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

+ **W.P.(C) 1861/2022 & CM APPL.5333/2022**

AIR INDIA LTD. Petitioner

Through: Dr. Lalit Bhasin, Advocate
versus

UNION OF INDIA AND ANR. Respondents

Through: Ms. Anjana Gosain, Advocate for R-1/UOI.
Ms. Asha Jain Madan and Mr. Ajay Pal Singh Khullar, Advocates for R-2.

(23) AND

+ **W.P.(C) 5202/2010 & CM APPL.35705/2018**

INDIAN AIRLINES KAMGAR SANGHTAN Petitioner

Through: Ms. Asha Jain Madan and Mr. Ajay Pal Singh Khullar, Advocates.

versus

NATIONAL AVIATION COMPANY OF
INDIA LTD. AND ANR.

..... Respondents
Through: Dr. Lalit Bhasin, Advocate for R-1
Ms. Anjana Gosain, Advocate for UOI.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **09.02.2022**

1. This hearing has been done through video conferencing.
2. In **W.P. (C) 1861/2022**, the Petitioner-Air India Ltd. (*hereinafter "Air India"*) challenges the impugned Award dated 25th August, 2021, which is stated to have been published in October, 2021, in **ID Case No.174/2012** titled **Indian Airlines Kamgar Sangathan v. M/s Air India**. By the



impugned Award, the members of Respondent No.2 - Indian Airlines Kamgar Sangathan, who were casual labourers, have been directed to be given temporary status and all benefits including overtime etc.

3. Notice was issued in this matter on 31st January, 2022. Ms. Madan, Id. Counsel appears for Respondent No.2-Indian Airlines Kamgar Sangathan and accepts notice. Ms. Anjana Gosain appears for Respondent No.1, and accepts notice for Respondent Nos.1 & 3.

4. Id. Counsel submits that the Union of India through the Ministry of Labour has been made a party as Respondent No.1 in **W.P. (C) 1861/2022**. In addition, the Union of India through the Ministry of Civil Aviation ought to be made a party as well, inasmuch as the scheme for the privatisation of Air India Ltd. is being overseen by the said Ministry.

5. Accordingly, on an oral prayer, Union of India through the Secretary, Ministry of Civil Aviation, Rajiv Gandhi Bhawan, New Delhi is impleaded as Respondent No.3. Let the amended memo of parties be filed within one week.

6. Further, vide order dated 31st January, 2022 this Court had directed as under:

“6. On a query from the Court as to what would be the position of these labourers post the recent privatisation of Air India, it is submitted that there are protection clauses in the scheme for privatisation, in respect of casual labourers. Counsel for the Petitioner to make submissions in this regard on the next date of hearing and place the relevant clauses of the said scheme on record.”

7. Ms. Gosain, Id. Counsel seeks time to take instructions in this regard.



Mr. Bhasin, Ld. Counsel to ensure that the entire record of the Labour Court is placed on record by the next date. Let copies of the pleadings and other relevant documents filed in these matters be served upon both counsels for the Labour Union i.e., Ms. Madan and Mr. Ajay Pal Singh Khullar.

8. **WP(C) 5202/2010** has also been listed before this Court. As recorded in the order dated 31st January, 2022, the said writ petition relates to the regularisation of the same very Workmen, as in **W.P. (C) 1861/2022**. Thus, both these matters deserve to be heard together.

9. List these matters on 9th March, 2022 i.e., the next date of hearing in **WP(C) 5202/2010**.

10. It appears that both these matters are in different rosters. Considering nature of issues raised in these two matters, let both these matters be placed before Hon'ble the Chief Justice for listing before the same bench.

PRATHIBA M. SINGH, J.

FEBRUARY 9, 2022

mw/AD