



# FEDERATION OF INDIAN PILOTS

MINUTES OF THE PROCEEDINGS OF THE 21<sup>st</sup> ANNUAL GENERAL MEETING OF THE FEDERATION OF INDIAN PILOTS (FIP) HELD AT GATE NO: 2, AIR INDIA COMPLEX, KALINA, SANTACRUZ (EAST), MUMBAI - 400029. INDIA ON 20<sup>TH</sup> SEPTEMBER 2018 AT 13:00 HRS

The Meeting was called to order at 13.00 P.M. However, due to lack of quorum, the meeting was adjourned and reconvened at 13.30 P.M.

## 1. Members present:

- i) Capt. Vivek Nair, President : in the Chair;
- ii) Capt. Andrew Samuel, Treasurer Managing Committee;
- iii) Capt. Vinay Bambole, Secretary Managing Committee;
- iv) Capt. Divya Dugal, Committee Member;
- v) Capt. K. S, Matharu, Committee Member;
- vi) Capt. S Mehta, Member, Principal IAAS.

## 2. Chairman of the Meeting:

As per the Rules and Regulations of the Federation, Capt. Vivek Nair, President of the F.I.P. chaired the meeting and gave a welcome speech to the members present.

## 3. Quorum of the meeting:

The requisite quorum being present, the meeting was called to the order. The Chairman noted the poor attendance by the members of the FIP in its Annual General Meeting, and expressed his concern and hoped for more active involvement from members in future so that the diverse views of the members could be obtained to further democratize the decision making process of the FIP.

## 4. Notice of AGM

The Chairman proposed that the Notice and Agenda of the Annual General Meeting, which has been already circulated to them, may be taken as read. The members consented to it and the Notice and Agenda convening the 21<sup>st</sup> Annual General Meeting was taken as read.

## 5. Speech of the Chairman

The salient features of the Chairman's speech were as under:-

- The Chairman thanked the members for reposing their faith in the New Managing Committee and assured them that the Managing Committee shall safeguard the interests of the members.
- The Chairman also informed the members that the F.I.P. has filed a writ petition before Hon'ble Delhi High Court at New Delhi challenging the constitutional validity of the Civil Aviation Requirement (CAR) issued by the



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DGCA *inter alia* mandating one year notice period for pilots. In this regard, the FIP has appointed its own lawyers and has been able to obtain interim relief *vide* order dated 25.07.2018 wherein the Hon'ble Delhi High Court was pleased to hold that the contracts between the pilots and airline companies are required to be adhered to.

- The Chairman also proposed a plan to introduce many new courses in IAAS, such as MBA in Aviation. He also emphasized on a need to improve the quality of education in IAAS.

## 6. Approval of minutes of last AGM held on 26th September 2017

President requested Capt. Andrew Samuel to read the minutes of the 20<sup>th</sup> Annual General Meeting of the Federation of Indian Pilots held on 26<sup>th</sup> September 2017. After discussions, the following resolution was proposed by Capt Vinay Bambole, seconded by Capt. Vivek Nair, and passed unanimously:

*"RESOLVED THAT the Minutes of the 19<sup>th</sup> Annual General Meeting of the Federation of Indian Pilots held on 26th September 2017 be and are hereby approved and adopted."*

## 7. Adoption of Annual Accounts of FIP along with Auditors' Report for the year ended on 31<sup>st</sup> March, 2018:

Annual Accounts of the Federation for the financial year 2017-18 and Audit Report thereon were put up to the members for discussion and adoption. Following resolution was proposed by Capt. Andrew Samuel, seconded by Capt. S.Mehta and passed unanimously:

*"RESOLVED THAT the Annual Accounts of FIP and IAAS comprising of Balance Sheet as on 31<sup>st</sup> March, 2018 and the Income and Expenditure accounts for the year ended on that date and the Auditor's Report thereon, be and are hereby approved and adopted."*

## 8. Appointment of Auditors for the year 2018- 19 and to fix their remuneration:

The President informed the members that since Mr.Piyush Chhajed from M/s.Chhajed &Doshi, Chartered Accountants, the existing auditors were performing his duties satisfactorily. Since there were urgent and pressing pending matters with regard to Income Tax which were under Scrutiny, the Managing Committee had decided to re-appoint Mr.Piyush Chhajed from M/s.Chhajed &Doshi, Chartered Accountants as the Statutory Auditor of the FIP. The President proposed that the said appointment of Mr.Piyush Chhajed from the M/s. Chhajed & Doshi, Chartered Accountants for the year 2018-19 be ratified. Following Resolution proposed by Capt. Andrew Samuel, and seconded by Capt. Vinay Bambole and passed unanimously:





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**"RESOLVED THAT** Mr. Piyush Chhajed from M/s.Chhajed & Doshi, Chartered Accountants be and are hereby appointed as the Statutory Auditors for the year 2018-19 at a consolidated fee of Rs 40,000/- plus applicable taxes."

