



By Speed Post

No: LW-GM-18/RTI/ 444

Date: 23.05.25

Sub: Information sought under RTI Act, 2005

Sir,

सूचना का अधिकार अधिनियम, 2005 के अंतर्गत आपके आवेदन पत्र के तहत विभिन्न बिन्दुओं पर मांगी गयी सूचना, विधि विभाग से संबन्धित, निम्नानुसार है:

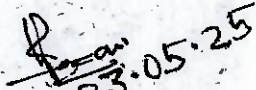
The information / reply to your RTI application No. AAOIN/R/E/25/00560 dated 13/04/25, under RTI Act 2005 (received at Law Dte. on 19.05.2025), is furnished as under:-

S.No.	Information Sought	Reply
5	Please provide the court case details filed by AAI OFFICIALS IN CONNECTION WITH ONWHEEL INCREMENT IN AIRPORTS AUTHORITY OF INDIA	As per available records, copies of case details are attached as per annexure-I.
6	PLEASE PROVIDE THE JUDGEMENT OF HIGH COURT OF KERALA IN CONNECTION WITH ONWHEEL INCREMENT TILL DATE.	Judgements of High Court of Kerala in connection with Onwheel Increment is attached here as per annexure-II

यदि आवेदक उपलब्ध कराई गई सूचना के संबंध में अपील करना चाहता है, तो आवेदक इस पत्र की प्राप्ति की तारीख से तीस दिनों के भीतर नीचे दिए गए अपीलीय प्राधिकारी के समक्ष अपील कर सकता है।

In case, applicant want to go for an appeal in connection with the information provided, applicant may appeal to the Appellate Authority indicated below within thirty days from the date of receipt of this letter.

Ms. Maya Lavarria
FAA & Executive Director (Admn)
Airports Authority of India
Rajiv Gandhi Bhawan,
New Delhi -110003


(P.K. Gorai)
General Manager (Law) & CPIO

Encl: As above (total 54 pages).

Copy: CPIO/GM(HR) – for information please.

CASES FILED BY AAI / AAI OFFICIALS IN CONNECTION WITH ON WHEEL INCREMENT BEFORE HIGH COURT AT MADRAS

S.No.	CASE NO.	PETITIONER	RESPONDENT	REMARKS
1	WA 791/2024	AAI	S Satish	Pending
2	W.P 3542/2022	K Sudeep	AAI	Pending
3	WP 5509 /2014	S Satish	AAI	Disposed
4	WP 7084/2019	R Suresh	AAI	Disposed



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

&

THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR

TUESDAY, THE 1ST DAY OF APRIL 2025 / 11TH CHAITHRA, 1947

WA NO. 1680 OF 2020

AGAINST THE ORDER/JUDGMENT DATED 14.01.2020 IN WP(C)
NO.5604 OF 2012 OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS:

- 1 INTERNATIONAL AIRPORT AUTHORITY OF INDIA,
REPRESENTED BY CHAIRMAN, HEADQUARTERS,
YASHWANT PALACE, CHANAKYA PURI,
NEWDELHI-110021.
- 2 THE GENERAL MANAGER (HR),
AIRPORTS AUTHORITY OF INDIA,
HEADQUARTERS, YASHWANT PALACE,
CHANAKYA PURI, NEW DELHI-110021.
- 3 THE REGIONAL EXECUTIVE DIRECTOR,
AIRPORTS AUTHORITY OF INDIA,
SOUTHERN REGION, CHENNAI.
- 4 THE ASSISTANT GENERAL MANAGER,
AIRPORTS AUTHORITY OF INDIA,
THIRUVANANTHAPURAM INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.
- 5 THE ASSISTANT GENERAL MANAGER,
AIRPORTS AUTHORITY OF INDIA,
CALICUT INTERNATIONAL AIRPORT, KOZHIKODE.

BY ADVS.

N.N.SUGUNAPALAN (SR.)

SRI.V.SANTHARAM



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RESPONDENTS/PETITIONERS:

- 1 ROBY BABY M.,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.
- 2 BINU THOMAS V.,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.
- 3 LIJO P. MATHEW,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT,
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- 4 P. PADMARAJ,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT,
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- 5 PRAMOD JACOB,
SUPERVISOR (FIRE SERVICE),
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- 6 C.K. SANTHOSH,
SUPERVISOR (FIRE SERVICE),
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THIRUVANANTHAPURAM-695008.
- 7 N. BIJU,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.
- 8 R. SUDHAR SINGH,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.
- 9 A. SREEHARI,
SENIOR ASSISTANT (FIRE SERVICE),



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INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.

- 10 T. ANILKUMAR,
SENIOR ASSISTANT (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.
- 11 S. AGI KUMAR,
SENIOR ASSISTANT (FIRE SERVICE),
INTERNATIONAL AIRPORT,
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- 12 SHAJI MATHEW M.,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.
- 13 T.S. SUMESH,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.
- 14 R.A. SHAJI,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.
- 15 PRADEESH S. DHARAN,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.
- 16 ABHILASH M.G.,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.
- 17 K.V. SUDHARSAN,
SENIOR ASSISTANT (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.



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4

- 18 S.L. RAHUL,
SENIOR ASSISTANT (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.
- 19 S.M. NAJUMUDEEN,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.
- 20 M.R. SHAMNAD,
SUPERVISOR (FIRE SERVICE),
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- 21 D. UDAYAKUMAR,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.
- 22 S. AJITH KUMAR,
SENIOR ASSISTANT (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.
- 23 N.R. BIJU KUMAR,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.
- 24 S. SUNIL,
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- 25 MATHEW F.,
SUPERVISOR (FIRE SERVICE),
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- 26 K.P. BRIDJU,
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27 ANISH POYLIL,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT,
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28 K.P. RINEESH,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.

29 P.J. JOHN,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.

30 SHAMEEM H.,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.

BY ADVS.
ELVIN PETER P.J.
SRI.K.R.GANESH
SIDHARTH SUDHEER

CERTIFIED COPY

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON
01.04.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**JUDGMENT****AMIT RAWAL, J.**

1. The present intra court appeal is directed against the judgment of Single Bench whereby the writ petition preferred by thirty(30) Supervisors in Fire Service against denial of increment as per the revised pay has been set aside and the writ petition has been allowed.

