

AIRPORTS AUTHORITY OF INDIA

No. AAI/TripartiteCommittee/2009

Dated, 2nd April, 2009

**SUB: RECORD OF DISCUSSIONS OF THE TRIPARTITE
COMMITTEE MEETING.**

The 17th meeting of the Tripartite Committee was held on 20th March'2009 in the Board Room of Rajiv Gandhi Bhawan, New Delhi. The attendance sheet of Members present in the meeting is enclosed. The record of discussions in the meeting is as follows :-

2. The Chairman, Tripartite Committee welcomed all the members of the Committee and updated the Joint Forum on the following:-

- o Grant of Cat-1 Miniratna status enabling AAI to exercise enhanced autonomy, financial power etc.
- o Appointment of non-official independent directors on the Board
- o For improving financial health of the Authority, following proposals have been sent to Govt. for approval:
 - a) Withdrawal of concession given to less than 80 seater aircrafts of domestic scheduled carriers, and
 - b) Levy of UDF at selected airports (Rs.1000 for International & Rs. 300 for Domestic).

3. The Convener, Tripartite Committee briefed about Chairman's message relating to re-deployment of staff working at CSIA/IGIA that an attractive VRS has been finalized so that those who are apprehensive about their posting other than their present place can consider seeking VRS and the employees who neither seek absorption nor VRS, best possible efforts will be made to adjust them within the permissible norms with humanitarian angle so as to ensure minimum disturbance vis-à-vis optimum utilization of their expertise and outside transfer would be resorted to only when it becomes absolutely necessary. Besides, weightage shall be given to those who initially volunteer to go to any 3 places of their choice subject to vacancy. Unstinted support from all levels is solicited to sail through the situation smoothly.

4. Some of the member of the Joint Forum stated that union was not consulted before announcement of VRS and formulating redeployment criteria. They asked why VRS is proposed for employees at IGIA/CSIA only and not for employees at Hyderabad, Bangalore & Nagpur. It was also requested that more time be given for exercising option.

5. The Chairman, Tripartite Committee stated that in the meeting of Tripartite Committee held on 5.03.08 employees side was requested to put forward their proposal for redeployment of employees returning from IGIA/CSIA. However, no proposal has been received till date. Convener, Tripartite Committee stated

that since operational support period is coming near to close, it would be prudent for Joint Forum to focus on resolving issues of staff posted at IGIA/CSIA.

6. Member (P&A) stated that the meeting has been called on short notice and, hence, we should rather focus on burning issues only. He further stated that while redeploying the staff, full transparency shall be maintained. Possibility of adjusting officials at the local/nearby stations to the extent possible is being worked out so as to ensure besides gainfully utilizing the expertise, there is minimum dislocation. Option of three choice stations exercised by the employees would be considered with a humanitarian approach. Regarding Voluntary Retirement scheme, he stated that it is better than what has been prescribed by DPE guidelines.

7. One of the members of Joint Forum raised the issue of seniority of non-executives upon being re-deployed at other airports/establishments, since employees at metro airports have their respective seniority. Further, the vacancy position has also not been notified. On this, Member (P&A) assured that seniority will remain undisturbed at new airports and full transparency will be maintained.

8. Shri Kamra, Member of Joint Forum requested not to engage Project Management Consultant (PMC) to implement mega projects like Kolkata and Chennai. He stated that on one hand management is engaging PMC on such a huge fee and on the other hand expertise of IGI/CSI are being offered VRS. He stated that since we are having sufficient technical know-how, expertise and manpower we should not engage PMC, which shall help to save huge money with respect to payment of fee to PMC and also gainfully utilising expertise of IGI/CSI surplus staff. He also quoted the example of other PSUs, namely, DMRC, NHAI where this technique of engaging PMC has later been stopped.

