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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION No. 1730 OF 2015

Kishor Jayrampant Dhole ... Petitioner
Vs.
AIR India AIR Transport Services & Ors. ... Respondents

None for the Petitioner.

Ms. Lancy D'Souza a/w Deepika Agarwal i/b V. M. Parkar, for the
Respondents.

CORAM : V. M. KANADE, &
Mrs. SWAPNA S. JOSHI, JJ.

DATE : SEPTEMBER 27, 2016

PC.

1. None appears on behalf of the Petitioner. Even on the earlier dates, neither Petitioner nor his counsel remained present when the matter was called out.

2. By this petition, which is filed under Article 226 of the Constitution of India, Petitioner is seeking following reliefs:

“(a) That this Hon'ble Court may be pleased to direct the Respondent No. 1 to comply the direction / instruction dt. 26.05.2015 of the Respondent No. 2 and to cancel the transfer order dt. 06.01.2015 of

the Petitioner.

- (b) Pending the hearing and final disposal of the present petition this Hon'ble Court may be pleased to direct the Respondent No. 1 to comply the direction / instruction dt. 26.05.2015 of the Respondent No. 2 and to allow the Petitioner to join duty at Mumbai Airport.
- (c) Ad-interim and interim relief in terms of prayer clause (b) above.
- (d) Any other appropriate relief.”

3. The brief facts are that the Petitioner was working with the Respondent Air-India Air-Transport Services Limited, Mumbai at International Airport. The Petitioner was then transferred to Amritsar vide order dated 6th January, 2015 on promotion. The Petitioner, however, did not report on duty at Amritsar, but made a representation to the Ministry of Civil Aviation. His representation was considered by the Ministry of Civil Aviation, and directed the Chairman and Managing Director (Respondent No. 2) to consider his application for withdrawing the order of transfer.

4. Pursuant to the said direction given by the Ministry of Civil Aviation, Respondent No. 2 considered his application.

However, he was pleased to reject his representation.

5. It is the case of the Petitioner that the Ministry of Civil Aviation had directed the Respondent No. 2 to withdraw the said order of transfer. In our view, there is no substance in the said allegation made in the petition. Perusal of the order passed by the Ministry of Civil Aviation will clearly demonstrate that the Ministry had only asked the CMD Air India to consider his representation. This cannot be interpreted to mean that a direction was given to cancel the order of transfer. Hence, there is no merit in the contention raised by the Petitioner in this petition.

6. We are informed by the learned counsel appearing for the Respondent that a disciplinary action has already been taken against the Petitioner for not reporting to the work, and after issuing show-cause notice, his services have already been terminated. The petition has even otherwise become infructuous. Writ petition is, therefore, dismissed.

Sd/-

[Mrs. SWAPNA S. JOSHI, J.]

Sd/-

[V. M. KANADE, J.]

Vinayak Halemth