2. Succinctly the facts in brief for the adjudication of the controversy is that the Chief of Personnel of the International Authority of Airports of India had as per Ext.P1 letter dated 19.12.1979 addressed the General Managers of various Airports that it had become necessary to reorganise the fire services on introduction of new sophisticated CFTs (Rosenbauer) which require higher degree of skill and greater responsibility. In order to improve the quality of fire service in the International Airport Authority of India and also to provide promotional opportunities to the fire staff, a complete change-over was



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required in phases. It was found necessary to take step-by-step action in order to achieve the ultimate objective. The contents of the letter provided that those existing Fire Foreman who are already in possession of the heavy licence will be given an on-job refresher training for a period of two(2) months followed by a test at the end of two(2) months and on taking over the job of driving, in addition to their duties of leading the crew, the Fire Foreman will be granted two additional increments in scale of pay. Those Fire Foreman who do not know driving are to be sent for learning driving of heavy vehicles and the International Airport Authority of India will meet the cost of such training. Two additional increments will be given to such Fire Foreman on completion of successful training. Thereafter, Airport Authority of India Act came in to force in 1994 but the benefit of grant of additional increments continued. Vide communication Ext.P3 dated 11.02.2011, the Joint General Manager (HR) at the Headquarters informed Regional

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Executive Director that two additional increments granted to all eligible employees of fire service in Southern Region, who have been certified to drive CFT as per CHQ letter dated 24.09.2004 and 22.08.2005 will continue, in order to bring uniformity with other Regions/Metro Stations etc. Petitioners and other Senior Assistants/Supervisors (Fire) on fulfilling the aforementioned conditions were granted two additional increments as per Ext.P4 order dated 03.03.2011. It is pertinent to mention here that the scale of petitioners was revised vide communication dated 21.01.2011 from 6300-180-8460-200-12060 to 14500-33500 for NE-6 category and for NE-7 category which is relevant for adjudication of lis, from 6500-200-8900-220-12860 to 15000-35500. However, vide impugned communication Ext.P5 dated 20.07.2011 General Manager (HR) without issuing any show cause notice to the affected parties, passed an order to the effect that the benefit of increments will be eligible on the basis of pre-revised scale of pay to the employees of Fire



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Staff who are eligible for driving CFT on or after 01.01.2007 till further orders.

3. The aforementioned impugned order was assailed before the Single Bench. The stand of the appellants - respondents before the writ court as well as in the intra court appeal has been the same and in brief is as follows:

The Fire Department was having two cadres; Driver Fire and Fire Operator, and based on the Dash Committee report and in order to remove the stagnation the two cadres of Fire Operators that of Driver Fire merged into one, whereas Driver Fire were granted training for Fire Operators to make them eligible further promotion in the grade, and in order to encourage the Fire Operators to acquire Heavy Motor Vehicle licence were given two additional increments for driving Crash Fire Tender (CFT) vehicles. The practice of granting of two additional increments which existed in the erstwhile International Airports Authority of India continued

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even on its merger with National Airports Authority of India and formation of Airports Authority of India (AAI) in its International Airports Division and thereafter in National Airports Division.

4. The crew in charge of CFT vehicles should be Superintendents/Senior Superintendents and not Senior Assistants. There are several incentive schemes; incentive increments/additional increments which cannot be compared with annual increments, which are provided in the pay revision agreements. Increments for small family norms are admissible only in the pre-revised scale as per Clause 3.3 and 3.4 of Ext.P2, therefore, there cannot be any bar in granting the benefit of increments in the pre-revised scale. Many other similarly situated persons in various Airports had also not challenged the similar situation and therefore, writ petition is liable to be dismissed as well as judgment under challenge to be set aside.

5. We have heard the learned counsel for the



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parties and appraised the paper book.

6. It would be expedient to extract relevant portion of certain Exhibits for adjudication of the lis. Clause (a) and (b) of letter dated 19.12.1979, Ext.P2, Ext.P3 letter dated 11.02.2011 and impugned order Ext.P5:

Clause (a) and (b) of letter dated 19.12.1979

"(a) Those existing Fire Foreman who are already in possession of the heavy duty licence will be given an "on the job refresher training' at their respective stations for a period of 2 months, by which time they are expected to be fully conversant with the driving of the CFTs. A test will be conducted at the end of two months to see their proficiency in driving and those who are found fit would be given independent charge of the vehicle and its operation.

(b) On taking over the job of driving, in addition to his own duties of leading the crew, the Fire Foreman will be granted two additional increments in his scale of pay.

Exhibit – P2 dated 21.01.2011

HR CORPORATE CIRCULAR (CPC) NO.3/2011

Sub: Revision of Scales of Pay and Allowances in respect of Non- Executives (Workmen) of AAI.



In pursuance of the Memorandum of Understanding (MoU) reached between the Management and the Recognized Union in its meeting held on 2nd November, 2010, approval of AAI Board, approval of the Ministry of Civil Aviation conveyed vide letter No.AV. 11018/01/2009-AAI dated 20.1.2011 and subsequent Memorandum of Settlement (MOS) signed with the Union on 21.1.2011, it has been decided to revise the Scales of Pay and Perks & Allowances in respect of the Non-Executives as follows:

1. COVERAGE

- (I) All Non-Executives including probationers who were on the rolls of AAI as on 01.01.2007 and those Joining thereafter including those separated on account of superannuation, resignation, voluntary retirement, death etc. on or after 01.01.2007 would be covered by this Order and will be paid arrears on account of wage revision upto the date they were in service.
- (ii) The benefit of wage revision will not be allowed to the employees from the date they have ceased to be in the service of AAI on dismissal/removal or left service without acceptance of resignation.

2. DURATION

The existing scales of pay of Non-Executives are revised w.e.f. 01.01.200. The revised scales, which shall be effective for 10 years, are as under:



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2.1.SCALES OF PAY

SL No.	LEVEL	EXISTING SCALES OF PAY	REVISED SCALES OF PAY
XX X	XXX	xxx	Xxx
6	NE-6	6300-180-8460-200-12060	14500-33500
7	NR-7	6500-200-8900-220-12860	15000-35500

XXXXXX

XXXXXX

3. INCREMENT

3.1 ANNUAL INCREMENT

- (I) The rate of annual increment will be @ 3% of revised basic pay and will rounded off to the next multiple of ₹10/-
- (ii) The effective date of annual increment shall be from 01.04.2010 and the parameters/conditions mentioned in Corporate Personnel Circular (CPC) No.4/2010 dated 28th January, 2010 shall be followed.

