/42/2013 – AC- Pol, dated 4.7.2016 submitted by the Lakshadweep Administration to Airport Authority of India

Annexure R1(e) - True copy of the letter F.No.AAI/AGT/Sec/2016/77/72 dated 16.8.2016 issued by Airport Authority of India

Annexure R1(f) - True copy of the letter, F.No.1/08/2016 – PA (Pol) dated 10.7.2017 issued by Lakshadweep Police to the Director, Regional Headquarters, Airport Authority of India, Chennai

Annexure R1(g) - True copy of the letter, F.No.1/8/2016 – PA(Pol) dated 25.8.2017 issued by Lakshadweep Police to the Director, Regional Headquarters, Airport Authority of India, Chennai

Annexure R1(h) - True copy of the note sheet page Nos.4 & 5 of F.No.10/42/99-AC(Pol) of Lakshadweep Police Department

Annexure R1(i) - True copy of the note sheet page no.9 of F.No.10/42/99 – AC (Pol) of Lakshadweep Police Department

Annexure R1(ji) - True copy of the Note Sheet page Nos.10,11,12, of F.No.10/42/99-AC(Pol) of Lakshadweep Police Department

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