

**TWENTY-FIFTH REPORT  
COMMITTEE ON PETITIONS  
(SEVENTEENTH LOK SABHA)**

**MINISTRY OF CIVIL AVIATION**

**(Presented to Lok Sabha on 15.12.2021)**



**LOK SABHA SECRETARIAT  
NEW DELHI**

***December, 2021/Agrahayana, 1943 (Saka)***

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## COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Harish Dwivedi - *Chairperson*

### MEMBERS

2. Shri Anto Antony
3. Shri Hanuman Beniwal
4. Dr. Sukanta Majumdar
5. Shri Sanjay Sadashivrao Mandlik
6. Shri P. Ravindhranath
7. Shri Brijendra Singh
8. Shri Sushil Kumar Singh
9. Shri Manoj Tiwari
10. Shri Prabhubhai Nagarbhai Vasava
11. Shri Rajan Vichare
12. Vacant
13. Vacant
14. Vacant
15. Vacant

### SECRETARIAT

- |                            |   |                     |
|----------------------------|---|---------------------|
| 1. Shri T.G. Chandrasekhar | - | Joint Secretary     |
| 2. Shri Raju Srivastava    | - | Director            |
| 3. Shri G. C. Dobhal       | - | Additional Director |
| 4. Shri Harish Kumar Sethi | - | Executive Officer   |

**TWENTY-FIFTH REPORT OF THE COMMITTEE ON PETITIONS  
(SEVENTEENTH LOK SABHA)**

**INTRODUCTION**

I, the Chairperson, Committee on Petitions, having been authorised by the Committee to present on their behalf, this Twenty-Fifth Report (Seventeenth Lok Sabha) of the Committee to the House on the Action Taken By the Government on the recommendations made by the Committee on Petitions (Seventeenth Lok Sabha) in their Ninth Report on the representation of Shri Shyamal Kumar Das regarding inordinate delay in his appointment in Airports Authority of India, Kolkata on compassionate grounds and other important issues related therewith.

2. The Committee considered and adopted the draft Twenty-Fifth Report at their sitting held on 13 December, 2021.
3. The observations/recommendations of the Committee on the above matters have been included in the Report.

**NEW DELHI;**

**13 December, 2021**

**22 Agrahayana, 1943 (Saka)**

**HARISH DWIVEDI,  
Chairperson,  
Committee on Petitions.**

## REPORT

### **ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (SEVENTEENTH LOK SABHA) IN THEIR NINTH REPORT ON THE REPRESENTATION OF SHRI SHYAMAL KUMAR DAS REGARDING INORDINATE DELAY IN HIS APPOINTMENT IN AIRPORTS AUTHORITY OF INDIA, KOLKATA ON COMPASSIONATE GROUNDS AND OTHER IMPORTANT ISSUES RELATED THEREWITH.**

The Committee on Petitions (Seventeenth Lok Sabha) presented their Ninth Report to Lok Sabha on 21 September, 2020 which had dealt with a representation of Shri Shyamal Kumar Das regarding inordinate delay in his appointment in Airports Authority of India, Kolkata on compassionate grounds and other important issues related therewith.

2. The Committee had made certain observations/recommendations in the matter and the Ministry of Civil Aviation were asked to implement the recommendations and furnish their action taken replies thereon for consideration of the Committee.

3. Action Taken Replies have been received from the Ministry of Civil Aviation *vide* their communication dated 17.2.2021 in respect of the observations/recommendations contained in the aforesaid Report. The recommendations made by the Committee and the replies furnished thereto by the Ministry of Civil Aviation are detailed in the succeeding paragraphs.

4. In paras 17 to 27 of the Report, the Committee had observed/recommended as follows: -

"Issues/grievances related to Compassionate Appointments in Airports Authority of India

The Committee undertook detailed examination of the representation of Shri Shyamal Kumar Das, relative of Late Sushil Kumar Das, a deceased employee of the Airports Authority of India, Kolkata regarding inordinate delay in his appointment on compassionate grounds.

