



Rev.Appl.(W) No.64 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2024

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

Review Application (W) No.64 of 2020  
and WA No.2154 of 2022

**Review Application (W) No.64 of 2020**

Capt. Lakshmi Krishna Kumar  
rep. by her Power of Attorney  
Capt.M.S.Krishna Kumar

: Petitioner

versus

- 1.Union of India  
rep. by its Secretary  
Ministry of Civil Aviation  
Rajiv Gandhi Bhavan, Safdarjung Airport  
New Delhi 110 003.
- 2.Air India Ltd  
rep. by its Chairman and Managing Director  
Airlines House  
Gurudwara Rakabganj Road  
New Delhi 110 001.
- 3.Central Training Establishment Air India Ltd  
rep. by its Director of Training  
Ferozguda, Hyderabad 500 011.



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4.Air India Ltd.

General Manager, Operations Department  
Meenambakkam, Chennai 600 027. : Respondents

Prayer: Petition filed to review the order dated 10.03.2020 in WP No.25513 of 2016.

For the Petitioner : Mr.M.S.Krishnakumar

For Respondent No.1 : Mr.R.Rajesh Vivekanandan,  
Deputy Solicitor-General of India

For Respondents 2 to 4 : Mr.K.Srinivasamurthy

**WA No.2154 of 2022**

Capt. Lakshmi Krishnakumar  
Rep. By her Power of Attorney  
Capt. M.S. Krishna Kumar

... Appellant

Versus

1. Union of India,  
Rep. By its Secretary,  
Ministry of Civil Aviation,  
Rajiv Gandhi Bhavan, Safdarjung Airport,  
New Delhi – 110 003.

2. Air India Limited,  
Rep. Chairman and Managing Director,  
Airlines House, Guruduwara Rakabganj Road,  
New Delhi – 110 001.

3.Air India Limited,  
Executive Director of Operations  
New Delhi – 110 003.

4. Air India Limited,



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Executive Director of Flight Safety  
New Delhi – 110 003.

5. Central Training Establishment,  
Air India Limited,  
Rep. By its Director of Training, (CTE)  
Ferozguda, Hyderabad – 500 011.

6. Air India Limited,  
General Manager,  
Operations Department,  
Meenambakkam, Chennai – 600 027.

7. The Director General  
Directorate General of Civil Aviation  
Aurobindo Marg.  
Opp. Safdarjung Airport,  
New Delhi – 110 003.

8. Harminderjit Singh,  
Manager, Operation Department,  
Air India Ltd.  
New Delhi – 110 003.

9. Capt. N. Shivaramakrishnan,  
No.45, Old No.22,  
Alamelumangapuram,  
Mylapore, Chennai – 600 004.

...Respondents

Prayer: Appeal filed against the order in WP No.20813 of 2021, dated 22.08.2022.

|                           |   |                                                                 |
|---------------------------|---|-----------------------------------------------------------------|
| For the Appellant         | : | Mr. M.S. Krishna Kumar<br>(Appellant in-person)                 |
| For Respondents 1 and 7   | : | Mr.R.Rajesh Vivekanandan,<br>Deputy Solicitor-General of India, |
| For Respondents 2 to 6, 8 | : | K.Srinivasamurthy                                               |



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For Respondent No.9 : Mr.N.Manikandan

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**COMMON ORDER**

(Made by S.S.SUNDAR, J.)

The review petition is filed seeking to review the order in WP No.25513 of 2016, dated 10.03.2020. WA No.2154 of 2022 is filed by the review petitioner against the order of learned Single Judge dismissing the writ petition in WP No.20813 of 2021. In view of some interconnection, the review petition and the writ appeal are disposed of by this common order.

2. Brief facts which led to the filing of this review petition are as follows:

(a) Writ Petition No.25513 of 2016 was filed for the issuance of a writ of Mandamus to direct M/s.Air India Ltd. to repay all the training cost including boarding, lodging and additional training cost paid towards Airbus - 320 training from the year 2010 with interest and subsequently directing M/s.Air India Ltd.



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to redo the Airbus - 320 endorsement training and absorb the petitioner as a "Senior Trainee Pilot" in permanent employee cadre and to recover all cost of training as per service rules.

(b) This Court has partly allowed the writ petition by way of a reasoned order dated 10.03.2020. Since the petitioner had not been given proper training, recording the fact that the petitioner would not be eligible to undergo training for Airbus 320 aircraft due to lapse of time, this Court refused to grant any relief regarding direction to M/s.Air India Ltd., to redo the Airbus - 320 endorsement training and absorb the petitioner as a "Senior Trainee Pilot" in permanent employee cadre. However, this Court directed - M/s.Air India Ltd. to repay all the training cost to the petitioner. In view of the serious lapses found by the Director General of Civil Aviation regarding



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falsification of entries and completion of training course and other irregularities to which the petitioner was also a party, and due to passage of time, which deter the petitioner to undergo further training for employment, partial relief was granted to the petitioner.

