



WEB COPY



WP No.18213 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-11-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

**WP No.18213 of 2019
And
WMP No.17574 of 2019**

Capt.S.Dinakara (Employment No.608106)..

Petitioner

vs.

1.Union of India Represented by its Secretary,
Ministry of Civil Aviation,
Rajiv Gandhi Bhavan,
Safdarjung Airport,
New Delhi – 110 003.

2.Air India Ltd.,
Airlines House,
Gurudwara Rakabganj Road,
New Delhi Represented by its
Chairman and Managing Director.

3.Executive Director (Operations)(O),
Airlines House, 113,
Gurudwara Rakabganj Road,
New Delhi-110 001. ..

Respondents



WP No.18213 of 2019

WEB COPY

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records on the file of the third respondent relating to the impugned proceedings in Ref.No.HPDOI/O-2501 dated 16.04.2019 received by the petitioner on 01.05.2019 and quash the same.

For Petitioner	: Mr.S.Sandeep
For Respondent-1	: No Appearance
For Respondents-2 and 3	: Mr.K.Srinivasamurthy

ORDER

The relief sought for in the present writ petition is against the Air India.

2. The learned counsel appearing on behalf of the respondents 2 and 3 made a submission that against the Air India Management, which has now been taken over by the Private Company and therefore, the writ petition is not entertainable.



WP No.18213 of 2019

3. The issue in this regard is already decided by the High Court of Bombay in WP No.1770 of 2011, dated 20.09.2022, wherein the Division Bench of the Bombay High Court, wherein in paragraphs 74 and 75, it has been observed as under:-

“74. The writ petitions, although maintainable on the dates they were instituted, have ceased to be maintainable by reason of privatization of AIL which takes it beyond our jurisdiction to issue a writ or order or direction to it. For the reasons discussed above, the writ petitions and the connected applications and chamber summons stand disposed of without granting any relief as claimed therein but with liberty to the petitioners to explore their remedy in accordance with law. No costs.

75. We make it clear that the time taken for disposal of these writ petitions would, however, be excluded for the purpose of computation of limitation should the petitioners seek any remedy by instituting fresh proceedings where the question of limitation would be relevant.”



WP No.18213 of 2019

4. In view of the judgment cited supra, the liberty is granted to

the petitioner to work out his remedy by approaching the Competent Forum.

In the event of any such approach by the petitioner, the period during which the writ petition was pending before the High Court is to be taken into consideration for condoning the delay, if any and the issues are to be adjudicated on merits and in accordance with law.

5. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

29-11-2022

Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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WP No.18213 of 2019

To

WEB COPY

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WEB COPY



WP No.18213 of 2019

S.M.SUBRAMANIAM, J.

Svn

WP 18213 of 2019

29-11-2022