The Committee note that Shri Sushil Kumar Das, ex-Assistant Mechanic was placed under the Office of Regional Executive Director, Eastern Region of Airports Authority of India, expired on 06.02.1988 at the age of 55 years and he was a bachelor at the time of his death. As per the nomination papers of Late Sushil Kumar Das, his terminal benefits were paid to his nephew Shri Shyamal Kumar Das. Thereafter, Shri Shyamal Kumar Das applied for his appointment on compassionate grounds under the Employment Assistance Scheme in the Airports Authority of India. The case of Shri Shyamal Kumar Das was considered in the Employment Assistance Committee (EAC) meeting held on 14.06.1989, but was not recommended for appointment on compassionate grounds keeping in view of the fact that the applicant was not 'Dependent' on Late Sushil Kumar Das, the deceased employee, as per the Guidelines of the Employment Assistance Scheme of the Airports Authority of India.

The Committee also note that Shri Shyamal Kumar Das, aggrieved by the decision of the Airports Authority of India, filed a Writ Petition in the Calcutta High Court for his appointment in the Airports Authority of India on compassionate grounds. The Calcutta High Court ordered to consider the case of the appellant afresh on the basis of application made by him in the year 1989 and 1992 in the light of the Scheme that was in force on the date of making such application, namely, the Employment Assistance Scheme-1978. As per the directions of the Calcutta High Court, the Employment Assistance Committee meeting(s) were held in the month of June and November 2005, wherein, it was observed that Late Sushil Kumar Das was a bachelor at the time of death and Shri Shyamal Kumar Das is a nephew of the deceased employee and since, Shri Shyamal

*Kumar Das was not wholly dependent on him at the time of his death, therefore, the case to provide him compassionate appointment does not fall within the provisions of the Scheme of Employment Assistance. Thereafter, the case of Shri Shyamal Kumar Das was rejected on the grounds that the compassionate appointment cannot be claimed by him as a matter of right.*

*The Committee further note that the Calcutta High Court was not satisfied with the decision of the Employment Assistance Committee of the CHQ on 09.11.2005 and issued the contempt notice. In response thereto, the Airports Authority of India filed a Special Leave Petition before the Supreme Court, wherein, the Supreme Court vide its verdict passed on 5 October, 2010 had inter-alia directed the Appellants (i.e., the Airports Authority of India) to include the name of Shri Shyamal Kumar Das in the list of Group 'D' category persons waiting for deployment under the Employment Assistance Scheme and as and when his turn comes, Shri Shyamal Kumar Das be appointed on compassionate grounds in any suitable post without considering his age. Shri Shyamal Kumar Das was informed, accordingly, by the Airports Authority of India vide their communication dated 9.7.2012 that his name has been included in the list of Group 'D' category persons waiting for appointment under the Employment Assistance Scheme and as and when his turn comes, he will be appointed on compassionate grounds without considering his age.*

*The Committee have also been apprised that the Airports Authority of India came into existence w.e.f., 1.4.1995 by an Act of Parliament, viz., the Airports Authority of India Act, 1994. From the period 1995 to 2008, a total of 709 people were appointed on compassionate grounds and that no compassionate appointment was made in the Airports Authority of India since 2008. The Committee have also been informed that there were 47 persons in the waiting list for compassionate appointments and after the Supreme Court Judgment, dated 5 October, 2012, the name of Shri Shyamal Kumar Das was included at Sl. No.48 in the waiting list of persons waiting for appointment on compassionate grounds for any post in the Group-D category, and that, the names of 47 persons who are*



above Shri Shyamal Kumar Das in the waiting list in Group-D category, will have to be considered first for appointment subject to their willingness and age.

The Committee, after meticulously going through the entire sequence of events relating to the inordinate delay in appointing Shri Shyamal Kumar Das on compassionate grounds in the Airports Authority of India, are surprised to find that inspite of the orders of the Calcutta High Court, the nodal Ministry, i.e., the Ministry of Civil Aviation have neither taken any further consequential action to sympathetically consider the application of Shri Shyamal Kumar Das nor issued any Guidelines/Instructions to resolve the intricate issue of appointments to be made on compassionate grounds in the Airports Authority of India in view of the fact that in case, no vacancy arises in Group 'D' post(s) for the next 5 years, Shri Das would be attaining the age of 60 years, which is the normal age of retirement on attaining the age of superannuation. The Committee, while fully sympathizing with the representationist, feel that it is the travesty of overall mechanism of consideration of person(s)/dependents of the deceased employee(s) for their appointment on compassionate grounds that even the orders of Hon'ble Supreme Court would not come to the rescue of such aspirants.