**9. To receive and adopt the report of the Managing Committee for the relevant year about the management and affairs of the Federation:-**

The President briefed the members about the activities undertaken by the Federation during the past year. More specifically, the President briefed the members about the status and the progress of writ petition WP (C) No. 8399 of 2017 filed before Hon'ble Delhi High Court at New Delhi challenging the constitutional validity of Civil Aviation Requirement (CAR) imposing *inter alia* a mandatory notice period of one year for pilots. Further, SWIP had filed their petition on 14.10.2009 and IPG had filed their petition on 30.08.2017. All three petitions are now marked as 'connected matters' and are heard together.

In this regard, the President presented the following status report on FIP's writ petition in chronological order:

S.No.	Date of hearing	Remarks
1.	14.09.2017	Writ Petition was filed before Hon'ble High Court, Delhi to challenge the Civil Aviation Requirement dated 16.08.2017 whereby <i>inter alia</i> DGCA imposed and increased the notice period requirement for Commanders from six months to one year.
2.	20.09.2017	The matter came up for hearing. Notice was issued to DGCA and MoCA.
3.	16.10.2017	The matter came up for hearing. The Hon'ble Judge heard the submissions in brief and granted time to the other parties to file their reply.
4.	17.11.2017	The matter was relisted for hearing on 21.02.2018 since the Hon'ble Judge was not present.
5.	21.02.2018	The matter came up for hearing. Ms. Anjana Gosain, counsel for DGCA submitted that she has instructions to engage ASG in the matter. Accordingly, the matter was listed for hearing on 16.05.2018. The counsel for the Respondents (viz., DGCA and UOI) informally submitted that the provisions of CAR have not been 'put into play' yet as the same are mere 'guidelines'.
6.	23.03.2018	We filed a second application for interim stay and direction in view of coercive steps taken by DGCA by issuance of show cause notices against the pilots of Supreme Transport Aviation.



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7.	06.04.2018	The application came up for hearing. Notice was issued to the other parties to file a reply
8.	14.05.2018	We filed an application to place additional documents on record and for direction. The FIA filed an intervention application in the matter and was represented by Mr. Akhil Sibal, Senior Advocate. However, the Hon'ble Judge Rajiv Shakdher had to recuse himself and the matter was not heard.
9.	16.05.2018	The matter was relisted before another bench as Justice Rajiv Shakdher recused himself from the matter.
10.	23.05.2018	The matter came up for hearing. FIA argued for intervention. Intervention application allowed. The matter was listed for hearing on 25.07.2018.
11.	25.07.2018	<p>FIP's counsel argued the matter and interim relief was granted by the Hon'ble Court vide its Order of the said date wherein it stated <i>inter alia</i> that the contracts between pilots and airlines are required to be performed, meaning thereby, that the individual contracts between the airlines and the pilots would be the primary document governing their relationship.</p> <p>It has also come to our knowledge that several airlines, including Indigo, Air Asia, Air India and Indian Airlines have, in adherence to the said order, ceased to impose the one year notice period provided under the 2017 CAR, and are abiding by the High Court's said Order directing performance of their individual contracts with pilots.</p>
12.	11.09.2018	<p>SWIP sought time stating that they wished to make certain amendments to their petition and file the amended petition before the Hon'ble Court. In view of the same, the Hon'ble Court listed the matter for hearing on 1st November, 2018.</p> <p>FIP's counsel requested for continuation of the previous order of 25th July, 2018 and the same was noted by the Hon'ble Court in its order passed on the said date.</p>

It was also stated that at most hearings, a strategic call was taken of engaging a junior counsel instead of engaging a senior counsel. This has definitely resulted in FIP avoiding significant costs of engaging a senior counsel. It is also pertinent to note that the interim relief granted by the Hon'ble Court was pursuant to arguments by our junior counsel. Further, the FIA has filed an application in FIP's writ petition and sought clarification from the Hon'ble Court on the said interim relief granted pursuant to FIP's counsel's submissions. The next date of hearing is on 1<sup>st</sup> November, 2018. Updates and developments shall be broadcasted to all the members on the





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The members took note of the same and thanked the Managing Committee for its incessant efforts to protect the interest of the members in the instant matter.

**5. Any other Point with the Permission of the Chair:**

There being no other agenda to be discussed, the meeting was called to an ended with a vote of thanks to the chair.

Capt. Vinay Bambole  
Secretary – F.I.P.