(c) Seeking to review the said order, the present review has been filed.

3. It is seen from the records that when the present review petition was pending, the petitioner has challenged the very same order before the Hon'ble Supreme Court by filing a special leave petition. The special leave petition was however dismissed.

4. We have heard Mr.M.S.Krishnakumar, husband of the petitioner, who is espousing the cause of his wife before this Court in various proceedings, as party-in-person. The party-in-person has argued at length. Indeed, he has travelled beyond the scope of this review and made irrelevant arguments. This Court is unable to find any substance in the argument made by the party-in-person.



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5. The Hon'ble Supreme Court and this Court have repeatedly held that review is not an appeal in disguise. Unless there is an error apparent on the face of the record, this Court cannot entertain a review application. Even an error which has to be detected by a process of reasoning cannot be a ground for review under Order 47 Rule 1 of the Code of Civil Procedure. Re-hearing is impermissible.

6. The conduct of the petitioner also assumes more importance while assessing the bonafides of this review.

7. Earlier, the petitioner has filed a writ petition in WP No.20813 of 2021 to consider the representation of the petitioner. Even though the representation was considered by the respondents and the writ petition was dismissed on the ground that the prayer has become infructuous, the petitioner has filed an appeal in WA No.2154 of 2022 as against the said order.

8. One of the contentions raised in the writ appeal, WA No.2154 of 2022, is that the petitioner has received an incomplete photocopy of the communication dated 01.04.2014. The petitioner tried to make



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out a case that the said document was essential for considering this review. The original of the said document was produced before this Court. Though the photocopy given to the petitioner was not an exact photocopy of the original, we do not find any connection between the said document and the review. The grievance of the petitioner appears to be the adverse remarks made by this Court in the order sought to be reviewed, suspecting the manner in which the petitioner's husband got the license. Though such observations are not necessary in the context, the petitioner now seeks some relief which she had not prayed for. Hence this appeal cannot be entertained.

9. The petitioner has approached two different forums in respect of the order dated 10.03.2020; one before this Court to review the order and another before Hon'ble Supreme Court, challenging it.

10. The present review was filed on 07.09.2020. During the pendency of the present review, the petitioner has also approached Hon'ble Supreme Court by way of Special Leave Petition. The Special



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leave petition was dismissed vide order dated 28.06.2021.

11. We are unable to find any bona fides in this review.

12. The petitioner has raised several grounds in this review petition, on merits, and has prayed something which she had not prayed in the writ petition. This Court, as pointed out earlier, cannot entertain a review petition on the ground that the reason assigned by this Court while passing an order is erroneous.

13. The husband of the petitioner appears to be a court-man and wants to raise issues to keep the litigation alive under one pretext or the other to embarrass respondents 2 to 4 based on the findings against them in the order. Even though this Court is inclined to dismiss the review petition with cost, having regard to the fact that the petitioner has already suffered a set back, this Court takes that this litigation is on account of the disappointment and mental stress the petitioner had experienced in the past in joining a training course with a fond hope of better career prospects; and her dream not getting fulfilled.



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14. The broad distinction between an erroneous decision and error apparent on the face of the record has been pointed out by the Hon'ble Supreme Court and this Court in several precedents. No ground is made out in the petition to review the order. Therefore, this Court is unable to entertain the review petition. Hence, the review petition stands dismissed. Consequently, WMP No.26989 of 2022 is closed.

15. WA No.2154 of 2022 is also dismissed. There will be no order as to costs.

**(S.S.S.R., J.) (K.R.S., J.)**  
**27.08.2024**

Index : Yes/No  
Neutral Citation : Yes/No  
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To

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- 1.The Secretary  
Ministry of Civil Aviation  
Rajiv Gandhi Bhavan  
Safdarjung Airport  
New Delhi 110 003.
- 2.The Chairman & Managing Director  
Air India Ltd., Airlines House  
Gurudwara Rakabganj Road  
New Delhi 110 001.
- 3.Director of Training,  
Central Training Establishment Air India Ltd  
Ferozguda,Hyderabad 500 011.
- 4.General Manager  
Air India Ltd., Operations Department  
Meenambakkam, Chennai 600 027.
- 5.The Executive Director of Operations  
Air India Limited, New Delhi – 110 003.
- 6.The Executive Director of Flight Safety  
Air India Limited, New Delhi – 110 003.
- 7.The Director General  
Directorate General of Civil Aviation  
Aurobindo Marg. Opp. Safdarjung Airport,  
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AND

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