

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

VASANT
ANANDRAO
IDHOL

Digitally signed by
VASANT
ANANDRAO IDHOL
Date: 2023.04.06
11:09:52 +0530

WRIT PETITION NO.389 OF 2021

All India Pawan Hans Helicopter
Engineers Guild

...Petitioner

V/s.

Pawan Hans Ltd. & Anr.

...Respondents

Ms.Jane Cox with Ms.Rohini Thyagarajan i/b Subha Nivedha for the
Petitioner.

Mr.Lancy D'Souza with Ms.Deepika Agarwal i/b Mr.V.M. Parkar for
the Respondent No.1.

Mr.P.M. Palshikar with Mr.A.A. Garge for the Respondent No.2.

CORAM : R.D. DHANUKA &
GAURI GODSE, JJ.
DATE : 3RD APRIL, 2023.

P.C. :-

1. Mr.D'Souza, learned counsel for the Respondent No.1 states that the Management will take some time to take a decision and to make a statement whether the Cafeteria allowances would be restored to the members of the Petitioner or not and if to be restored, as to when the same will be restored.

2. Learned counsel for the Petitioner invited our attention to the order passed by the Division Bench of this Court on 11 August, 2021 regarding the statement made by the learned counsel for the

Respondent No.1 that the Board of Directors of the Respondent No.1 is likely to take decision in the near future in respect of the payment to the Petitioner in respect of allowances as per the Circular dated 29 October, 2020. She submits that though sufficient indulgence was shown by this Court even while passing an order on 11 August, 2021, no such decision is taken.

3. We have perused the minutes of the Board of Directors of 184th meeting of the Board of Directors of the Respondent No.1 and on 17 September, 2021 annexed at Exhibit "AA" to the affidavit in reply filed on behalf of the Respondent No.1, stating that in view of recurrent losses as well as disruption in flying operations during lockdown due to COVID-19 Pandemic, the Board approved the proposal for continuation of austerity measures which were introduced in the Company for reduction in allowances as per earlier Board decision dated 27 October, 2020 and the same be reviewed in the month of March, 2022. Learned counsel for the Petitioner vehemently urged that the Respondent No.1 has not taken any decision so far in favour of the Petitioner and more particularly restoration of Cafeteria allowances is concerned.

4. In view of these orders, both these decisions taken by the Respondent No.1 to review the position in the month of March, 2022, we direct the Respondent No.1 to take a decision within two weeks

from today and communicate the same to the Petitioner, without fail. If the parties settle the matter amicably, the parties would be at liberty to apply for early hearing. If the matter is not settled, place the matter on board on 6 June, 2023 for fixing the early date of final hearing of the Writ Petition.

(GAURI GODSE, J.)

(R.D. DHANUKA, J.)