Exhibit-P3 dated 11.02.2011

Kindly refer to your letter no. AAI/SR/2-7(11)/EA dated 10/01/2011 on the above subject Informing that some of the employees in Fire Service are not granted two additional Increments to drive CFT.

2. In this regard, it is Informed that In order to bring uniformity with other Regions/Metro Stations, two additional increments may be granted to all eligible

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employees of, Fire Service in Southern Region who have been certified to drive CFT as per CHQ letter dated 24.09.2004 & 22.08.2005 till such time, Dash Committee recommendations are fully implemented.

3. This Issues with the approval of Competent Authority

Exhibit-P5

REDs/APDs have sought clarification whether the employees of fire staff are eligible to get the two additional increments @ 3% on or after 1.1.2007 for driving CFT.

2. In this regard, it is clarified that two additional increments may be granted in the pre-revised scale of pay to the employees of fire staff who are eligible for driving CFT on or after 1.1.2007 till further order

3. Further, reference may also be made to the instruction issued vide letter dated 30/05/2011 it is once again reiterated that the two additional increments granted to fire staff for driving CFT are to be merged with the basic pay. In case the increments granted earlier have been withdrawn the same may be released.

4. This issues with the approval of Competent Authority.

7. On perusal of the order Ext.P5, it is evident that the aforementioned order was passed by fixing a cut-off date of 01.01.2007, though no reasons have been assigned why such date was taken as a barometer for the purpose of



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denying the benefits, which caused a discrimination that similarly situated persons who have been drawing the benefit under the revised pay and denied the benefit of granting the increment under pre-revised pay as per the order under challenge.

8. Learned Single Bench had taken the assistance of judgments for the purpose of defining the increments. Paragraph Nos.17 and 18 of the judgment under challenge reads as under:

17. In this context it is relevant to note the meaning of increment. A three Judge Bench of the Apex Court in State Bank of India v. Presiding Officer, Central Govt. Labour Court [(1972) 3 SCC 595], while interpreting para 292 of the Sastry Award when the computation of benefits due to a Clerk under the same was under challenge held as follows:

"An increment is in the same scale while a promotion is from one scale to a higher scale. A promotion from a lower grade to a higher grade though both the grades may be in the same cadre is not an increment or increments by way of special promotion."

18. The Apex Court in the judgment in State of Kerala and Another v. P.V. Neelakandan Nair and Others [(2005) 5 SCC 561], while considering the eligibility of teachers who are continuing after the date of their superannuation till the end of the academic year, by virtue of Rule 62 of Chapter



XIV(A) of the Kerala Education Rules, 1959 for the benefit of pay revision which comes into effect after the date of their superannuation, when Rule 60(c) of Part I KSR provided that they would not be entitled to any increments or promotion during the extended period, held as follows in para 18:

"18.xxxx"Increment" has a definite concept in service laws. It is conceptually different from revision of pay scale. "Increment" is an increase or addition in a fixed scale; it is a regular increase in salary on such a scale. xxx The pay of an employee is generally fixed with reference to a pay scale. On the other hand, in the case of revision, the pay scale is revised which may incidentally result into increment. Rule 60(c) does not refer to pay revision which is conceptually different from annual increments within the prescribed pay scale. Therefore, entitlement of the teachers concerned for the benefits of pay revision cannot be doubted."

9. Pay scale was revised in 1991 and thereafter in 2001. Respondents – petitioners had joined in 2007. Ext.P5 clarification appears to have been the introduction of change in the mode of calculation of increment from fixed amount in the pay scale, to 3% of revised pay. The expression 'increment' has to be at the rate shown in the scale of pay attached to the post of the employee holding from time to time and has to be calculated



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in the very same manner in which the increment in the respective pay scale is calculated at the relevant time. The reliance on Clause 3.3 and 3.4 of Ext.P2 pay revision for getting the other benefit of family schemes on the basis of pre-revised scale cannot be a magna carta for the respondents to justify the issuance of Ext.P5. The scheme of granting of additional increments started in 1979 which was discontinued in 2001, but again started in 2004. It was introduced only as incentive to encourage the existing Fireman to obtain Heavy Motor Vehicle license in order to operate the vehicles of particular category. It is a matter of record that the appellants have not denied the continuation of the increments except discontinuation for a limited period from 2001 to 2004.

10. We are of the view that the stand of the appellants was not justified in supporting Ext.P5 as increments have to be at the rate shown in the scale of pay attached to the employee who was holding the post from

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time to time and rightly so, it has been quashed. We do not find any illegality and perversity warranting interference of judicial review while exercising power of intra court appeal. Writ appeal stands dismissed.



Sd/-
AMIT RAWAL
JUDGE

Sd/-
K. V. JAYAKUMAR
JUDGE

nak

HIGH COURT OF KERALA
CERTIFIED COPY





IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

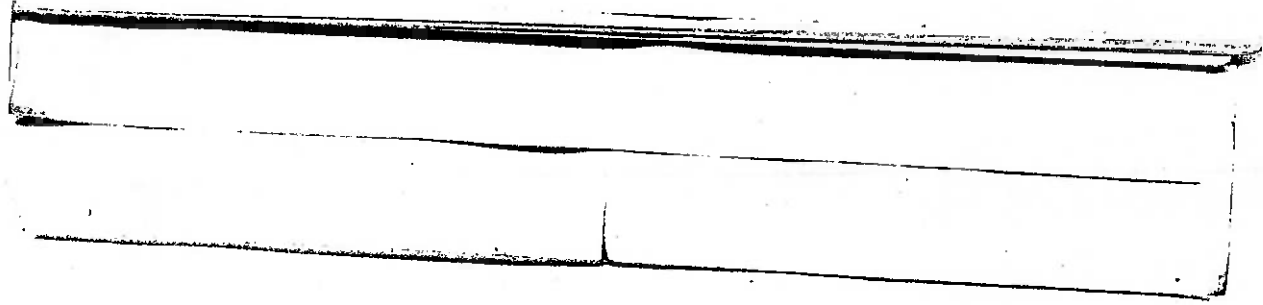
THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 14TH DAY OF JANUARY 2020 / 24TH POU SHA, 1941

WP (C).No.5604 OF 2012 (A)

PETITIONERS:

- 1 ROBY BABY.M,
AGED 34 YEARS,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT, THIRUVANANTHAPURAM-695008
- 2 BINU THOMAS.V.,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT, THIRUVANANTHAPURAM-695008
- 3 LIJO P.MATHEW,
SUPERVISOR (FIRE SERVICE),
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- 4 P.PADMARAJ,
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- 10 T.ANIL KUMAR,
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- 28 K.P. RINEESH
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT, KOZHIKODE-673647.
- 29 P.J. JOHN,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT, KOZHIKODE-673647.
- 30 SHAMEEM. H,
SUPERVISOR (FIRE SERVICE),
INTERNATIONAL AIRPORT, KOZHIKODE-673647.

