

\$~1.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3652/2020**

ALL INDIA AIR FORCE CIVILIAN COOKS

ASSOCIATION & ANR. Petitioners

Through: **Mr. Shakir Shabir, Adv.**

versus

UNION OF INDIA & ORS. Respondents

Through: **Mr. Rajesh Gogna, Adv.**

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% 22.06.2020

[VIA VIDEO CONFERENCING]

CM No.13015/2020 (for exemption from filing duly affirmed affidavits and requisite court fees).

1. Allowed, subject to just exceptions and as per the extant rules.
2. The application is disposed of.

W.P.(C) 3652/2020.

3. The grievance urged in this writ petition by the All India Association of Air Force Civil Cooks is, that they, during the Corona pandemic, are being made to live/reside at the Station of their posting and a roster of 14+14+7 is being followed i.e. for the first 14 days they are kept in quarantine; for the next 14 days they are made to work as cooks and thereafter they are given 7 days at home in which they visit their respective residences and thereafter again report and the roster of 14+14+7 again commences. It is contended that they are thus being forced to stay away from their homes for 28 days in a month and out of which, for 14 days their

services are not utilised, by keeping them quarantined. It is contended that it is not the term of their employment that they will be made to so stay away from their respective families. Grievance is also made that they are not being treated as 'Corona Warriors' and being thus not conferred benefits to which 'Corona Warriors' are entitled. Suggestion is also made that they should be permitted to quarantine for 14 days, at their respective residences.

4. We have heard the counsel for the petitioner.

5. It appears to us that the petition has been filed without regard to the prevalent circumstances and the large scale loss of employment and resultant hardships being faced by those without assurance of employment. The members of the petitioner though having surety of employment are making grievances of inconveniences allegedly being suffered by them, again forgetting that the members of the petitioner, as cooks, if permitted to return to their respective residences after duty hours every day, are likely to bring with them the Covid-19 infection, when reporting back for duty, endangering the personnel of the Air Force. They cannot thus seek enforcement of employment terms as in normal time, when the entire country is going through abnormal times. The suggestion, of permitting the members of the petitioner to home quarantine is again without even application of mind as to how many members of the family are there, what kind of residential accommodation is available and whether home quarantine is even possible therein for each of the members of the petitioner. The suggestion made during the hearing, of the members of the petitioner being made to work in the kitchens wearing Personal Protective Equipment (PPE) is again totally illogical and without knowledge of conditions in the kitchen

and the viability of adorning PPE therein.

6. We are also unable to see as to how the civilian cooks of the Air Force who are during the hearing described as Group 'C' non-industrial employees of Air Force, are entitled to be treated as 'Corona Warriors' and entitled to benefits thereof. While working in the kitchen at the Air Force Stations, the members of the petitioner cannot be said to be exposed in any manner to the Corona virus, to claim themselves to be "frontline workers" as the counsel for the petitioner argues.

7. We are thus not satisfied that any ground for entertaining the petition is made out.

8. It is however one of the grievances of the petitioner that inspite of their representations to the respondents, they have not been heard.

9. We have also enquired from the counsel for the respondents appearing on advance notice, why the members of the petitioners cannot be made to reside at the respective Air Force Stations for a longer period than of 14+14 days, say for three or six months at a time, as per the requirement, so that the time spent in quarantine by the members of the petitioner at the Air Force Stations is brought down. We have otherwise also been reading in the newspapers that the quarantine time has now been reduced to five to seven days.

10. Another grievance of the petitioner is that the members of the petitioner, while being made to reside at the Air Force Stations, are charged for their meals. We have also asked the counsel for the respondents, whether a better arrangement therefor can be worked out or the charges for the meals be dispensed.

11. The counsel for the respondents states that he has no instructions but will convey this order to the authorities to consider, in consultation with the members of the petitioner at each Station, whether any better arrangement as per exigencies can be worked out.

12. We do not find any merit in the petition. We dispose of the same requesting the respondents to, either centrally or regionally or at each Station, hold consultations with the representatives of the members of the petitioner and to explore if any other arrangement, satisfactory to the members of the petitioner, can be worked out. However merely because this direction has been issued, would not confer any right in the petitioner or its members.

The petition is disposed of.

RAJIV SAHAI ENDLAW, J

ASHA MENON, J

JUNE 22, 2020

‘pp’..