9. The Convener, Joint Forum brought out following :-

a) Reference may be made to following paragraph of Minutes of earlier Tripartite meetings - Para 7 of 11th meeting, Para 6 of 12th meeting, Para 5 of 14th meeting, Para 3 of 15th meeting, wherein it was stated/clear that -

- Management was aware of reversion of large number of employees back to AAI,
- As regards working out proposal, it was the direction for employees as well as management,
- Employees' wish to continue at same station at Delhi/Mumbai was already communicated,
- Joint Forum is not a party to OMDA and may be reviewed suitably in consultation with Forum,
- Joint Forum's plea about Nagpur was denounced. He further stated that arbitrary action was taken by management in respect of Hyderabad/Bangalore airports and management should seriously consider to safeguard the interest of the both employees as well as organisation.

b) AAI made commitment before Hon'ble Mumbai High Court through counsel Shri M.V. Kini, W.P. No. 3373 of 2009, that AAI as an employer

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cannot act beyond Regulations and employees are also required to follow Regulations.

c) AAI was formed by virtue of Parliament Act 1994 with its amendment in 2003, employees of AAI have been appointed under section 10 and under section 18 employees are secured in their job in AAI, no employer/agreement can have any right to change their employer, and AAI employees i.e. IAAI and NAA will enjoy the same terms and conditions, rights and privileges, benefits under sub section ii & vii. and as per establishment order same shall continue to be operative. As per Section 32, all the employees of AAI are public servant and under section 42 AAI is empowered to make the regulations which are submitted before Govt. u/s 43. He asked under which terms and condition IAD employees have been asked to give willingness for VRS and option for redeployment. Further as per gazette notification for IAD employees, transfer Gr. 'C' & 'D' is within the airport/unit only and Gr. 'A' & 'B' within 4 four metro airports/units.

d) Board of AAI approved ex-gratia @ 60 days salary in VRS scheme, but the scheme notified provides for 45 days. Further, percentage of additional monthly benefits may also be improved/enhanced and benefit of medical facility should be made applicable immediately after their relieving on VRS instead of 60 years.

e) He further stated that in spite of regulations and Act of AAI, the management is forcing to follow the so called OMDA in which Joint Forum is not a party. Further, as per OMDA clause 6.1.7, at the end of operations support period the employees of CSI and IGI who wants to serve/remain in AAI will be deployed in the "other establishment of the airport", whereas, the management has twisted this para as "other airports" and circulated the option letter by asking 3 choice stations which is unjustified, illogical and unacceptable to the union. He asked the management not to disregard the provisions of AAI Act (NAA/IAAI) and the status quo to be maintained as per the Act of AAI including their present status of posting wherever they are without their transfer.

10. The representative of Ministry stated that

- (i) AAEU has already taken recourse to judicial process. The legal issues raised would be decided by the Court.
- (ii) It has been, time and again, clarified by AAI management that it would not be possible to deploy 4000 returning employees of Delhi/Mumbai airports at the respective stations. Therefore, management had issued a redeployment option in November 2009.
- (iii) The redeployment option has been reiterated recently. An attractive VRS scheme has also been offered.
- (iv) The employees' side has been repeatedly requested to come forward with any proposal for redeployment of the returning employees, in the best interest of the organisation. However, no proposal was submitted. Therefore, management had no option but to proceed with redeployment, VRS, etc. It is still open to them to make suggestions, which would be

considered with an open mind. However, the timeline of return i.e. 02.05.09 and other contractual obligations have to be complied with.

- (v) As the operation support period is coming to an end shortly, the issues need to be addressed in a problem solving approach with a positive mindset.
- (vi) It has been the consistent effort of the Government to strengthen AAI. In this process, category I Mini Ratna status has recently been conferred on AAI granting it substantial financial and managerial autonomy.