BY ADVS.
SRI. ELVIN PETER P.J.
SRI. K.R. GANESH
SRI. T.G. SUNIL (PRANAVAM)

RESPONDENTS:

- 1 INTERNATIONAL AIRPORT AUTHORITY OF INDIA,
REP. BY CHAIRMAN, HEADQUARTERS, YASHWANT PALACE,
CHANAKYA PURI, NEW DELHI-110021.

- 2 THE GENERAL MANAGER (HR),
AIRPORT AUTHORITY OF INDIA, HEADQUARTERS,
YASHWANT PALACE, CHANAKYA PURI, NEW DELHI-110021.
- 3 THE REGIONAL EXECUTIVE DIRECTOR,
AIRPORT AUTHORITY OF INDIA,
SOUTHERN REGION, CHENNAI.
- 4 THE ASSISTANT GENERAL MANAGER,
AIRPORT AUTHORITY OF INDIA,
THIRUVANANTHAPURAM INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM-695008.
- 5 THE ASSISTANT GENERAL MANAGER,
AIRPORT AUTHORITY OF INDIA,
CALICUT INTERNATIONAL AIRPORT, KOZHIKODE.

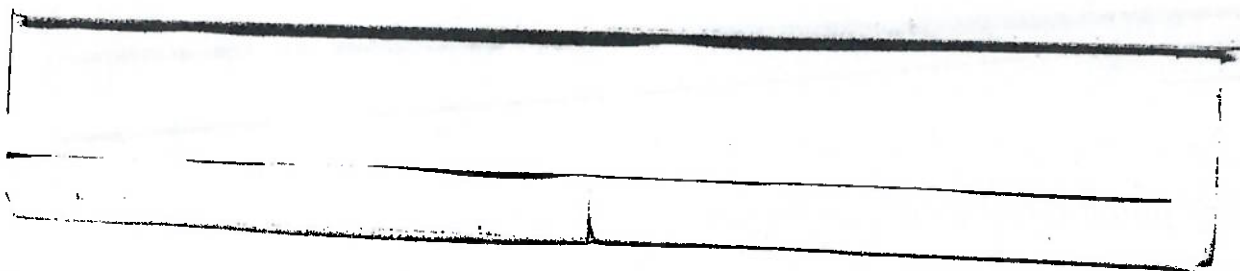
BY ADV. SRI.V.SANTHARAM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
14.01.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioners, who are working as Supervisors/Senior Assistants (Fire Service) in the International Airports at Thiruvananthapuram and Calicut, are aggrieved by Ext.P5 clarification issued by the 3rd respondent - the General Manager of Airport Authority of India to the effect that the two additional increments admissible to the Fire Foreman (re-designated as Senior Assistants/ Supervisors) entrusted with the job of driving Crash Fire Tender(CFT) vehicles would be paid only in the pre-revised scale.

2. The Chief of Personnel of the International Authority of Airports of India had as per Ext.P1 letter dated 19.12.1979 addressed the General Managers of various Airports informing that it had become necessary to reorganise the fire services on introduction of new sophisticated CFTs (Rosenbauer), which require higher degree of skill and greater responsibility. It was stated that in order to improve the quality of fire services in



International Airport Authority of India and also to provide promotional opportunities to the fire staff, a complete change-over was required in phases. It was found necessary to take step-by-step action in order to achieve the ultimate objective. It was therefore ordered as follows:

- (a) Those existing Fire Foreman who are already in possession of the heavy duty licence will be given an "on the job refresher training" at their respective stations for a period of 2 months, by which time they are expected to be fully conversant with the driving of the CFTs. A test will be conducted at the end of two months to see their proficiency in driving and those who are found fit would be given independent charge of the vehicle and its operation.
- (b) On taking over the job of driving, in addition to his own duties of leading the crew, the Fire Foreman will be granted two additional increments in his scale of pay.
- (c) Those Fire Foreman who do not know driving are to be sent for learning driving of heavy vehicles and the IAAI will meet the cost of such training. Two additional increments will be given to such Fire Foreman only when they complete the training successfully and also qualify in the test which will be given

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in driving Rosenbauer (CFTs) and take over the driving job."

3. It is stated that thereafter when the Airport Authority of India Act came into force in 1994, the Airport Authority of India was established in the place of International Airport Authority of India. Even thereafter the grant of additional increments continued. The Joint General Manager (HR) at the Head Quarters of the 1st respondent had as per Ext.P3 letter dated 11.02.2011 informed the Regional Executive Director that two additional increments may be granted to all eligible employees of fire service in Southern Region, who have been certified to drive CFT as per CHQ letter dated 24.09.2004 and 22.08.2005, in order to bring uniformity with other Regions/Metro Stations, pending full implementation of Dash Committee recommendations. On the basis of Ext.P3 letter, the petitioners and other Senior Assistants/Supervisors (Fire) having driving license were granted two additional increments as per Ext.P4 order dated 03.03.2011 and similar orders, subject

to the condition that they would be required to perform the duties of driving the CFTs for 12 hours per week, which will be certified by the Head of the Department so as to keep their driving license valid. Pay in respect of all the petitioners was thereupon fixed adding two additional increments calculating the same at the rate of 6% of their basic pay.

4. It is stated that the orders Exts.P3 and P4 were issued in implementation of Dash Committee recommendations. It is pointed out that under Section 10(2) of the Airports Authority of India Act, 1994, the conditions of service of the officers and employees appointed by the Authority shall be entitled to the remuneration as determined by Regulations.

