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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 10th May, 2023

+ W.P.(C) 2905/2023

CAPT. DIGVIJAY SINGH

..... Petitioner

Through: Ms Sanya Kapur Wadhwa, Advocate
along with Petitioner in person. (M-
9999645466)

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms. Anjana Gosain, Ms. Nippun
Sharma, Advocates & Ms. Avshreya
Rudy (GP) for R-1&2.
Ms. Tine Abraham, Mr. Aayush
Marwah, Mr. Jasvinder Singh,
Advocates for R-3.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. In the present case, the Petitioner - Capt. Digvijay Singh who was the first officer and pilot with the Respondent No. 3- Tata SIA Airlines Ltd ('Vistara Airlines'), has filed the present petition challenging the constitution of the Permanent Investigation Board (PIB) scheduled for 6th March, 2023 and seeks constitution of an independent inquiry board. The said PIB was constituted in terms of Clause 6.2 of Section 5-'Air Safety', Series 'C'- Part 1 of the Civil Aviation Requirements (*hereinafter*, 'CAR') issued by the Office of Director General of Civil Aviation (*hereinafter*, 'DGCA').
3. The case of the Petitioner is that on 7th November, 2022 while flying back from Varanasi to Delhi, he had to undergo a go-around manoeuvre while flying flight no. UK674. Thereafter, the Petitioner was informed

through an email dated 2nd March 2023 that in respect of the said incident a PIB has been constituted which is scheduled for 6th March, 2023. However, the same had been adjourned.

4. An apprehension was expressed by the Petitioner on 7th March, 2023 that he may not get a fair hearing before the PIB. Thus, a prayer was made for the appointment of an independent person from the DGCA to be made part of the PIB. The DGCA had taken the position that first a preliminary PIB is to be constituted by the Vistara Airlines in terms of Clause 5.1 of CAR to look into the “occurrence”. According to the Vistara Airlines, a PIB then had been constituted under Clause 6.2 of CAR. After hearing parties, the Court had directed as under vide order dated 7th March 2023:

“7. Heard ld. Counsels for the parties. Considering the nature of the matter, the PIB proceedings shall continue. The Petitioner shall extend complete cooperation to the PIB and shall participate in the proceedings. The PIB proceedings shall be completed within the stipulated time.

8. Final recommendations of the PIB shall be placed on record in a sealed cover on the next date of hearing.

9. The recommendation of the PIB shall not be given effect to till further orders of this Court. ”

5. In accordance with the above order, the final recommendations of the PIB dated 4th May 2023 have been placed on record. The PIB recommendations would show that corrective actions/training and preventive actions has been directed as under:

<i>Incident Details</i>	<i>Date of investigation (PIB)</i>	<i>Recommendations</i>
<i><u>Date of incident:</u></i> 07 th Nov. 2022	1) 13.03.2023 &	<i>Corrective action / trainings</i>

<u>Flight No.</u> – UK-674 (VNS-DEL) <u>AC Regn.</u> – VT-TNL <u>Description</u> Alpha Floor Activation during Go around	2) 04.05.2023	a) Ground Trainings (i) HFCRM interaction (1 hour) (ii) OM-A Training and evaluation (1.5 hours) b) Simulator Training (i) FFS Session (2 hours) c) Aircraft Trainings i) 2 SLF Sectors ii) Route Check (1 PF and 1 PM sector) Preventative action a) De-identified case study to be circulated to all pilots via Safety Beacon.
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6. Ld. counsel for the Petitioner submits that on 3rd May, 2023, the Petitioner has submitted his resignation to Vistara Airlines. The above recommendations of the PIB have been shown to the Petitioner who is present in Court today. The recommendations made by the PIB are acceptable to him.

7. The same have also been perused by Ms. Gosain, Id. Counsel appearing for the DGCA.

8. Heard. It is clear from the above factual scenario that the Petitioner is willing to undergo the training as directed in the PIB report. However, he does not wish to have any impediment in his joining a new airline. After hearing the Id counsel for the parties i.e., the Petitioner, the DGCA and

Vistara Airlines, it is directed as follows:

1. Firstly, since the Petitioner has submitted his resignation on 3rd May 2023, the said resignation shall be treated as per his appointment conditions.
2. Secondly, the Petitioner shall undergo corrective action/training, in terms of the PIB's recommendations, which is acceptable to him.
3. Upon the Petitioner undergoing the said training/corrective action, in terms of Clause 8.1 and Clause 8.2 of CAR, the Investigation report shall be submitted to the Regional Air Safety Offices and Director Air Safety (DGCA HQ).
4. Upon the successful submission of the same, the event/occurrence which took place on 7th November, 2022, shall not cause to be an impediment for the Petitioner to continue to work as a commercial pilot with any airlines.
9. Though, in terms of CAR, the copy of the PIB's recommendations are to be submitted to the DGCA, since the present writ petition is pending and the said recommendations have been perused by the Court as also all the counsels, in the unique facts of this case, let a copy of the PIB's recommendations be handed over to the Id. Counsel for DGCA and the Petitioner.
10. Petition is disposed of in these terms. All pending applications are also disposed of.

PRATHIBA M. SINGH, J.

MAY 10, 2023/Rahul/DN