

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.31722 of 2015
and
M.P.Nos.1 and 2 of 2015

Ms.Grace C.Naulak, Cabin Crew (Sr.)
Employee No.518719
PO Box No.27,
Bungmal Colony Veng,
Churachandpur,
Manipur-795 128. ... Petitioner
Vs.

1. The Management of Air India Limited,
Represented by its Managing Director,
Airlines House, 113, Gurudwara Rakabganj Rd,
New Delhi-110 001.

2. General Manager-Personnel,
Southern Region,
Air India Limited,
Meenambakkam,
Chennai-600 027.

3.Dty.General Manager (Operations)-IFS
Inflight Services Department,
Air India Limited,
Meenambakkam,
Chennai-600 027.

4.Mr.Y.J.Manuel
The Enquiry Officer,
Senior Manager (Personnel),
Air India Limited,
Meenambakkam,
Chennai-600 027. ... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the Respondents in connection with the impugned communication dated 2/8.9.2015 bearing Ref.No.MPE/IFS/1276 rejecting petitioner's resignation dated 19.03.2015 and consequential impugned letters

dated 10/11.09.2015 with Ref.No.MAA/IFS/CC/DISC/518719/822 and dated 29.09.2015 bearing Ref.No.MAA/ENQ/DISC/81010828/1497 and quash the same and to direct the Respondents to accept her resignation dated 19.03.2015 and relieve her from the services of the Respondent Company forthwith by duly settling the petitioner's terminal benefits consequent to the acceptance of her resignation, award costs.

For Petitioner : Mr.V.Prakash, Senior Counsel
for M/s.Shubharanjan Ananthi

For Respondents : Mr.N.G.R.Prasad, Senior Counsel
for Ms.K.Srinivasamurthy

ORDER

By consent, the writ petition is taken up for final disposal.

2. This writ petition has been filed for quashing the impugned orders of the respondents and to direct the respondents to accept the petitioner's resignation dated 19.03.2015 and relieve her from the service.

3. The petitioner was appointed as a flight attendant in the service of the respondent company on 23.08.2003 and she was issued a charge memo on 13.10.2011 alleging that during preflight Medical Check up carried out by Dr.C.Sathyan, she was positive in the alcoholic Breath Analyser Test.

4. The petitioner submitted a letter of resignation dated 19.03.2015 stating that she will be getting married and settling down at her native town in Manipur. Further, her father met with an accident and cannot move from home town and under such circumstances, she has no other choice other than to resign from the services of the respondent. She also requested to drop the enquiry proceedings in respect of charge sheet dated 11.07.2014.

5. Heard Mr.V.Prakash learned senior counsel for the petitioner and Mr.N.G.R.Prasad, learned counsel for the respondents.

6. It is seen that the respondent rejected the request of the petitioner by one line order stating that the company has not accepted her requisition. It is not in dispute that the petitioner is an employee of the respondent and she had given reasons for resigning her job. However, the impugned order does not reflect the request of the petitioner was considered as the respondents have not assigned any reason. It is settled law

that the impugned order should contain reasons and non speaking orders cannot withstand the scrutiny of the Court.

7. In such view of the matter, the impugned order cannot be sustained and the same is set aside. The second respondent shall consider the resignation / representation of the petitioner dated 19.03.2015 and pass orders afresh in the manner known to law within a period of four weeks from the date of receipt of a copy of this order. The respondents are directed to postpone the departmental enquiry proceedings, till a decision is taken.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sms

To

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Meenambakkam, Chennai-600 027.

3. Dty. General Manager (Operations)-IFS
Inflight Services Department,
Air India Limited,
Meenambakkam, Chennai-600 027.

+lcc to Mrs. Shubharanjani, Advocate, S.R.No.63456

+lcc to Mr.N.G.R.Prasad, Advocate, S.R.No.63546

PUR(CO)
EU(15/12/2015)

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