The Committee are not fully convinced by the averments made by the Ministry of Civil Aviation in dealing with the long pending issue of appointment on compassionate grounds in the Airports Authority of India. The Committee, therefore, strongly feel that the Ministry should resort to some out-of-box policy formulation on this issue and display their readiness to consider giving extra weightage to such persons who are waiting for their turn to be considered for appointment in the Airports Authority of India on compassionate grounds and going to attain the normal age of superannuation in a couple of years. The Committee, therefore, would like to recommend that the Ministry of Civil Aviation should consider all such cases, including that of Shri Shyamal Kumar Das for considering their candidature for appointment in the Airports Authority of India on compassionate grounds without further loss of time.

Review of the decision of the Board of the AAI to discontinue  
Compassionate Appointments in the Airports Authority of India

The Ministry of Civil Aviation have informed that the issue of compassionate appointment in the Airports Authority of India was placed before the Board of AAI in the year 2018 and after detailed deliberation, it was decided to discontinue the Scheme of compassionate appointments in the Airports Authority of India with immediate effect.

The Committee are also informed of the decision taken by the Board of AAI to discontinue compassionate appointments under the Employment Assistance Scheme in the 178th Meeting of the Board of the Airports Authority of India from the year 2018 vide CHARM Circular No.9/2018 considering the issue of redeployment of Delhi & Mumbai Airports manpower and Delhi Court Order directing gainful deployment of excess manpower of AAI. The Committee note that the Board of AAI, in its 178th Meeting, has inter-alia also decided that the social security schemes/ compensation paid to the dependents of the deceased employee in the Airports Authority of India are quite sufficient to meet the family needs of the deceased employee and, thus, resolved to discontinue compassionate appointments in the Airports Authority of India with immediate effect by repealing sub para 13 1(ii) of R&R Guidelines except in the cases where judicial order has attained finality, till date. The Committee wonder if the Board of AAI had ever contemplated how their decision to discontinue the compassionate appointments would affect the subsistence of families/ dependents of deceased employees.

The Committee are dismayed to note that when there is a long queue of needy persons who were waiting for the appointment on compassionate grounds for years and years together, how could a Board could arrive at such a decision to discontinue the Scheme of Compassionate Appointment, that too, without consulting the Ministry of Civil Aviation and the Department of Personnel & Training, and also without considering the financial and social status of the aggrieved families. The decision of the

*Board of AAI has left the lives of many aggrieved aspirants and their family members in acute despondency. The Committee also wish to express with worry that the decision taken by the Board of AAI taken in 2018 for discontinuation of compassionate appointments has jeopardized the hope of livelihood for not only to Shri Shyamal Kumar Das but also of 47 other persons who have been waiting for their turn for appointment on compassionate grounds in the Airports Authority of India since 2008.*

*The Committee, in fact, would have appreciated the decision of discontinuance of compassionate appointments in the Airports Authority of India by the Board of AAI, if there had been no candidate left in the waiting list for appointment on compassionate grounds. The Committee, therefore, strongly recommend the Ministry of Civil Aviation to take immediate action to sympathetically review and re-consider the decision taken by the Board of AAI in the year 2018 for discontinuing the compassionate appointment in the Airports Authority of India keeping in view the number of dependent persons of the aggrieved family, their financial and social responsibilities, etc., so that this long pending matter should be resolved amicably within a specified time-frame."*

5. The Ministry of Civil Aviation, in their action taken replies, have submitted their comprehensive reply in respect of all the above mentioned observations/recommendations of the Committee on Petitions, as under:-

*"i. Airports Authority of India (AAI) is a Schedule 'A' mini-ratna Category-I CPSE under the administrative control of Ministry of Civil Aviation which was formed on 1st April, 1995 by an Act of Parliament viz. Airports Authority of India Act, 1994 (55 of 94). AAI has its own set of rules and regulations (viz. the Airports Authority of India (Recruitment and Promotion) Regulations, 2020) and is empowered to frame the same deriving powers from the AAI Act. AAI acts independently in so far the matter of appointment of employees below Board level is concerned, the Competent Authority for the purpose being Chairman, AAI.*