5. It is also stated that a pay revision was implemented for the employees of the 1st respondent as per Ext.P2 circular dated 21.01.2011, based on the Memorandum of Understanding reached between the 1st respondent and recognised Union on 02.11.2010,

which was approved by the Board of 1st respondent and thereafter by the Ministry of Civil Aviation and pursuant to the Memorandum of Settlement dated 21.01.2011 between 1st respondent and the Union for revision of pay. The pay and allowances in respect of Non-Executives (workmen), who were on the rolls as on 01.01.2007 was revised with effect from 01.01.2007 and it was to be effective for 10 years. The scale of pay of petitioners, who were in the level of NE-6, was revised from 6300-180-8460-200-12060 to 14500-33500; scale of pay of those in the level of NE-7 was revised from 6500-200-8900-220-12860 to 15000-35500. Clause 3 of Ext.P2 deals with increments. Clause 3.1(i) provides that rate of annual increment would be 3% of the revised basic pay. Clause 3.1(ii) provides that the effective date of annual increment shall be 01.04.2010. Clause 3.2 deals with stagnation increment which would also be 3% of the revised basic pay. Clause 3.3 which deals with increment for promotion of small family norms, provided that it would be reviewed separately and

the existing benefit/incentive may be continued in the pre-revised scale of pay. Clause 3.4 which deals with increment on acquiring higher qualification provided that those acquiring higher qualification on or after 01.01.2007 would be paid lump-sum in lieu of increments in terms of CPC circular dated 25.03.2010. Clause 3.5 deals with pay fixation on promotion.

6. As per Ext.P4 order several of the petitioners were found eligible for the additional increments with effect from 28.08.2008, 10.11.2007, 19.07.2010, 06.10.2009, etc and their pay was fixed granting additional increments at the rate of 3% of their basic pay. In Ext.P4 order, it was stated that in view of the clarification in the CHQ order, the additional two increments in the pre-revised pay scale were granted to the Supervisors/Senior Assistants (FS), including petitioners subject to the condition that they would be required to perform the duties for driving of CFTs for 12 hours per week. It was also stated that the two additional

increments would be merged with the basic pay.

7. While so, the General Manager(HR) issued Ext.P5 clarification on 20.07.2011 stating that the employees of the fire staff driving CFT vehicle, who are eligible for 2 additional increments on or after 01.01.2007 would be granted the same in the pre-revised scale. It was also clarified that the two additional increments shall be merged with the basic pay. Exts.P7 to P11 orders were issued thereafter on 17.02.2012 and 01.03.2012, re-fixing the pay of petitioners in tune with Ext.P5 clarification, withdrawing the pay fixation granted as per Ext.P4 and similar orders. The pay fixed in the case of petitioners reckoning the additional increments @ 3% of basic pay was re-fixed reckoning the two additional increments in the pre-revised scale @ 100/90 on their basic pay. Serial nos.1 to 7 got the increments at the rate of Rs.200/- and serial no.8 onwards got the increments at the rate of Rs.180/-. Similar orders were issued as Exts.P8 to P11 in respect of certain other petitioners.

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8. The writ petition is filed challenging re-fixation of petitioner's pay as per Exts.P7 to P11 orders. According to the petitioners the additional increments are to be granted in the pay scale in which they are drawing pay. As per Ext.P2 circular, a new method was introduced for calculating the increment as 3% of the basic pay. On the basis of Ext.P3 order, they were granted additional increments as per Ext.P4 order and their pay was fixed in accordance with rules. Petitioners alleged that similarly situated employees, who were already granted additional increments prior to 01.01.2007 continued to get the benefit of additional increments at the rate of 3% of the revised basic pay as provided in Ext.P2. According to them a classification is brought about within persons performing the very same duties on the basis of the date on which they became eligible for driving CFT vehicles i.e., before and after 01.01.2007, vehicles for the purpose of granting additional increments and hence for fixation of pay, though all of them

form an integral homogeneous group.

9. The petitioners have also got a contention that the Regional officer who issued Ext.P5 clarification is not competent to vary the terms of the original order Ext.P1, which was issued by the Chief of Personnel of the 1st respondent and also in variance of Ext.P2 settlement arrived at between the 1st respondent and the employees union.

10. In the counter affidavit sworn to by the Airport Director on behalf of the respondents, it is stated that the Fire Department was having two cadres; Driver Fire and that of Fire Operator; based on the Dash Committee report, the two cadres of Fire Operators and that of Driver Fire were merged into one, in order to remove the stagnation in the cadre of Driver Fire. So while Driver Fire were granted training for Fire Operators to make them eligible for further promotions in the grade, in order to encourage the Fire Operators to acquire Heavy Motor Vehicle (HMV) license, they were given two additional increments for driving Crash Fire



Tender (CFT) vehicles. It is stated that as at present Heavy Motor Vehicle (HMV) license is a basic requirement for the post and driving CFT is part of the normal duty of Fire Operators. It is stated that the practice of granting of two additional increments which existed in the erstwhile International Airports Authority of India continued even on its merger with National Airports Authority of India and formation of Airports Authority of India (AAI) in its International Airports Division and thereafter in National Airports Division as evident from Ext.R1(a) order dated 14.06.2004. It is stated that as per Dash Committee recommendations the crew in charge of CFT vehicles should be Superintendents/Senior Superintendents (FS) and not Senior Assistants (FS). However as appointments were not made to those posts in several airports, the Deputy General Manager issued Ext.R1(b) letter on 19.08.2004, clarifying that till such time the Senior Assistants takes on the wheels as in charge of CFT crew, he would continue to draw the

additional increments. According to the respondents there are several incentive schemes; incentive increments/additional increments cannot be compared with annual increments, which are provided in pay revision agreements. Pointing out clause 3.3 and 3.4 of Ext P2, it is stated that increments for small family norms are admissible only in the pre-revised scale as per clause 3.3. As per Ext R1(j) circular (produced along with I.A. 18375 of 2017) dated 11.04.2012 Family Planning Allowance was introduced with effect from 01.01.2007 in lieu of increment for adopting small family norms. It also provided the rate of allowance for each scale of pay and it was also ordered that the special increment which was being drawn by the employees prior to 01.01.2007 would be revised into lump sum allowance in the relevant revised scale of pay. The increment for acquiring higher qualification under clause 3.4 of Ext.P2 was changed to a lumpsum payment in lieu of increments. As per Ext.R1(k) circular dated 15.05.2012, the rate of lumpsum amount payable on

