



Contempt Petition No.972 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-11-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.972 of 2022

Capt.D.Ganeshbabu

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Petitioner

VS.

1.Mr.Arun Kumar,
Director General of Civil Aviation,
Office of the Director General of Civil Aviation,
Civil Aviation Department,
Government of India,
Opposite to Safdarjung Airport,
New Delhi – 110 003.

2.Mr.Aloke Singh,
Air India Express Limited,
1st Floor, Old Operations Building,
Air India Complex, Old Airport,
Santa Cruz (East),
Mumbai – 400 029,
India.

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Respondents



Contempt Petition No.972 of 2022

Contempt Petition is filed under Section 11 of Contempt of Courts Act to punish the respondents herein for their wilful disobedience of the order dated 28.10.2021 passed by this Court in WP No.14915 of 2019.

For Petitioner : Mr.S.Haja Mohideen Gisthi
For Respondent-1 : Mr.V.Ashok Kumar,
Central Government Standing Counsel.
For Respondent-2 : Mr.K.Srinivasamurthy

O R D E R

The Contempt Petition is filed to punish the respondents for their wilful disobedience of the order dated 28.10.2021 passed by this Court in WP No.14915 of 2019.

2. After elaborate adjudication of the issues, this Court passed final orders in WP No.14915 of 2019 on 28.10.2021 and the relevant paragraphs-31 to 33 read as under:-

“31. At this juncture, it is note worthy to refer to the communication of the Assistant Director Air Safety, Director General of Civil Aviation, Govt. of India, New Delhi, produced by



the learned standing counsel appearing for the respondents, who received it through e-mail on 16.09.2021. The contents of the said communication would run thus:

“The administrative action was taken against Capt.D.Ganeshbabu, ATPL No.7192 (petitioner) in view of his involvement in the accident and his pilot licence was suspended for a period of three years from the date of accident i.e., 12.10.2018 vide DGCA-15020/7/2018-DAS dated 24.10.2018.

No further administrative action is required in the matter by DGCA. However, M/s.AIXL is required to submit the licence of the petitioner to DGCA for endorsement of the suspension period on the licence for record purpose.”

32. Thus, having regard to the aforesaid admitted fact coupled with the communication sent by the Assistant Director, Air Safety Directorate, DGCA, New Delhi, on 16.09.2021, wherein, it was stated that no further administrative action is



required in the case of the petitioner, this court is of the opinion that there can be no impediment for the petitioner to have his employment with the respondent company. In such view of the matter, without delving deep into the issue at hand, the fourth respondent company is directed to pass appropriate orders, with regard to the claim of the petitioner seeking reinstatement, within a period of four weeks from the date of receipt of a copy of this order.

33. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.”

3. The contempt petitioner mainly contended that the petitioner has attended all the medical tests and made a request for reinstatement.

4. However, the respondents have not reinstated and issued an order on 04.07.2022 stating that the petitioner has not submitted the relevant records, enabling them to reinstate the petitioner in service.



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5. The learned counsel, appearing on behalf of the Air India Express Limited, made a submission that pursuant to the orders passed by this Court, the petitioner submitted certain documents and the said documents revealed that the license obtained by the petitioner expired and therefore, he is not holding a valid license to operate the Flight “Boeing”.

6. In the context of the actions taken by the Director General of Civil Aviation (DGCA), the Air India Express Limited issued the show cause notice to the writ petitioner on 06.05.2022 after affording an opportunity to the petitioner and charge sheet was issued on 13.05.2022 with reference to the incident occurred for which the DGCA issued an order of suspension of the Flying License.

7. It is contended that the employer has initiated departmental disciplinary proceedings against the contempt petitioner under the relevant Rules and the said charge sheet was challenged by the contempt petitioner in WP No.14063 of 2022 and an order of interim stay was granted by this



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Court and the writ petition is pending.

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8. Subject to the outcome of the writ petition filed by the contempt petitioner in WP No.14063 of 2022, the Air India Express Limited passed an order on 04.07.2022, which reads as under:-

“Ref.No.AIX/76087/1641

July 4, 2022

Capt.Ganesh Dhayanithi Babu Capt.Ganesh Dayanithi Babu

S1,24, Loganathan Colony, Captain

Mylapore, Chennai-600 004. Staff No.76087

Dear Capt. Ganesh Dhayanithi Babu,

Sub: Reinstatement with Air India Express

1. Pursuant to the directions passed by the Hon'ble High Court of Judicature at Madras in the Judgment dated 28.10.2021 (“Judgment”) in Writ Petition No.14915 of 2019 and the Interim Order dated 03.06.2022 (“Interim Order”) in Writ Petition No.14063 of 2022, we request you to provide us with the below listed documents:-

(a) All your valid and current flying licenses.

(b) All your valid and current medical reports from Class I Medical Board.



(c) *Your valid and current certificate of proficiency issued by the Ministry of Communications, Government of India.*

(d) *Your valid and current Aircraft Transport Pilot License (“ATPL”) issued by the Director General of Civil Aviation (“DGCA”), Government of India.*

(e) *Your valid and current Instrument Rating (“IR”) issued by DGCA, Government of India.*

(f) *Your valid and current Flight Radio Telephone Operators License (“FRTO”) issued by DGCA, Government of India.*

2. *The above documents are required for processing your reinstatement with Air India Express Ltd.*

3. *This letter is being issued without prejudice to the contentions available to Air India Express in Writ Petition No.14063 of 2022.*

FOR AIR INDIA EXPRESS LIMITED”

S/d.

T.VIJAYAKRISHNAN,

CHIEF OF HR.”



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9. With reference to the above letter, the learned counsel, appearing on behalf of the Air India Express Limited, states that in the event of not producing the valid license, the Air India Express Limited may not be in a position to consider the case of the writ petitioner.

10. The learned Central Government Standing Counsel appearing on behalf of the Director General of Civil Aviation (DGCA) made a submission that for the purpose of renewal of license, the procedures as contemplated are to be followed scrupulously and the petitioner has to undergo fresh training and the assessments are to be made with reference to the Rules which all are in force.

11. In this regard, the petitioner is at liberty to approach the DGCA for the purpose of renewal of his license in the manner known to law and thereafter have to approach the Air India Express Limited.

12. As far as the order against which the Contempt Petition is



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filed, this Court is of the considered opinion that the respondents have not committed any contempt wilfully or intentionally and the petitioner as of now is not possessing the requisite valid flying license to be issued by the DGCA.

13. This being the factum, the Contempt Petition stands closed.

However, there shall be no order as to costs.

08-11-2022

Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
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To

1.Mr.Arun Kumar,
Director General of Civil Aviation,
Office of the Director General of Civil Aviation,
Civil Aviation Department,
Government of India,
Opposite to Safdarjung Airport,
New Delhi – 110 003.

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S.M.SUBRAMANIAM, J.

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