

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Ninth day of February Two Thousand Twenty Two

PRESENT

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.13102 of 2021

and WMP.No.13915 of 2021

V.SUKUMAR [PETITIONER IN BOTH THE PETITIONS]
S/O. SHRI V.VELU
NO. 5/211-4A, RAJIV GANDHI NAGAR,
PODHIGAI NAGAR 3RD STREET,
SALEM ROAD, NAMAKKAL TALUK
AND DISTRICT 637 001

Vs

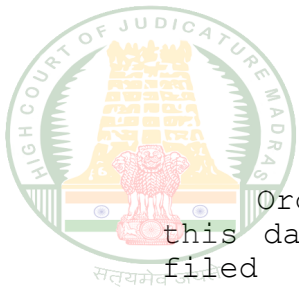
1 THE CHAIRMAN, [RESPONDENTS IN BOTH THE PETITIONS]
AIRPORTS AUTHORITY OF INDIA
RAJIV GANDHI BHAWAN,
SAFDARJUNG AIRPORT, NEW DELHI 110 003.

2 THE REGIONAL EXECUTIVE
DIRECTOR-SOUTHERN REGION,
AIRPORTS AUTHORITY OF INDIA,
CHENNAI AIRPORT, CHENNAI 600 027.

3 SHRI.V.K.RAVINDRA SHARMA,
AIRPORT DIRECTOR-SALEM AIRPORT AIRPORTS
AUTHORITY OF INDIA, SALEM AIRPORT, SALEM.

Writ Petitions under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a WRIT OF CERTIORARI or any other appropriate Writ, or order, or direction, in the nature of a Writ, to call for the records and quash the Impugned Transfer order passed by the 2nd Respondent in No. AAI / SR / 2-2(7) / EA / R & P dated 21.05.2021 and the consequent Impugned Memorandum passed by the 3rd Respondent in AAI / SLM / Transfer / Fire / 2021 / 6342-47 dated 24.05.2021 (in WP.No.13102/2021);

(ii) To grant an interim stay of the Transfer mentioned in the Impugned Memorandum issued by the 3rd Respondent in AAI / SLM / Transfer / Fire / 2021 / 6342-47 dated 24.05.2021 along with order passed by the 2nd Respondent in No. AAI / SR / 2-2(7) / EA / R & P dated 21.05.2021 (in WMP.No.13915/2021) pending disposal of the writ petition no.13102/2021 respectively.



Order : This petition and miscellaneous petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.T.K.S.GANDHI, Advocate for the petitioner in both the petitions and of MR.K.K.SHIVASHANMUGAM, Advocate for the 1 to 3 respondents in both the petitions, the court made the following order:-

After advancing arguments by the parties concerned, the learned counsel for the petitioner raised allegations of malafides as against the respondents and submitted that as of now, there is no enquiry or disciplinary proceedings pending against the petitioner and also placed reliance on Clause 11 of the Transfer Policy of the Airports Authority of India in A.60011/76/2008-PP (Pt.II)/68 dated 27.02.2018, which reads as under:

"11. Notwithstanding any of the conditions of the Transfer Policy, transfers on operational and administrative reasons shall be effected with the approval of the Chairman based on specific recommendations from Member (HR)/Member concerned."

The learned counsel for the petitioner submitted that in view of the above Clause in the Transfer Policy, the third respondent has to obtain permission from the first respondent / Chairman, Airports Authority of India, before passing any transfer order.

2. However, Mr.K.K.Shivashanmugam, learned Standing Counsel appearing for the third respondent, in his individual capacity and also for the respondents 1 and 2 in official capacity, has submitted that since the transfer of the petitioner is on exigency purpose, no approval from the first respondent / Chairman - AAI is necessary.

3. To that extent, the first respondent is directed to file counter affidavit, in response to the aforesaid allegations made by the petitioner.

Post after two weeks.

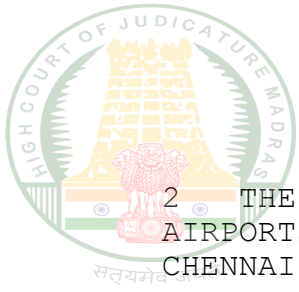
-sd/-
09/02/2022

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE CHAIRMAN,
AIRPORTS AUTHORITY OF INDIA,
RAJIV GANDHI BHAWAN,
SAFDARJUNG AIRPORT,
NEW DELHI 110 003.



2 THE REGIONAL EXECUTIVE DIRECTOR-SOUTHERN REGION,
AIRPORTS AUTHORITY OF INDIA,
CHENNAI AIRPORT, CHENNAI 600 027.

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Order
in
WP.No.13102 of 2021
and WMP.No.13915 of 2021

Date :09/02/2022

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SDR 07/07/2021
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RA 14/02/2022