

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.288 of 2013 and
MP.No.1 of 2013

Capt.Ravi Chander Rajan ... Appellant

-Vs-

1.Capt.Khaleel Anwar

2.The Director General of Civil Aviation
Office of the Director General of Civil Aviation
Technical Center, Opp. Safdurjang Airport,
New Delhi. ... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P No.8471 of 2012 dated 21.01.2013.

Prayer in WP.8471 of 2012 : Writ petition filed under Article 226 of constitution of India, praying for a Writ of QUO Mandamus to Calling upon the 1st respondent to show cause by what authority the 1st respondent claims to have use enjoy and perform the rights duties and privileges of the office of a Flight Operations Inspector (FOI) and has continued to function as one under the Director General of Civil Aviation (DGCA) while simultaneously and primarily holding the office of Chief Pilot ATR with a Scheduled airline namely Jet Airways.

For Appellant : Mr.K.M.D.Muhilan for
Mr.Sathish Parasaran

For Respondent : Mr.A.Venkateshkumar
for M/s.Gupta and Ravi for R1

J U D G M E N T

[Judgment of the Court was delivered by K.K. SASIDHARAN,J.]

This is a case of two Pilots employed by the Jet Airways waging a war on account of the decision taken by the first respondent in his capacity as the member of the administrative

wing. Even though the first respondent is not an employee of the Jet Airways as on date, still the appellant is prosecuting the writ petition, which was filed for the issuance of a Writ of Quo Warranto.

2. We have heard the learned counsel for the appellant. We have also heard the learned counsel for the first respondent.

3. The appellant was appointed by the Jet Airways as its Pilot. He was later given managerial responsibilities. The direction given by the Director General of Aviation dated 6 January 2009 prohibits the pilots from taking up administrative responsibility. The appellant therefore filed a Writ Petition for issuance of a Writ of Quo Warranto. The learned single Judge dismissed the writ petition on the ground that there was no statutory violation in holding the post by the first respondent.

4. The appellant is placing reliance on the Circular issued by the Director General of Civil Aviation, which is in the nature of a Regulation.

5. The Regulation framed by the Director General of Civil Aviation provides that the Flight Operations Inspector shall have no management responsibilities in his airline. Similarly, he should not associate with pilot associations/unions etc., during his tenure to avoid clash of interests. Even though such a Regulation was framed by the Director General of Aviation, the fact remains that exemption was given from the rigor of the said Regulation.

6. The counter affidavit filed by the second respondent viz., Senior Air Safety Officer, Civil Aviation Department, indicates that there was no conflict of interest and that exemption was given in appropriate cases. When it is made out that the Director General of Civil Aviation has been granting exemption from the Regulation with regard to the Pilots taking additional Management responsibility, it cannot be said that the first respondent suffered a disqualification or that he is not entitled to hold the post of Pilot.

7. The order grounding the appellant and suspension of his Type Rating Examiner (TRE) status with effect from 12 July 2011 by the first respondent appears to be the primary reason for filing the writ petition. The learned single Judge considered the entire Regulations and arrived at a finding that the first respondent was qualified to hold the post of Chief Pilot and he has not incurred any disqualification. We do not find any reason to take a different view in the matter.

8. In the upshot, we dismiss the intra court appeal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS VI)

//True copy//

Sub Assistant Registrar

svki

To

The Director General of Civil Aviation
Office of the Director General of Civil Aviation
Technical Center, Opp. Safdurjang Airport,
New Delhi.

+1cc to Mr.K.Parthasarathy, Advocate SR.No.18732
+1cc to Mr.Gupta and Ravi, Advocate SR.No.18327

W.A No.288 of 2013

RJI (CO)
GN(17/04/2018)



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