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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: 28th May, 2021

+ W.P.(C) 5441/2020

CAPTAIN YOGESH

..... Petitioner

Through: Mr. Keshav Sehgal, Mr. Gaurav H. Sethi and Mr. Abhinav Tyagi, Advocates.

Versus

AIR INDIA LIMITED

.... Respondents

Through: Mr. Sanjiv Sen, Sr. Advocate with Mr. A.P. Singh and Ms. Akanksha Das, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

Proceedings have been conducted through Video Conferencing.

CM APPL. 17439/2021 (Exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

CM APPL. 17438/2021 (seeking permission to withdraw the writ petition)

1. This is an application filed by the Petitioner seeking to withdraw the present writ petition subject to directions to the Respondent to release the statutory dues along with arrears of salary and other emoluments / claims, if any.

2. Issue notice. Ms. Akanksha Das, Advocate accepts notice on behalf of Respondent.

3. Mr. Sanjiv Sen, learned Senior Counsel appearing for the Respondent does not oppose the withdrawal of the writ petition. He, however, submits that, at this stage, he does not have any instructions on the amount if any, outstanding towards the Petitioner, on account of statutory dues, arrears of salary etc.

4. In so far as prayer (b) is concerned, Mr. Sen submits that although the provisions of Civil Aviation Requirements do not permit extension of notice period beyond six months while tendering resignation by a Pilot, however, if the Petitioner would have rendered service beyond 28.02.2020, he would have been adequately compensated or shall be paid his entitled dues, in accordance with law.

5. Having heard learned counsel for the Petitioner and learned Senior Counsel for the Respondent, I am of the view that the application deserves to be allowed to the extent of prayer (a). Accordingly, the Petitioner is permitted to withdraw the present writ petition.

6. Respondent is directed to release the statutory dues, arrears of salary or any other claims outstanding towards the Petitioner, if any, in accordance with law. The exercise shall be carried out and completed within a period of 6 weeks from today.

7. With respect to statutory dues, the same shall be released within a period of 6 weeks from the date of necessary compliances of the requisite formalities / modalities by the Petitioner. Respondent shall intimate to the Petitioner the various formalities that are required to be completed at his end.

8. With respect to prayer (b), it is open to the Petitioner to make a representation in that behalf to the Respondent and the same shall be

decided by the Respondent independent irrespective of filing of the present writ petition or its withdrawal.

9. Petitioner seeks liberty to resort to appropriate remedies *qua* the invocation and encashment of Bank Guarantee. It is open to the Petitioner to take recourse to appropriate remedies available to him, in accordance with law.

10. Application is disposed of.

W.P.(C) 5441/2020

In view of the order passed in the application being CM No. 17438/2021, the writ petition is disposed of as withdrawn.

MAY 28, 2021

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JYOTI SINGH, J

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