



W.P.No.28382 of 2019

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 03.11.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.28382 of 2019**

Captain K.Rajasekaran

...Petitioner

**Vs.**

1.Air India Ltd., Rep. by its Chairman and Managing Director,  
Air India Limited, Airline House,  
113, Gurudwara Rakabganj Road, New Delhi.

2.The Regional Director,  
Southern Region,  
Air lines House,  
Meenambakkam,  
Air India Limited,  
Chennai – 600 027.

3.The General Manager Operations (Co-ordinating)  
Integrated Services Complex,  
Southern Region,  
Air India Limited,  
Meenambakkam, Chennai – 600 027.

Respondents



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**Prayer :** Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to quash the order of the 2nd respondent in his proceedings No.SRRD/OPS/MAA/608084/227 dated 29.03.2019 and consequently direct the respondents to grant Flying Allowance for the period from 17.05.2018 to 09.08.2018 and payment of flying allowance at the rate of 70 Hrs as agreed in the agreement with ICPA + average International allowance till the date of retirement i.e. 31.03.2019.

|                 |                                        |
|-----------------|----------------------------------------|
| For Petitioner  | : Mr.P.B.Balaji for<br>M/s.S.Indrajith |
| For Respondents | : Mr.K.Srinivasamurthy                 |

### **ORDER**

With reference to the relief sought for in this writ petition, the issues are no more *res integra*. This Court has taken a view in W.P.Nos.4747 and 15464 of 2014, dated 15.06.2022 and the relevant Paragraph Nos.3 & 4 are extracted hereunder:

*3. In view of the developments occurred during the pendency of these writ petitions, learned counsel appearing*



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*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.*

2. In view of the order cited *supra*, the petitioner is at liberty to approach the competent authority/forum for the purpose of redressal of his grievances in the manner known to law. If at all the petitioner has approached any other authority/forum as the case may be, the authority/forum shall take in to consideration the period during which the writ petition was pending before this Court for the purpose of condoning the



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delay and entertain the petition and decide the same on merits and in accordance with law as expeditiously as possible.

3.Accordingly, this writ petition stands disposed of. No Costs.

**03.11.2022**

Index : Yes  
Internet : Yes  
Speaking order : Yes  
ssr

**To**

- 1.The Chairman and Managing Director,  
Air India Limited, Airline House,  
113, Gurudwara Rakabganj Road, New Delhi.
- 2.The Regional Director,  
Southern Region,  
Air lines House,  
Meenambakkam,  
Air India Limited,  
Chennai – 600 027.



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3.The General Manager Operations (Co-ordinating)  
Integrated Services Complex,  
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**S.M.SUBRAMANIAM, J.**

SSR

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