

The Hindu, Chennai, 05 Jun 2008

# Court: airlines can ground overweight air hostesses

**"There is no scope for any debate on overweight people"**

Staff Reporter

**NEW DELHI:** The Delhi High Court on Wednesday upheld a judgment by one of its Single Benches putting the seal of approval on a decision by the Indian Airlines (now Indian) to ground overweight airhostesses and cabin crew members from flight duty.

The judgment by a division bench comprising Justice A.K. Sikri and Justice J.R. Midha came on a review petition against a Single Bench judgment by the affected air hostesses and cabin crew members.

The Division Bench also allowed Indian Airlines to recover excess money payable to employees on flight duty even after their grounding on a direction by the Court.

The Single Bench had justified the Airlines' decision to ground them on account of the requirement of the public sector company to stay in business.

The petitioners had also challenged a circular issued by the Airlines in 2006 withdrawing the permissible overweight limit of 3 kg over and above the upper weight limit

- The petitioners challenged a circular issued by the airlines in 2006
- "Indian Airlines has to meet the challenge of private airlines"

for them. The Court dismissed this plea as well.

Counsel for the petitioners had argued that the airhostesses and the cabin crew members had cleared the medical fitness tests to be on flight duty. When their clients were declared medically fit to do flight duty, they could not be grounded on account of their being overweight. The decision was arbitrary, they argued.

Counsel for the airlines submitted that the petitioners were withdrawn from flight duty when they failed to meet the minimum physical fitness standards.

## Specified in contract

It was clearly mentioned in their contracts that their jobs could be terminated if they put on weight beyond the permissible limit. The counsel submitted that they had been grounded with the direction

that they would not be put on flight duty even if they lost the weight they had gained.

Justifying the decision of the public sector airlines to put the overweight employees on ground duty to maintain its competitive edge vis-à-vis the private airlines, the Bench said: "Entry of private airlines in the business has resulted in severe competition, and the Indian Airlines has to meet this challenge by ensuring that its airhostesses and cabin crew members remained physically fit."

On maintaining the physical fitness, the Bench said: "There has been much debate about skinny bodies vis-à-vis healthy bodies, but there is no scope for any debate on overweight people. It is universally accepted that overweight people have tendency to suffer from diseases."

Excess money paid can be recovered from them.