- ii. To discuss the way forward regarding the implementation of the recommendations made by the Committee on Petitions in their Ninth Report on the representation of Shri Shyamal Kumar Das regarding inordinate delay in his appointment in AAI, Kolkata on compassionate grounds, Secretary, Ministry of Civil Aviation convened a meeting with Chairman, AAI and his team. The minutes of the meeting are enclosed herewith(**APPENDIX**).
- iii. Based on the submissions made by the AAI in the meeting, the following points emerged:-
- Shri Shyamal Kumar Das, nephew of Late Shri Sushil Kumar Das, Ex-Assistant Mechanic of AAI, was not dependent on the employee and hence is not covered under the definition of the family. However, in compliance with the Hon'ble Supreme Court's Order dated 05.10.2010, the name of the petitioner has been included in the list of 'D' category persons waiting for deployment under the Employment Assistance Scheme and the same has been conveyed to him by AAI that he will be appointed on compassionate ground as and when his turn comes, without considering his age. His name is at serial number 48 in the aforementioned list.
  - In the Committee on Petitions meeting with AAI on 20.01.2020, Chairman, AAI had suggested for seeking legal opinion in the case. In order to explore the feasibility to consider the case of compassionate appointment of Shri Shyamal Kumar Das in AAI, the legal opinion of Additional Solicitor General was obtained who opined that 'if no vacancy arises in Group-D till next about 05 years, by when Shri Shyamal Kumar Das will attain the age of 60 years, notwithstanding his seniority in the waiting list, Shri Shyamal Kumar Das cannot be given any deployment/employment in AAI. Furthermore, assuming any such vacancy arises in the next about 05 years, Shri Shyamal

*Kumar Das will have to wait for his turn, in as much as 47 persons above him, will be first offered the option before his turn comes'.*

- *The instant case has been duly processed within the limitations of the extant Rules and Regulations of AAI.*
- *The privatization of Delhi and Mumbai Airports has already rendered existing staff of AAI surplus creating a pool of excess employees numbering more than 4000. Further, 6 more airports have been brought under PPP recently, which will further enhance the number of surplus staff.*
- *There are 47 persons in the waiting list before Shri Shyamal Kumar Das. Offering compensate appointment to Shri Shyamal Kumar Das out of turn by giving more weightage may attract legal consequences as other candidates in the waiting list may also seek similar dispensation which in turn would open the floodgates of the applicants seeking employment on compassionate grounds making it difficult to refuse.*
- *The compassionate appointment in AAI has been discontinued since 2008 whereas, the name of Shri Shyamal Kumar Das has been included in the waiting list in the year 2010 on direction of the Hon'ble Supreme Court. All such cases after the year 2008, when the compassionate appointment was discontinued, till inclusion of Shri Shyamal Kumar Das may have to be reviewed and entailing huge implications for AAI.*
- *Large number of surplus staff due to privatization of airports clubbed with compassionate appointments may have huge financial implications on AAI telling upon financial health of the organization.*

**Conclusion:-**

*In view of the above submissions, it appears difficult to implement the recommendations of the Hon'ble Committee."*

## OBSERVATIONS/RECOMMENDATIONS

### Consideration of all the cases of compassionate appointments who are at the verge of attaining the age of superannuation

6. The Committee, while meticulously going through the entire sequence of events as submitted by the Ministry of Civil Aviation during the course of detailed examination of the representation of Shri Shyamal Kumar Das regarding inordinate delay in his appointment in Airports Authority of India, Kolkata on compassionate grounds and other important issues related therewith, had noted that the case of Shri Shyamal Kumar Das was considered in the Employment Assistance Committee meeting held on 14.06.1989, but was not recommended for appointment on compassionate grounds keeping in view of the fact that the applicant was not 'Dependent' on Late Sushil Kumar Das, the deceased employee, as per the Guidelines of the Employment Assistance Scheme of the Airports Authority of India. However, in compliance with the Hon'ble Supreme Court's Order dated 05.10.2010, the name of Shri Shyamal Kumar Das was included in the list of 'D' category persons at Sl.No. 48, waiting for deployment under the Employment Assistance Scheme and the same was conveyed to him by the Airports Authority of India that he would be appointed on compassionate grounds as and when his turn would come, without considering his age.

