

S/L 29
24.06.2021
Court. No. 19
GB

WPA 10699 of 2021

Sujit Singh
Vs
Deputy Director General of Civil Aviation (ER) & Anr.

(Through Video Conference)

Mr. Kumar Shantanu.

...for the petitioner.

Mr. Prateek Kastiwal.

...for the respondents.

Affidavit-of-service is taken on record.

The petitioner has challenged a proceeding initiated by the Internal Complaints Committee against him including the order of termination when he was serving as an employee of Air Asia (India) Limited in NSCBI Airport, Kolkata.

It is the contention of the petitioner that the petitioner had discharged his duties to the satisfaction of the respondents and only on some false and frivolous allegations by an employee, the order of termination was passed. Challenges have been made to the proceedings followed by the final order passed by the disciplinary authority.

Mr. Kastiwal, learned Advocate for the respondent No.2 submits that the writ petition is not maintainable because the order of termination has been issued by the disciplinary authority of a private company. He raises the question of maintainability of the writ petition as Air Asia (India) Limited is a private company.

Mr. Kastiwal further submits that the petitioner has already filed an appeal before the appellate authority under the disciplinary rules of Air Asia (India) Limited. He submits that the said appeal would be disposed of.

Mr. Shantanu, learned advocate for the petitioner submits that even if the ultimate order of termination was passed by a private company, the proceedings under challenge is violation of the statute by the ICC.

However, in view of the fair submission of Mr. Kastiwal that the appeal of the petitioner which is pending before the C.E.O. of the company would be disposed of within four weeks from date.

This Court has not gone into the merits and the question of maintainability of the writ petition. All points are left open to be agitated before the appropriate forum.

This writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)