



WEB COPY



W.P.No.2910 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.2910 of 2015

A.Packialakshmi

..Petitioner

.Vs.

1.The Chairman & Managing Director

Air India Limited

Airlines House

No.113, Gurudwara Rakabganj Road

New Delhi-110 001

2.The Director

Human Resources Department

Air India Limited, Airlines House

No.113, Gurudwara Rakabganj Road

New Delhi-110 001

3.The Deputy Manager

Human Resources Department Southern Region (Air India)

Air India Unity Complex

Pallavaram Cantonment

Pallavaram, Chennai-600 043



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4.The Executive Director

Southern India Air lines

Airlines House, Meenambakkam

Chennai-600 027

..Respondents

Prayer:Writ petition filed under Article 226 of Constitution of India praying for a writ of Mandamus directing the respondents to regularize the services of the petitioner in the post of Clerk from the date of her initial appointment into service i.e. 28.10.1996 with all consequential and attendant service benefits.

For Petitioner : Mr.S.Ramaswamy Rajarajan

For respondents : Mr.N.G.R.Prasad

ORDER

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.



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2. The shares held by Government of India in Air India Limited stood transferred to M/sTalace Private Limited and its nominees on 27.01.2022.

Consequent to which Air India Limited ceases to be a Government company and is a Private Limited Company. It is the submission of the learned counsel for the respondents that in view of the above change in constitution, Air India Limited may no longer qualify as a 'State' within the meaning of Article 12 of the Constitution for a writ petition to lie.

3. In support of the same, learned counsel for the respondents placed reliance in the decision ***P.Subban vs Hindustan Teleprinters Ltd., reported in 2003 (3) L.L.N. 1078***, wherein this court held as under:

“ 12. 'Having regard to all these aspects, I think it is a fit case where a writ can no longer be issued in view of the changed circumstances, namely privatisation of the respondent. Therefore, I follow the course adopted in the similar Writ Petition No.14425 of 1995 dated 19 July 202 (the entire order in this case is given in Para. 8 Supra) and observe that the writ petition is no longer maintainable. The writ petition is accordingly disposed of as not maintainable leaving it open to the petitioner to work out his remedy before the appropriate forum. No costs.'”



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4. The learned counsel for the petitioner also agrees to the above position and further submits liberty may be granted to the petitioner to work out his remedy and also prays that the time spent in this writ petition may be excluded in reckoning the period of limitation, if the petitioner chooses to enforce its right before an appropriate forum.

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 any.

6. With the above observation, the writ petition stands disposed of. No costs.

09.03.2023

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



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To

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