

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WRIT PETITION NOS.4747 & 15464 OF 2014

AND

M.P.NOS.1 & 1 OF 2014

W.P.No.4747 of 2014

P.Chandran

...Petitioner

Vs.

1.The Acting General Manager (GS),
Air India Limited,
Southern Region, Meenambakkam,
Chennai - 600 027.

2.The Deputy General Manager (GS),
Air India Limited,
Southern Region, Meenambakkam,
Chennai - 600 027.

3.N.Kuppusamy

4.N.Sundaresan

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to furnish the Tamil Translation Copy of the Enquiry Proceedings and Enquiry Report submitted by the third respondent based on the charge sheet dated 17.08.2012 to the petitioner and also directing the respondents 1 and 2 to give opportunity to the petitioner to enquire one Mr.K.Ramalingam, the complainant and other witnesses in the enquiry proceedings conducted by the third respondent and till such time not to pass any final orders based on the show cause notice dated 27.01.2014 issued by the second respondent.

W.P.No.15464 of 2014

P.Chandran

...Petitioner

Vs.

1.The General Manager (Commercial),
Air India Limited,
Southern Region,
Meenambakkam,
Chennai - 600 027.

2.The Acting General Manager (GS),
Air India Limited,
Southern Region,
Meenambakkam,
Chennai - 600 027.

3.The Deputy General Manager (GS),
Air India Limited,
Southern Region,
Meenambakkam,
Chennai - 600 027.

4.N.Kuppusamy

5.N.Sundaresan

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relevant to the order in Ref.No.MAA/GM(GH)DISC/521116/559 dated 03.06.2014 passed by the first respondent and quash the same as illegal, improper, unreasonable against the rule of law and natural justice and thereby, direct the first respondent to reinstate the petitioner into his service with effect from 03.06.2014 and pay all back wages to the petitioner.

For Petitioner : Mr.B.Gopalakrishnan
[in both petitions] for Mr.A.Rajesh Kanna

For Respondents : Mr.K.Srinivasa Murthy
[in both petitions]

COMMON ORDER

These writ petitions have been filed challenging the order passed by the Air India Limited.

2. Learned counsel appearing for the respondents made a submission that the Government of India has disinvested 100% share holding of the Government in Air India Limited. M/s.Talace Pvt. Ltd. was declared as successful bidder to buy 100% share holding held by the Government of India in Air India Limited.

Accordingly, on 27.01.2022, the Government of India transferred 100% shares held by it in Air India Limited to M/s.Talace Pvt. Ltd. and its nominees. Thus, Air India Limited ceased to be a Government Company and is now a Private Limited Company. Therefore, Air India Limited is not a State within the meaning of Article 12 of the Constitution of India.

3. In view of the developments occurred during the pendency of these writ petitions, learned counsel appearing for the respondents relied on the judgment of this Court in the case of P.Subban v. Hindustan Teleprinters Ltd. [2003 (3) LLN 1078].

4. In view of the fact that the Government of India ceased to be a share holder, the Air India Limited is ceased to be a State under Article 12 of the Constitution of India. Thus, no writ is entertainable. The petitioner is at liberty to approach the competent forum for redressal of his grievances in the manner known to law. In the event of any such approach, the period during which these writ petitions are pending before this Court is to be taken into consideration for the purpose of condoning the delay and the issues are to be decided on merits and in accordance with law.

Accordingly, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

gm

To

- 1.The General Manager (Commercial),
Air India Limited,
Southern Region,
Meenambakkam,
Chennai - 600 027.
- 2.The Acting General Manager (GS),
Air India Limited,
Southern Region,
Meenambakkam,
Chennai - 600 027.

3.The Deputy General Manager (GS),
Air India Limited,
Southern Region,
Meenambakkam,
Chennai - 600 027.

+1cc to Mr.N.G.R.Prasad, Advocate Sr.No.35631

Writ Petition Nos.4747 and 15464 of 2014

JPL(CO)
RVM(12/07/2022)