

CASE NO.:
Appeal (civil) 2987-2989 1997

PETITIONER:
INTERNATIONAL AIRPORT AUTHORITY EMPLOYEES UNION & ANR.

Vs.

RESPONDENT:
INTERNATIONAL AIRPORTS AUTHORITY OF INDIA & ORS.

DATE OF JUDGMENT: 08/12/2000

BENCH:
S.R.Babu, S.N.Variava

JUDGMENT:

L.....I.....T.....T.....T.....T.....T.....T...J

J U D G M E N T

RAJENDRA BABU, J. :

In these matters we are concerned with I.A. Nos. 7-9 of 1999 in Civil Appeals Nos. 2987-2989 of 1997. In these applications common relief sought for by the applicants is that they are also covered by the judgment dated 06.12.1996 and the consequent orders made on 11.04.1997 passed in these appeals. The workmen in respect of whom these applications are made are Sweepers in the Parking Areas in the International Airport and National Airport. Civil Appeals Nos. 2987-2989 of 1997 were disposed of on 11.4.1997 holding that on the abolition of the contract labour system Sweepers in such Airports are entitled to be regularised in service as indicated therein. The cause for these applications is that the respondents are contesting the entitlement of the applicants for regularisation in service. The stand of the respondents is that these applicants are Sweepers employed in the parking areas of the Airports which does not form part of the building and the notification dated December 9, 1976 does not cover such employees inasmuch as the said notification has prohibited employment of contract labour for sweeping, cleaning, dusting and watching of building owned or occupied by the establishment. Further objection to the claim of the applicants is that the Parking Areas are allotted to different contractors who are obliged to keep areas clean. The Sweepers with whom we are concerned in these interlocutory applications work in the car parks in the Santacruz and Sahar Airports at Mumbai and they are six in number. It is difficult to conceive of the airport being functional without a car park and that the car park is not a part of the building. The Airport includes not only landing and taking off areas for the aircrafts, the run ways and aircraft maintenance areas, but also passenger facilities. Passenger facilities would certainly include car parking and it cannot be said that car parking is not a part of the building. Building in its ordinary sense would

include appurtenances which form thereof unless it be that expression building is to be understood as was done by Merchant of Venice with reference to pound of flesh. Therefore, we cannot agree with the stand of the respondents. Next objection is that there is an agreement with the contractors who are to maintain the car parking areas and they have an obligation to maintain proper cleanliness in the car parking areas and the expenditure in regard to the same will have to be borne by the licensee. Inasmuch as the notification issued under the Contract Labour (Abolition & Regulation) Act, 1970 covers the Sweepers employed in respect of buildings owned or occupied by the establishment, it is unnecessary to examine this aspect of the matter. Inevitable conclusion is that the judgment rendered in Civil Appeals Nos. 2987-2989 of 1997 following the decisions in Air India Statutory Corporation etc. v. United Labour Union & Ors., etc., 1996 (9) SCALE 70, and Masih Charan & Ors. v. Union of India & Ors. in Writ Petition (C) No. 219 of 1995 dated March 10, 1997, is applicable to these workmen also.

We clarify that position and allow the applications accordingly.