

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.34296 of 2018

Captain K.Rajasekaran

...Petitioner

Vs

1.Air India Limited,
Rep by its Chairman and Managing Director,
Shri Pradeep Singh Kharola,
Air India Limited, Airlines House,
113,Gurudwara Rakabganj Road,
New Delhi - 110 001.

2.Director of Operations,
Air India Limited, Airline House,
113, Gurudwara Rakabganj Road,
New Delhi -110 001.

3.Executive Director (Operations),
Air India Limited,
Sri Aurobindo Marg,
Safdarjung Airport,
New Delhi - 110 003.

4.Executive Director (Southern Region),
Air India Limited, Airlines House,
Old Airport, Meenambakkam,
Chennai - 600 027.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the Third Respondent (Appellate Authority) to consider the Appeal filed by the Petitioner before the Third and Fourth Respondents vide Email dated 09.11.2018 and sent through Registered post on 09.11.2018 against the order passed by the GM OPS under instructions from Second Respondent vide Email (PG1) dated 17.05.2018.

For Petitioner : M/s.E.Jayasankar

For Respondents : Mr.NGR Prasad

O R D E R

The petitioner is employed as Captain and Senior Executive Pilot with the first respondent. While so, on 17.05.2018, he received an email from the General Manager (Operations), stating that in view of the delay / diversion of flight No.AI 907 on 15/16th May 2018, operated by the petitioner, pending enquiry, he would not be utilized for any other duties with immediate effect. The petitioner sent an email dated 01.06.2018, requesting the respondents to let him know the reasons for "off-rostering" the petitioner, to which there was no reply. Again on 19.06.2018, the petitioner received another email from the General Manager (Operations) listing out the reasons for which he was kept on "off-roster". An enquiry was conducted on 03.07.2018 and based on the same, he was imposed with certain punishments. Aggrieved on the same, the petitioner filed an appeal as per Conduct Rule 104 before the fourth respondent, which did not evoke any response till date. Hence the petitioner has filed the present writ petition seeking appropriate relief.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. In view of the limited relief sought for, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it would suffice to direct the respondents to consider the appeal preferred by the petitioner and pass orders on the same within a particular time frame.

5. In the above circumstances, this writ petition is disposed of directing the respondents to consider the appeal filed by the petitioner and pass orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

kst

To

1. Air India Limited,

Rep by its Chairman and Managing Director,
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Air India Limited, Airlines House,
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Chennai - 600 027.

+1 CC to Mr.E. Jayasankar, Advocate sr 89658.
+1 CC to Mr.N.G.R. Prasad, Advocate sr 89745.

W.P.No.34296 of 2018

SP(23/01/2019)