

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.04.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.33978 of 2018

Capt. Monish Chandran

.. Petitioner

..Vs..

- 1.The Government of India,
Rep.by its Secretary,
Ministry of Civil Aviation,
B Block, Rajiv Gandhi Bhavan,
Safdarjung Airport, Aurobindomarg,
New Delhi.
- 2.The Director General of Civil Aviation,
O/o.the Director General of Civil Aviation,
Technical Centre, Opp.Safdurjang Airport,
New Delhi - 100 003.
- 3.The Joint Director General of Civil Aviation,
O/o.the Director General of Civil Aviation,
Technical Centre, Opp.Safdurjang Airport,
New Delhi - 100 003. .. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to issue renewal of licence treating him as he applied for renewal of ATPL No.5229 well within 2 years taking into account the date of application for renewal as 17.09.2018.

For Petitioner : Mr.V.Prakash, Senior Counsel
for M/s.K.Krishnamoorthy

For Respondents : Mr.G.Raja Gopalan
Additional Solicitor General of India
assisted by Mrs.Swarnalatha

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 2nd respondent to issue renewal of licence treating him as he applied for renewal of ATPL No.5229 well within 2 years taking into account the date of application for renewal as 17.09.2018.

2. The learned Senior Counsel appearing on behalf of the writ petitioner states that the writ petitioner joined the service of Jet Airways on 17.10.2005 as co-pilot and thereafter during November 2014, he became the captain of the flight viz Senior Commander. The writ petitioner have 6000 hours flying experience with unblemish record of service in his 10 years of aviation career.

3. The learned Senior Counsel is of an opinion that during the flight breath analyser test, the writ petitioner was found positive. Thus, the licence of the writ petitioner was suspended for four years. The writ petitioner filed a writ petition and the case was remanded to the Competent Authority for reconsideration. The Competent Authority reduced the suspension period from 4 years to 1 year. Now the dispute raised in this writ petition is that his case is not considered for grant of renewal of his licence, on account of the fact that there is a delay in submitting the renewal application.

4. The learned Senior Counsel appearing on behalf of the writ petitioner states that the petitioner had already undergone the written test and is successful in the written examination. Thus, he has to undergo the skill test and he is prepared to undergo the skill test for the purpose of renewal of his licence. In view of the fact that the writ petitioner had undergone written test and successful, the Authorities Competent are bound to permit the writ petitioner to appear for the skill test and in the event of succeeding in the skill test, the case of the writ petitioner is to be considered for grant of renewal of his licence.

5. The Additional Solicitor General of India made a submission that, if at all, the writ petitioner has succeeded in the written examination, the authorities competent would be in a position to permit the writ petitioner to participate in the skill test and if he get success in the skill test, suitable actions will be taken for grant of renewal of his licence.

6. Considering the facts and circumstances of the case, the respondents are directed to permit the writ petitioner to undergo the skill test and in the event of succeeding in the skill test, the case of the writ petitioner shall be considered for grant of renewal of his licence by following the procedures on merits and in accordance with law.

7. In the event of succeeding in the skill test, all further procedures are directed to be completed within a period of four weeks from the date of skill test.

8. Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

Pns

To

- 1.The Secretary,
The Government of India,
Ministry of Civil Aviation,
B Block, Rajiv Gandhi Bhavan,
Safdarjung Airport, Aurobindomarg,
New Delhi.
- 2.The Director General of Civil Aviation,
O/o.the Director General of Civil Aviation,
Technical Centre, Opp.Safdurjang Airport,
New Delhi - 100 003.
- 3.The Joint Director General of Civil Aviation,
O/o.the Director General of Civil Aviation,
Technical Centre, Opp.Safdurjang Airport,
New Delhi - 100 003.

+1cc to Mr. K.Krishnamoorthy, Advocate, S.R.No. 36820

+1cc to Mrs.Swarnalatha, Central Government Standing Counsel
S.R.No. 36362

सत्यमेव जयते

W.P.No.33978 of 2018

PMS (CO)
GN(26/04/2019)

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