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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 20<sup>th</sup> December, 2022*

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+ W.P.(C) 9427/2018

MS VASUDHA SRIVASTAVA ..... Petitioner  
Through: Mr. Durgesh Gupta, Advocate.

versus

UNION OF INDIA AND ANR. .... Respondents  
Through: Mr. Kirtiman Singh, Central  
Government Standing Counsel with  
Mr. Waize Ali Noor, Ms. Kunjala Bhardwaj,  
Mr. Madhav Bajaj, Ms. Vidhi Jain and  
Ms. Durgesh Nandini, Advocates for R-1.  
Ms. Srilina Roy, Advocate for R-2.

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+ W.P.(C) 9652/2018

MS SUMAN RAM ..... Petitioner  
Through: Mr. Durgesh Gupta, Advocate.

versus

UNION OF INDIA AND ANR. .... Respondents  
Through: Mr. Kirtiman Singh, Central  
Government Standing Counsel with  
Mr. Waize Ali Noor, Ms. Kunjala Bhardwaj,  
Mr. Madhav Bajaj, Ms. Vidhi Jain and  
Ms. Durgesh Nandini, Advocates for R-1.  
Ms. Srilina Roy, Advocate for R-2.

13

+ W.P.(C) 9647/2018

MS LAXMI RANA ..... Petitioner  
Through: Mr. Durgesh Gupta, Advocate.

versus

UNION OF INDIA AND ANR ..... Respondents  
Through: Mr. Kirtiman Singh, Central  
Government Standing Counsel with  
Mr. Waize Ali Noor, Ms. Kunjala Bhardwaj,

Mr. Madhav Bajaj, Ms. Vidhi Jain and  
Ms. Durgesh Nandini, Advocates for R-1.  
Ms. Srilina Roy, Advocate for R-2.

**CORAM:**  
**HON'BLE MS. JUSTICE JYOTI SINGH**

**JUDGEMENT**

**JYOTI SINGH, J. (ORAL)**

1. Present writ petitions have been filed by the Petitioners seeking issuance of a writ of mandamus against Respondent No. 2/Air India Ltd., directing the said Respondent to regularize the services of the Petitioners from the date of their appointments and/or fixation of emoluments etc. Writ petitions were being contested on merits by Respondent No. 2 and counter affidavits were filed.
2. At the outset, learned counsel appearing on behalf of Respondent No. 2 raises an objection to the maintainability of the writ petitions on account of a development during the pendency of the writ petitions. It is submitted that as a result of the disinvestment process, initiated by the Government of India, Air India Ltd. (AIL) has ceased to be a public body and therefore, no writ can lie against AIL in the present circumstances. It is submitted that the entire shareholding of the Government of India now stands transferred to M/s. Talace India Pvt. Ltd., a wholly owned subsidiary of M/s. TATA Sons Pvt. Ltd. and therefore, jurisdiction of this Court under Article 226 of the Constitution can no longer be invoked by the Petitioners. Reliance is placed on recent judgments of this Court in *W.P.(C) 7908/2015* titled *Satya Sagar and Anr. v. Air India (AIESL)* and *Naresh Kumar Beri and Others v. Union of India and Others, 2022 SCC OnLine Del 3585* as well as judgment of the High Court of Bombay in *R.S.*

***Madireddy and Another v. Union of India and Others, 2022 SCC OnLine Bom 2657***, wherein the writ petitions have been dismissed as not maintainable on account of the disinvestment of AIL.

3. Counsels for the Petitioners, responding to the objection of the maintainability, submit that in view of the recent development as well as the judgments of this Court and the Bombay High Court, they may be granted liberty to approach the appropriate Forum to ventilate their grievances, giving benefit of excluding the period for which the writ petitions have remained pending in this Court for purpose of limitation as and when they approach the appropriate Forum.

4. Having heard the learned counsels for the parties and in view of the judgments aforementioned, this Court finds merit in the preliminary objection raised by Respondent No. 2. It is an undisputed position that during the pendency of the present writ petitions, 100% shareholding of the Air India has been acquired by M/s. Talace Pvt. Ltd. and having ceased to be a Government owned company, AIL is no longer amenable to the writ jurisdiction of this Court.

5. The writ petitions are accordingly disposed of as not maintainable, granting liberty to the Petitioners to take recourse to other remedies available to them in law, in an appropriate Forum. It is made clear that the time period for which the writ petitions were pending in this Court, will be excluded for computation of limitation, should the Petitioners institute fresh proceedings in an appropriate Forum, where the question of limitation becomes relevant and may arise.

**JYOTI SINGH, J**

**DECEMBER 20, 2022/rk/shivam**