7. While going through the averments made by the Ministry of Civil Aviation, the Committee had felt that the Ministry should resort to some out-of-box policy formulation on this issue and display their readiness to consider giving extra weightage to such persons who were waiting for their turn to be considered for appointment in the Airports Authority of India on compassionate grounds *albeit* going to attain the normal age of superannuation in a couple of years. The Committee had, therefore, recommended that the Ministry of Civil Aviation should consider all such cases, including that of Shri Shyamal Kumar Das, the representationist for considering their candidature for appointment in the Airports Authority of India on compassionate grounds without further loss of time.

8. The Committee are not able to find any affirmative solution from the action taken replies furnished by the Ministry of Civil Aviation except echoing the same logic/arguments which they put forth before the Committee earlier. The Committee observe that the issue of appointment of Shri Shyamal Kumar Das on compassionate grounds in the Airports Authority of India has not been dealt with the desired level of sensitivity towards individual/families who had been waiting for their turn to come and already reached to the level of despondence. It is a matter of disappointment for the Committee on Petitions, Lok Sabha that the Ministry of Civil Aviation have not been able to amicably settle this long pending issue in spite of the fact that the Airports Authority of India has its own set of Rules and Regulations, *viz.*, the Airports Authority of India



(Recruitment and Promotion) Regulations, 2020 under the AAI Act, 1994 which empower the Chairman, Airports Authority of India in the matter of appointment of below Board level employees.

9. The Committee, therefore, reiterate their earlier recommendation that the Ministry of Civil Aviation should resort to some special policy formulation laced with acknowledging the sufferings of people like Shri Shyamal Kumar Das on this issue and display their readiness to re-consider the candidature of all the 48 persons, including that of Shri Shyamal Kumar Das, the representationist, by giving them extra weightage, for appointment in the Airports Authority of India as these persons are waiting for their turn to be considered for appointment in the Airports Authority of India on compassionate grounds and going to attain the normal age of superannuation in a couple of years. The Committee would like to be apprised of the specific and concrete action taken in this regard.

**Discontinuance of Compassionate Appointments in Airports Authority of India - need for a review**

10. The Committee, during the course of detailed examination of the representation of Shri Shyamal Kumar Das regarding inordinate delay in his appointment in the Airports Authority of India, Kolkata on compassionate grounds were informed of the decision taken by the Board of the Airports Authority of India to discontinue the mode of

compassionate appointments under the Employment Assistance Scheme in the 178th Meeting of the Board of the Airports Authority of India from the year 2018 *vide* CHARM Circular No.9/2018 while considering the issue of re-deployment of Delhi and Mumbai Airports manpower along with the Delhi High Court Order directing gainful deployment of excess manpower of the Airports Authority of India. The Committee had noted that the Board of Airports Authority of India, in its 178th Meeting, has *inter-alia* also decided that the social security schemes/compensation paid to the dependents of the deceased employee in the Airports Authority of India are quite sufficient to meet the family needs of the deceased employee and, thus, decided to discontinue the mode of compassionate appointments in the Airports Authority of India with immediate effect by repealing sub-para 13 1(ii) of the R&R Guidelines except in the cases where judicial order has attained finality. The Committee wonder if the Board of the Airports Authority of India had ever pondered as to how their decision to discontinue the mode of compassionate appointments would affect the subsistence of families/ dependents of the deceased employees.

11. The Committee had expressed their concern on the decision taken by the Board of Airports Authority of India in 2018 for discontinuation of compassionate appointments in the Airport Authority of India, which jeopardized the hope of livelihood for not only to Shri Shyamal Kumar Das, the representationist but also for 47 other persons who had been waiting for their turn for appointment on compassionate grounds in the Airports

Authority of India since 2008. The Committee were dismayed to note that when there was a long queue of needy persons who were waiting for the appointment on compassionate grounds for years together, how could the Board arrive at such an unkind decision to discontinue the Scheme of Compassionate Appointments, that too, without consulting the Ministry of Civil Aviation and the Department of Personnel & Training, and also without considering the financial and social status of the aggrieved families. The Committee would have appreciated the decision of discontinuance of compassionate appointments in Airports Authority of India by the Board of the AAI, if there had been no candidate left in the waiting list for appointment on compassionate grounds.