11. Shri Santhanam stated that whereas Govt has given green signal to the proposal of JVCs to charge UDF, proposal of AAI for UDF should be approved by Govt. in view of carrying out mega projects. Further he expressed his apprehension whether AAI shall get its share of UDF from JVCs. He further referred to the notification of ILO which provides for mutual consultation before any decision /agreement. JVC company have no access to courts for violation of article 14,16,21,308,309, 311 51(j) etc. incl. 338 which covers National Commission chapter for reservation policy (SC/ST/OBC) as such provisions are available to the AAI employees (incl. IGIA/CSIA). Functional clause is not protected in OMDA and interpreted, incorporated in the OMDA without consultation of union. It should be ensured that existing terms and conditions of service of employees of authority are not altered after their absorption in said companies. Clause 10 is not protected in OMDA. He gave example of Delhi Vidyut Board wherein all employees were retained in BSES Delhi on the same terms of employment enjoyed by them prior to privatization. He further stated that being one employer with unified policy, management cannot circulate such discriminate policies, VRS, etc. without consulting in the Tripartite Committee which tantamount to unfair labour practice.

12. The Chairman, AAI also joined the meeting at the end and re-iterated that humanitarian approach will be kept in consideration while deciding the issue of staff at IGIA/CSIA. He also stated that a practical approach should be undertaken and employee side should give specific workable proposal and more frequent meetings should take place.

The meeting ended with vote of thanks to the Chair.



(AJIT DUBEY)

Executive Director (F&A) &
Convener, Tripartite Committee

2.4.09

TRIPARTITE COMMITTEE MEETING
ON 20TH MARCH, 2009 AT 1700 HRS
RAJIV GANDHI BHAWAN, N.DELHI

LIST OF PARTICIPANTS

S. No.	NAME	DESIGNATION	SIGNATURE
1.	Shri V.P. Agrawal	Chairman AAI	
2.	Shri P. Seth	Member (Ops), AAI	<i>P. Seth</i> 20.3.09
3.	Shri K.K. Jha	Member (P&A), AAI	<i>K.K. Jha</i> 20.3.09
4.	Shri Sandeep Prakash	Director, MCA	
5.	Shri Ajit Dubey	Executive Director(F&A)/ Convener of the Committee	<i>Ajit Dubey</i>
6.	Shri SR Santhanam	All India President, AAEU	<i>S.R. Santhanam</i>
7.	Shri MK Ghosal	Convener, Joint Forum	<i>M.K. Ghosal</i> 20/03/09
8.	Shri YP Gautam	Member, Joint Forum	<i>Y.P. Gautam</i> 20/03/09
9.	Shri DK Kamra	Member, Joint Forum	<i>D.K. Kamra</i> 20/3/09
10.	Shri PK Tyagi	All India Vice President AAEU	<i>P.K. Tyagi</i>
11.	Shri Dilip Gujar	Asst. Gen. Secy, AAEU 31	<i>Dilip Gujar</i>

No.AV.24032/46/2004-AAI
Government of India
Ministry of Civil Aviation

'B' Block, Rajiv Gandhi Bhawan,
Safdarjung Airport, New Delhi,

Dated the 31.12 2008

ORDER

Reference is invited to this Ministry's Order of even No. dated 22.02.2006 regarding setting up of a Tripartite Committee to look into the issues and proposals of modernizing airports by AAI and employee related issues including their job security.

2. On the basis of request made by AAI, it has been decided to extend the tenure of the Tripartite Committee for a further period of 6 months i.e. upto 30.05.2009.

3. This issues with the approval of Hon'ble Minister of State for Civil Aviation (Independent Charge).


(Oma Nand)

Under Secretary to the Government of India

1. Shri Sandeep Prakahs, Director, MCA, Rajiv Gandhi Bhawan, New Delhi
2. Shri P. Seth, Member (Ops.), AAI, Safdarjung Airport, New Delhi
3. Shri V.P. Agarwal, Member (Planning), AAI, Safdarjung Airport, New Delhi
4. Member (P&A), AAI, Safdarjung Airport, New Delhi
5. Shri Ajn Dubey, Executive Director (Finance), AAI, Safdarjung Airport, New Delhi
6. Shri R. Santhanan, President, AAEU
7. Shri M.K. Ghosal, AAI's Employees' Joint Forum
8. Shri V.P. Gautam, Member, AAI's Employees' Joint Forum
9. Shri D.K. Kamra, Member, AAI's Employees' Joint Forum
10. Shri P.K. Tyagi, All India Vice President of AAEU.