passing Pragya/Praveen/Prabodh examinations as incentive, was declared. Similarly in Ext.R1(1) circular, the rate of lump sum payment in lieu of increment for acquiring professional/additional qualification was declared. It is stated that Ext.P2 did not provide for the additional increments for the staff operating CFT vehicles; even then, in order to bring uniformity with other regions, Ext.P3 order was issued on 11.02.2011 directing that two additional increments be granted to all the eligible employees of fire service in southern region pending full implementation of Dash Committee report. As per Ext.R1(f) order dated 03.05.2011, it was directed that the two additional increments granted to the eligible employees of Fire Staff for driving CFT vehicles are to be merged with basic pay. It is further stated that the Regional Executive Directors /Airport Directors, had sought clarifications as to the payment of two additional increments payable to the Fire Staff to get the same at the rate of 3% on or after 01.01.2007 for driving CFT vehicles.

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Thereupon clarification was given as per Ext.P5 order on 20.07.2011 to grant the same to those who are eligible for driving CFT vehicles on or after 01.01.2007 in the pre-revised scale of pay till further orders; the two additional increments were granted to all eligible Fire Staff in almost all Airports in all regions in India, except in certain Southern Regions, in the pre-revised rates. It is stated that by an inadvertent mistake on the part of the officers in the Southern Region, like Calicut, Thiruvananthapuram, Trichy, Cochin etc, the two additional increments were granted at the rate of 3% in the revised pay scale. On receipt of the clarification in Ext.P5, their pay was revised changing the two additional increments to the pre-revised scale and action was taken for recovery of excess paid. According to the respondents, in almost all the Airports additional increments were granted in the pre-revised scale and in almost all other cases, where payment was made by mistake, it was rectified and the excess paid was recovered from



the incumbents. According to the respondents, there is nothing wrong in re-fixing the pay and in recovering excess paid. It is also stated that in the case of those, who were granted two additional increments prior to 01.01.2007 also, additional increments were granted only in the pre-revised scale and the increments were merged with basic pay. Regarding the competence of the authority to issue the clarification, it is stated that the circular was issued with the approval of the competent authority, who introduced the scheme and therefore Ext.P5 was issued with authority.

11. According to the respondents, the scheme of granting additional increments which started in 1979, was discontinued in 2001; it was re-started in 2004 as per Ext.R1(i) order dated 24.06.2004 and thereafter extended since the Dash Committee recommendations could not be implemented in full. It is stated that the scheme of granting additional increments was introduced only as an incentive to encourage the then existed Fireman to obtain HMV

license in order to operate the CFT vehicles; the petitioners do not have any right to claim it as annual increments or at the rate of annual increments, which should be revised from time to time based on the pay revision orders. It is their case that incentives are not part of wage agreement or negotiations and such schemes are introduced only by way of policy decisions taken by the competent authority from time to time. It is stated that on 14.06.2004 an intimation was issued to discontinue the grant of two additional increments with effect from 31.08.2001 as evident from Ext.R1(i). However as per Ext.R1(b) letter dated 19.08.2004, it was revived seeing that the recommendation of the Dash Committee were not fully implemented. It is stated that Ext.P3 order was issued in order to bring uniformity with other Regions directing that two additional increments be granted to all eligible employees.

12. The respondents also pointed out that as per Ext.R1(m), the 22nd petitioner, who is the Branch

Secretary of the Employees' Union had requested only to defer the proceedings for recovery. Therefore it is stated that he did not have any grievance against the recovery; he had only requested that the recovery be effected from April onwards that too in instalments of not more than Rs.2,000/-. Referring to communications received from various Airports, it is pointed out that there are no complaints from other Airports with respect to the grant of additional increments in the pre-revised scale. It is argued that the clarification was issued to see that all those working in the same category are getting the increments at the same rate and to avoid any anomaly of senior getting lesser pay than junior and that there is no violation of Article 14.

13. The learned Standing Counsel pointed out that most of the petitioners, who got eligibility for additional increments on 28.08.2008, as can be seen from Ext.P4, would be getting the two additional increments at the rate which prevailed before 01.04.2010; if at all the argument of

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petitioners is accepted and the increments are granted at the rates fixed in Ext.P2, those who became eligible in the year 2010 i.e., the serial nos.19 to 25 in Ext.P4 would get increment at the rate of 6%. At the same time those who acquired eligibility earlier would get lesser pay than those who got eligibility subsequently; it was in order to rectify this anomaly of juniors getting more pay than seniors that the clarification has issued. Therefore, it was argued that interference of this Court in the matter is unwarranted. It is also pointed out that when the increments are fixed in the pre-revised scale at the rate of Rs.200/Rs.180, there would not be any anomaly; the anomaly which occurred in Ext.P4 has been rectified by issuing the order Ext.P7 and subsequent orders. Therefore it is stated that what the respondents have done is in accordance with law. According to the respondent, it is for the respondents to decide what should be the incentive, whether it should be revised or continued; the rate at which it is to be granted,

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etc.

14. At the same time, the learned counsel for the petitioner relying on State of Kerala and Another v. P.V.Neelakandan Nair and Others [(2005) 5 SCC 561] pointed out that the action of the respondents is contrary to the very concept of increment. As long as increment is granted, there should be addition to the pay which should be revised from time to time.

15. On consideration of the pleadings and contentions on either side, it is seen that there is no dispute with respect to the eligibility of petitioners for 2 additional increments. It is also not disputed that the additional increments are being granted ever since the issuance of Ext.P1 order dated 19.12.1979. It is relevant to note that Clause (b) Ext.P1 provided as follows:

"on taking over the job of driving, in addition to his own duties of lending the crew, the Fire Foreman will be granted two additional increments in his scale of pay."

