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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **12.06.2023**

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.24262 of 2011
and M.P.Nos.1 & 2 of 2011

P.Anandan ... Petitioner

Vs.

1.The Managing Director,
Air India Ltd,
Air India Buildings,
Nariman Point,
Mumbai - 2.

2.The Director of Human Resources Department,
Air India Buildings,
Nariman Point,
Mumbai - 2.

3.The Deputy Manager,
Human Resources Department Southern Region (Air India),
Air India United Complex,
Pallavaram Cantonment,
Pallavaram,
Chennai – 43.

4.The Executive Director Southern India,
Air India,
Airlines House,
Meenambakkam,

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Chennai – 27.

5.The Assistant Manager-Personal,
Air India Air Transports Services Limited,
1st Floor, Transport Workshop Buildings,
G.S.D Complex,
Sahar, Andheri (East),
Mumbai – 400 099. … Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to regularize the service of the petitioner with seniority, monetory and all other consequential benefits.

For Petitioner : Mr.S.Rajanikanth

For Respondents 1 to 4 : Mr.N.G.R. Prasad
Mr.K.Srinivasamurthy

O R D E R

This writ petition has been filed to direct the respondents to regularize the service of the petitioner with seniority, monetory and all other consequential benefits.

2. When the matter was taken up for hearing, learned counsel

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appearing for the respondents has filed a Memo dated 01.06.2023 stating that the respondent/Management viz., Air India Limited has been taken over by M/s. Talace Private Limited. Hence, this writ petition is not maintainable.

3. In support of the same, learned counsel appearing for the respondents placed reliance in the decision of this Court in ***W.P.No.2910 of 2015 dated 09.03.2023,*** which held that the writ petition is not maintainable. For better appreciation the relevant portion of the said order is extracted hereunder:

> *"When the matter is taken up, learned counsel for the respondents submitted that they filed memo 08.06.2022 stating that pursuant to the policy decision taken by the Government of India to disinvest 100% share holding of the Government in Air India Limited, M/s Talace Pvt Ltd was declared as successful bidder to buy 100% shares held by it in Air India Limited. Thus Air India Limited ceased to be a Government Company and is a Private Limited Company. Therefore, Air India Limited is not a State within the meaning of the Article 12 of the Constitution of India.*
>
> *5. In view of the above submission, liberty is granted to the petitioner to work out his remedy before the appropriate forum, in which case the time spent in pursuing this writ petition shall stand excluded in reckoning the period of limitation if*

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any".

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 maintainable. The petitioner is at liberty to approach the competent forum for redressal of his grievances in the manner known to law, in which case the time spent in pursuing this writ petition shall stand excluded in reckoning the period of limitation if any.

5. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

12.06.2023 (vm)

Index : Yes/No
Speaking Order : Yes/No

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J.SATHYA NARAYANA PRASAD,J.

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