

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.21 OF 2012

Atul Vora ...Petitioner
vs.
Union of India & Ors. ...Respondents

None for the Petitioner
Ms Neeta Masurkar a/w Mr.Dushyant Kumar for the
respondent Nos.1 and 2.
Mr.S.K.Talsania, Senior Counsel a/w Mr.Sandeep
Dasgupta for respondent No.4

CORAM : A.S.OKA, &
A.A.SAYED,JJ.
DATE : JULY 27, 2016

P.C.:

1 On 20th July 2016 none appeared for the petitioner. Even today none appears for the petitioner. The prayers (a) to(c) of this petition read thus:

“(a) that this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction thereby calling for the records relating to verify the change sanctioned by Respondent No.2 in mandated working hours of Pilot and crew members and after examining the legality and validity of the impugned actions, be pleased to declare the same as illegal null and void and subject to verification of record appropriate enquiry

be initiated against all responsible person for misrepresentation to the Respondent No.3;

(b) that this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ order or direction thereby directing the Respondents to take appropriate steps to ensure safety of the passengers and not to create conditions in any manner which endanger and or put a question mark in respect to the safety issue concerned with the lives of the passengers on board as well as lives and properties on the ground;

(c)that the Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction to the Respondent No.4 herein to clear off the pending dues of the members of the Respondent No.3 in the interest of safety;"

2 In response to the prayers, there is an affidavit filed by Shri Mukesh Verma S/o Ram Awtar Verma, the Assistant Director of Operations in the O/o Dy.Director General of Civil Aviation (WR), Old Airport, Kalina, Santacruz (East), Mumbai. As pointed out in the said affidavit, the petition is based on the Articles published in the newspapers. It is pointed out in the affidavit that the requirements mentioned by the petitioner as per AIC/28/1992 are no longer effective. It is pointed out that the Civil Aviation Requirements (section 7

of series J Part III) were issued on 11th August 2011 which deal with the flight and duty time limitations and rest requirements of flight crew in air operations. In paragraph 5, it is reiterated that the requirements mentioned by the petitioner as per (AIC) 28/1992 are no longer effective. In paragraph 8, it is stated that the Director General of Civil Aviation has not granted any waiver to the Pilots of Air India from the flight and duty time limitations and rest requirements mentioned in the Civil Aviation Requirements issued on 11th August 2011.

3 In view of this statements made by Shri Mukesh Verma, the Assistant Director of Operations in the O/o Dy.Director General of Civil Aviation (WR), Mumbai, no relief can be granted in this PIL. Accordingly, by accepting the statements mentioned in the affidavit, PIL is disposed of.

(A.A.SAYED,J.)

(A.S.OKA,J.)