16. The respondents have admitted that the practice of granting additional increments continued all these years; though it was discontinued in 2001, it was revived in 2004. Therefore what was provided in Ext.P1 was two additional increments "in his scale of pay." On revision of scale of pay rate of increments also change normally. There had been several pay revisions after Ext.P1 order. At any rate, it is evident that there was a pay revision in 1991 and thereafter in 2001. The employees continue to get the benefit of the additional increments since then, enjoying the benefit of revision of the scale of pay ordered from time to time. When the additional increments are getting merged with the basic pay, an employee continues to get the corresponding revisions being effected to the scale of pay attached to the post which he is holding. Though the contention of the respondents that it is for them to decide the incentive or rate of incentive, as long as the decision to grant two additional increments is not varied it cannot be

said that they can also decide that the additional increment can only be in pre-revised scale. Though the respondents have pointed out clause 3.3 and 3.4 of Ext.P2 pay revision for defending Ext.P5, it is seen from clause 3.3 as well as Ext.R1(j) that the respondents have introduced family planning allowance in lieu of increment for small family norms, after declaring in clause 3.3 that increment would be replaced by lump sum payment. Ext.R1(j) has also provided for the conversion in the case of those who were already granted the benefit of increment. Similar is the case with increments/incentive for acquiring additional qualification. Though Ext.P2 does not specifically deal with additional increments to persons like petitioners for driving CFT vehicles, there is no dispute that the said incentive is not discontinued. Once it is not discontinued, even if it is not part of Ext.P2 pay revision, increments can only relate to the corresponding pay and the rate at which it is payable in such pay scale.

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17. In this context it is relevant to note the meaning of increment. A three Judge Bench of the Apex Court in *State Bank of India v. Presiding Officer, Central Govt. Labour Court* [(1972) 3 SCC 595], while interpreting para 292 of the Sastry Award when the computation of benefits due to a Clerk under the same was under challenge held as follows:

"An increment is in the same scale while a promotion is from one scale to a higher scale. A promotion from a lower grade to a higher grade though both the grades may be in the same cadre is not an increment or increments by way of special promotion."

18. The Apex Court in the judgment in *State of Kerala and Another v. P.V. Neelakandan Nair and Others* [(2005) 5 SCC 561], while considering the eligibility of teachers who are continuing after the date of their superannuation till the end of the academic year, by virtue of Rule 62 of Chapter XIV(A) of the Kerala Education Rules, 1959 for the benefit of pay revision which comes into effect

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after the date of their superannuation, when Rule 60(c) of Part I KSR provided that they would not be entitled to any increments or promotion during the extended period, held as follows in para 18:

"18.xxxx"Increment" has a definite concept in service laws. It is conceptually different from revision of pay scale. "Increment" is an increase or addition in a fixed scale; it is a regular increase in salary on such a scale.

xxxx The pay of an employee is generally fixed with reference to a pay scale. On the other hand, in the case of revision, the pay scale is revised which may incidentally result into increment. Rule 60(c) does not refer to pay revision which is conceptually different from annual increments within the prescribed pay scale. Therefore, entitlement of the teachers concerned for the benefits of pay revision cannot be doubted."

19. In the judgment in *State of Punjab v. Jaswant Singh Kanwar* [(2014) 13 SCC 622], the Apex Court while considering the question whether an official placed under suspension by the disciplinary authority is entitled for grant of increments during the period of suspension, reiterated the concept of increment and held as follows in paragraph 13:

"Increment" has a definite concept in service law jurisprudence. It is an increase or addition on a fixed scale; it is a regular increase in salary on such a scale. As noted by this Court in SBI v. Central Govt. Labour Court under the labour and industrial laws, an increment is when in a timescale of pay an employee advances from the lower point of scale to the higher by periodic additions. In other words, it is addition in the same scale and not to a higher scale. An increment is an incidence of employment and an employee gets an increment by working the full year and drawing full salary.

20. In the present case, admittedly the scheme of granting additional increments to persons like petitioners is continuing since the year 1979. That means all those beneficiaries continue to enjoy the same without any loss since it merged with their basic pay, which gets revised in tune with the revision of pay from time to time, as can be seen from Exts.P13, P14, etc. As pointed out by the petitioners the reason for Ext.P5 clarification appears to be the introduction of change in mode of calculation of increment from fixed amount in the pay scale to 3% of revised basic pay.

21. In the light of the concept of increment as enunciated by the Apex court in the aforesaid three judgments and in view of the words and expressions employed in Ext P1, which continue to be in force, I am of the view that the grant of additional increments should only be at the rate shown in the scale of pay attached to the post the employee is holding from time to time and the same has to be calculated in the very same manner in which the increment in the respective pay scale is to be calculated at the relevant time.

22. The fact that all other employees in other Airport authorities were granted increments in the pre-revised scale or that they do not have any complaint on the matter or even the fact that the 22nd petitioner submitted an application to defer the recovery would not stand in the way of the petitioners from challenging the orders revising the fixation of pay or in determining the claim raised by them in the writ petition.

23. Therefore, I am of the view that Ext.P5

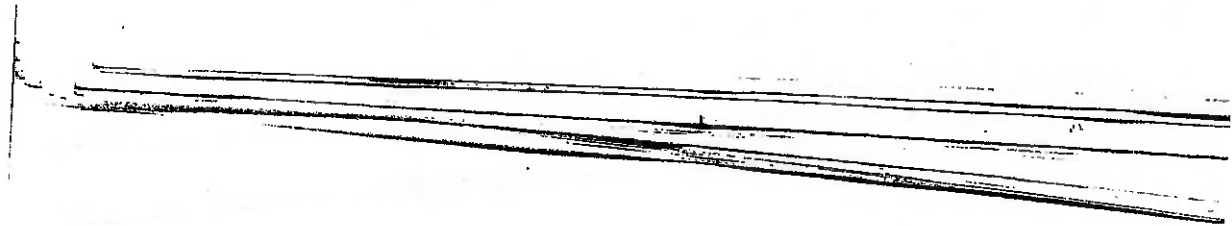
clarification to the extent it directs that the petitioners shall be granted additional increments only in the pre-revised scale is unsustainable. The petitioners are entitled to get their additional increments in the corresponding scale of pay applicable to them at the relevant time and relevant rate as was granted in Ext.P4 and similar orders.

Exts.P7 to P11 are set aside. Respondents are directed to re-fix the pay of the petitioners granting them all the benefits consequent to Ext.P4 and similar orders issued on the basis of Ext.P3 order, within a period of three months from the date of receipt of a copy of the judgment.