12. The Committee had, therefore, strongly recommended the Ministry of Civil Aviation to take immediate action to sympathetically review and reconsider the decision taken by the Board of the Airports Authority of India in the year 2018 for discontinuing the mode of compassionate appointments in the Airports Authority of India keeping in view the number of dependent persons of the aggrieved family, their financial and social responsibilities, etc., so that this long pending matter should be resolved amicably within a specified time-frame and to the satisfaction of the dependents.

13. The Ministry of Civil Aviation, in their action taken replies, have submitted that with a view to discussing the modalities regarding

implementation of the recommendations made by the Committee on Petitions in their Ninth Report on the representation of Shri Shyamal Kumar Das regarding inordinate delay in his appointment in Airports Authority of India, Kolkata on compassionate grounds, the Secretary, Ministry of Civil Aviation convened a meeting with the Chairman, Airports Authority of India. The Committee have also been informed that in order to explore the feasibility to consider the case of compassionate appointment of Shri Shyamal Kumar Das in the Airport Authority of India, the the Additional Solicitor General, in legal opinion, has suggested that if no vacancy arises in Group-D till next about 05 years, by when Shri Shyamal Kumar Das will attain the age of 60 years, notwithstanding his seniority in the waiting list, Shri Shyamal Kumar Das cannot be given any deployment/employment in the Airports Authority of India. Furthermore, assuming any such vacancy arises in the next about 05 years, Shri Shyamal Kumar Das will have to wait for his turn, inasmuch as 47 persons above him, will be first offered the option before his turn comes. In view of the above, the Ministry of Civil Aviation have expressed their inability to take an affirmative action to implement the recommendations of the Committee on Petitions.

14. While appreciating the efforts of the Ministry of Civil Aviation and the Airports Authority of India to convene a meeting to discuss the feasibility of implementation of the recommendations made by the Committee on Petitions, the Committee are unhappy to note the inability expressed by the

Ministry of Civil Aviation in implementing the recommendations of the Parliamentary Committee in view of the averments made by the Ministry of Civil Aviation and that, on the basis of the legal opinion of the Additional Solicitor General. The Committee are, as a matter of fact, concerned to foresee the bleak future of all the 48 aspirants including Shri Shyamal Kumar Das, the representationist who are seeking appointment on compassionate grounds in the Airports Authority of India and who might be reaching the age of superannuation in the next few years. Keeping in view that fact that legal position needs to be placed at a secondary level when it comes to appointing a person on compassionate grounds in view of the fact that by the nomenclature of this mode itself signifies 'compassion', the Committee, once again, strongly reiterate their earlier recommendation to take immediate action to sympathetically review and re-consider the decision taken by the Board of the Airports Authority of India in the year 2018 for discontinuing the compassionate appointments in the Airports Authority of India keeping in view the number of dependent persons of the aggrieved families, their financial and social responsibilities, etc., so that this long pending matter should be resolved amicably within a specified time-frame. The Committee would like to eagerly await the response of Airports Authority of India in the matter.

NEW DELHI;

HARISH DWIVEDI,  
Chairperson,  
Committee on Petitions.

13 December, 2021

22 Agrahayana, 1943 (Saka)

Minutes of the Meeting held under the chairmanship of Secretary, Ministry of Civil Aviation to discuss issues related to implementation of the recommendations made by the Committee on Petitions in their Ninth Report on the representation of Shri Shyamal Kumar Das regarding inordinate delay in his appointment in AAI, Kolkata on compassionate grounds

Secretary, Civil Aviation convened a meeting to discuss the issue related to implementation of the recommendations made by the Committee on Petitions (CoP) in their Ninth Report on the representation of Shri Shyamal Kumar Das regarding inordinate delay in his appointment in AAI, Kolkata on compassionate grounds.

