



W.P.No.3996 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.3996 of 2014

Capt. Ravi Chander Rajan

...Petitioner

Vs

1.Secretary, Government of India,
Ministry of Civil Aviation,
Rajiv Gandhi Bhawan,
Safdarjung Airport,
New Delhi - 110 003.

2.The Director General of Civil Aviation,
Office of the Director General of
Civil Aviation,
Technical Center, Opp. Safdurjang Airport,
New Delhi - 110 003.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the 1st respondent comprised in the order dated 16.12.2013 bearing proceedings No.AV 11033/1/2012-DG and quash the same as illegal, arbitrary and violative of the principles of natural justice.



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For Petitioner : Mr.Pranava Charan M.G.
for Mr.Vivekanandh

For Respondents : No Appearance

ORDER

Heard Mr.M.G.Pranava Charan, learned counsel appearing on behalf of the petitioner. There is no appearance on behalf of the respondents.

2. The second respondent herein, through his order dated 29.03.2012, had revoked the approval of the petitioner as an Examiner, against which, the petitioner herein had filed an appeal on 07.05.2012 before the first respondent herein. When the appeal was kept pending indefinitely, the petitioner had approached this Court, seeking for an expeditious disposal of the appeal, in W.P.No.26199 of 2013. On 04.10.2013, the Writ Petition came to be disposed of with a direction to the first respondent to consider and dispose of the appeal within a period of two months, after giving an opportunity to the petitioner. The relevant portion of the order reads as follows:-

"3. The petitioner is directed to forward a copy of the appeal memorandum dated 07.05.2012 to the first respondent along with a copy of the impugned order



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dated 29.03.2012 and a copy of this order. In case the petitioner submits a copy of the appeal memorandum along with enclosures and a copy of this order, every effort should be taken by the first respondent to consider and dispose of the appeal on merits, as expeditiously as possible and in any case, within a period of two months from the date of receipt of material papers. It is needless to point out that opportunity of personal hearing should also be given to the petitioner by the first respondent before disposing of the appeal."

3. In spite of specific directions of this Court, the first respondent had disposed of the appeal, through a non-speaking order, in the following manner:-

"ORDER

I have gone through the records and submissions made by Capt. R.C.Rajan before me. The petitioner is undoubtedly an experienced pilot but could not controvert the lapses mentioned in Para (1) attributed to



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him by the Investigation Board of Jet Airways. As such, I do not consider it appropriate to interfere with the Order dated 29.3.2012 of DGCA. He must undergo the requisite training before the DGCA could consider restoration of his TRE status."

4. The learned counsel for the petitioner would submit that no personal opportunity was given to the petitioner while the appeal came to be disposed of.

5. A perusal of the order also does not reveal that the petitioner was given an opportunity. Furthermore, the order-in-appeal itself does not deal with the grounds raised by the petitioner in his appeal petition, dated 07.05.2012. Whenever any order of punishment is challenged before the Appellate Authority, there is a duty cast on them to address each and every ground in the appeal and pass a speaking order. Moreover, when this Court had specifically directed the first respondent to extend a personal hearing to the petitioner while dealing with the appeal, the same has been violated. In this background, the original order of punishment itself cannot be sustained.



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WEB COPY 6. Accordingly, the impugned order passed by the first respondent dated 16.12.2013 is quashed and the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No
Speaking order/Non-speaking order
hvk

To

- 1.The Secretary,
Government of India,
Ministry of Civil Aviation,
Rajiv Gandhi Bhawan,
Safdarjung Airport,
New Delhi - 110 003.
- 2.The Director General of Civil Aviation,
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M.S.RAMESH,J.

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