Accordingly, this writ petition is allowed.

sd/-
P.V.ASHA
JUDGE

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APPENDIX

PETITIONERS' EXHIBITS:

- EXHIBIT P1 TRUE COPY OF ORDER DATED 19-12-1979 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P2 TRUE COPY OF MEMORANDUM OF SETTLEMENT REVISING THE SCALES OF PAY PUBLISHED BY THE 1ST RESPONDENT AS PER CIRCULAR DATED 21-01-11.
- EXHIBIT P3 TRUE COPY OF ORDER DATED 11-02-2011 ISSUED BY AIRPORTS AUTHORITY OF INDIA.
- EXHIBIT P4 TRUE COPY OF ORDER DATED 03-03-2011 ISSUED BY THE AIRPORTS AUTHORITY OF INDIA.
- EXHIBIT P5 TRUE COPY OF CIRCULAR DATED 20-07-2011 ISSUED BY THE AIRPORTS AUTHORITY OF INDIA.
- EXHIBIT P6 TRUE COPY OF JUDGMENT DATED 20-03-2003 IN O.P.No.28675/2000 OF THIS HON'BLE COURT.
- EXHIBIT P7 TRUE COPY OF ORDER DATED 17-02-2012 ISSUED BY THE AIRPORTS AUTHORITY OF INDIA.
- EXHIBIT P8 TRUE COPY OF THE ORDER DATED 1ST MARCH, 2012 ISSUED BY THE AIRPORTS AUTHORITY OF INDIA.
- EXHIBIT P9 TRUE COPY OF ORDER DATED 01-03-2012 ISSUED BY THE AIRPORTS AUTHORITY OF INDIA.
- EXHIBIT P10 TRUE COPY OF ORDER DATED 01-03-2012, ISSUED BY THE AIRPORTS AUTHORITY OF INDIA.
- EXHIBIT P11 TRUE COPY OF ORDER DATED 1-3-12 ISSUED BY THE AIRPORTS AUTHORITY OF INDIA.
- EXHIBIT P12 TRUE COPY OF OFFICE ORDER DATED 11.4.2008 ISSUED BY THE AIRPORTS AUTHORITY OF INDIA.
- EXHIBIT P13 TRUE COPY OF ORDER DATED 28.1.1998 ISSUED BY THE AIRPORTS AUTHORITY OF INDIA.
- EXHIBIT P14 TRUE COPY OF ORDER DATED 28.12.1998 ISSUED BY THE AIRPORTS AUTHORITY OF INDIA.

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EXHIBIT P15 TRUE COPY OF ORDER DATED 01.03.2012 ISSUED BY THE AIRPORTS AUTHORITY OF INDIA.

RESPONDENTS' EXHIBITS:

- EXHIBIT R1 (A) TRUE COPY OF THE ORDER NO.PERS/MPP/1106/76/98 (PT)/660 DATED 14-06-2004.
- EXHIBIT R1 (b) TRUE COPY OF THE COMMUNICATION NO. PERS. MPP/1106/76/98 (PT) 851 DATED 19-08-2004.
- EXHIBIT R1 (C) TRUE COPY OF THE LETTER NO.A60011/4/2004-IR DATED 24-09-2004 ISSUED BY EXECUTIVE DIRECTOR (PERS & ADMN).
- EXHIBIT R1 (D) TRUE COPY OF LETTER NO.A.60011/20/2004-IR DATED 22-08-2005, ISSUED BY THE EXECUTIVE DIRECTOR (PERS & ADMN).
- EXHIBIT R1 (E) TRUE COPY OF THE SAID ORDER NO.AAI/SR/2-7(11)/EA DATED 17-02-2011.
- EXHIBIT R1 (F) TRUE COPY OF THE SAID ORDER NO.A.60011/45/2010-PP DATED 03-05-2011.
- EXHIBIT R1 (G) TRUE COPY OF THE FAX LETTER DATED 14-03-2012.
- EXHIBIT R1 (H) TRUE COPY OF THE COMMUNICATION NO.AAI/AH/E-34(2)/PAY-FIXATION DATED 14-03-2012 ALONG WITH ITS ENGLISH TRANSLATION.
- EXHIBIT R1 (I) TRUE COPY OF THE ORDER NO.PERS/MPP/1106/76/98 (PT) 704 DATED 24-06-2004.
- EXHIBIT R1 (J) TRUE COPY OF THE CORPORATE HR CIRCULAR NO.11/2012 DATED 11-04-2012 ISSUED BY THE AIRPORTS AUTHORITY OF INDIA, CENTRAL HEADQUARTERS, NEW DELHI, FOR PROMOTING SMALL FAMILY NORMS.
- EXHIBIT R1 (K) TRUE COPY OF THE CORPORATE HRM CIRCULAR -22/2012 DATED 15-05-2012 RELATING TO GRANT OF LUMP SUM INCENTIVE ON PASSING PRABODH /PRAVEEN/PRAGYA EXAMINATION ISSUED BY THE CENTRAL HEAD QUARTERS, AIRPORTS AUTHORITY OF INDIA, NEW DELHI.

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EXHIBIT R1 (L)

TRUE COPY OF THE CORPORATE PERONNEL CIRCULAR-9/2010 DATED 25-03-2010 IN RELATION TO INCENTIVE SCHEME ON ACQUIRING PROFESSIONAL / ADDITIONAL QUALIFICATIONS ISSUED BY THE CENTRAL HEAD QUARTERS, AIRPORTS AUTHORITY OF INDIA, NEW DELHI.

EXHIBIT R1 (M)

TRUE COPY OF THE COMMUNICATION NO.AAEU/TVM/2012/19 DATED 29.03.2012 ISSUED BY THE BRANCH SECRETARY FOR AND ON BEHALF OF AIRPORTS AUTHORITY EMPLOYEES' UNION, TRIVANDRUM.

TRUE COPY
[Signature]
Examiner



**HIGH COURT OF KERALA
AT ERNAKULAM**

Year and Number of Suit or other Proceedings : WP(C) 5604 / 2012
 Name of Applicant/Advocate : V.SANTHARAM
 Application Number : A 3040/2020
 Application Date : 15-01-2020
 Date of Calling for Stamp : 29-01-2020
 Date of Production of Stamp : 29-01-2020
 Date When copy was Ready : 29-01-2020
 Date Notified for appearance to receive the copy : 06-02-2020
 Date when copy was delivered : 29/05/2020
 Examiner

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 Examiner