2. The meeting was attended by JS (RA), Chairman/ Member (HR), AAI and ED (HR), AAI.

3. CoP in its ninth report has made the below recommendations:

- The Committee are not fully convinced by the averments made by the Ministry of Civil Aviation in dealing with the long pending issue of appointment on compassionate grounds in the Airports Authority of India. The Committee, therefore, strongly feel that the Ministry should resort to some out-of-box policy formulation on this issue and display their readiness to consider giving extra weightage to such persons who are waiting for their turn to be considered for appointment in the Airports Authority of India on compassionate grounds and going to attain the normal age of superannuation in a couple of years. The Committee, therefore, would like to recommend that the Ministry of Civil Aviation should consider all such cases, including that of Shri Shyamal Kumar Das for considering their candidature for appointment in the Airports Authority of India on compassionate grounds without further loss of time. The Committee would like to be apprised of the action taken by the Ministry in this regard.
- The Committee, in fact, would have appreciated the decision of discontinuance of compassionate appointments in the Airports Authority of India by the Board of AAI, if there had been no candidate left in the waiting list for appointment on compassionate grounds. The Committee, therefore, strongly recommend the Ministry of Civil Aviation to take immediate action to sympathetically review and re-consider the decision taken by the Board of AAI in the year 2018 for discontinuing the compassionate appointment in the Airports Authority of India keeping in view the number of dependent persons of the aggrieved family, their financial and social responsibilities, etc., so that this long pending matter should be resolved amicably within a specified time-frame. The Committee would like to be apprised of the specific action taken by the Government in the matter within three months of presentation of this Report to the House.

4. During the meeting, Chairman, AAI informed Secretary, MoCA that representatives of AAI appeared before the CoP on 20.01.2020 at Lok Sabha

Secretariat in the proceedings in the case of Shri Shyamal Kumar Das. In the meeting Chairman, AAI suggested for seeking legal opinion in the case. In order to explore the feasibility to consider the case of compassionate appointment of Shri Shyamal Kumar Das in AAI, the legal opinion of Additional Solicitor General (ASG) was obtained who opined that 'if no vacancy arises in Group-D till next about 05 years, by when Sh. Shyamal Kumar Das will attain the age of 60 years, notwithstanding his seniority in the waiting list, Sh. Shyamal Kumar Das cannot be given any deployment / employment in AAI. Furthermore, assuming any such vacancy arises in the next about 05 years, Sh. Shyamal Kumar Das will have to wait for his turn, in as much as 47 persons above him, will be first offered the option before his turn comes'.

5. Further, during the meeting AAI made following submissions:-
- i. Shri Shyamal Kumar Das was not a dependent on the employee and hence is not covered under the definition of the family. However, in compliance with the Hon'ble Supreme Court's Order dated 05.10.2010, the name of the petitioner has been included in the list of 'D' category persons waiting for deployment under the Employment Assistance Scheme.
  - ii. The instant case has been duly processed within the limitations of the extant Rules and Regulations by AAI.
  - iii. The privatization of Delhi & Mumbai airports has already rendered existing staff of AAI surplus creating a pool of excess employees numbering more than 4000. Further, 6 more airports have been brought under PPP, which will further enhance the number of surplus staff.
  - iv. There are 47 persons in the waiting list before Shri Shyamal Kumar Das. Offering compassionate appointment to Shri Shyamal Kumar Das out of turn may attract legal consequences as other candidates in the waiting list may also seek similar dispensation.
  - v. In case the matter of Shri Shyamal Kumar Das is reconsidered out of turn, it would open the floodgates of the applicants seeking employment on compassionate grounds which would be difficult to refuse. It will also bring in huge implications for AAI.
  - vi. The compassionate appointment is not being considered in AAI since 2008.
  - vii. The issue of compassionate appointment in AAI was placed before the AAI Board in its 178<sup>th</sup> meeting wherein the Board after detailed deliberation taking into consideration the Supreme Court decision in the Union of India & Anr. vs Shashank Goswami & Anr. (Civil Appeal No. 6224 of 2008) and quantum of compensation made to the family of the deceased employee under the social security schemes, resolved to discontinue the compassionate appointment in AAI.
6. After detailed deliberations, Secretary (CA) directed AAI to submit a response to the recommendations contained in the ninth report of the CoP.

The meeting ended with a vote of thanks to the Chair.

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