



\$~2 & 3

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

+ LPA 105/2023

NARESH KUMAR BERI & ORS. Appellant

Through: Mr. Lalit Bhardwaj, Mr. Jatin Anand
Dwivedi and Mr. Chaan Alam Kazi, Advs.

versus

UNION OF INDIA THROUGH SECRETARY MINISTRY CIVIL
AVIATION & ORS.

..... Respondent

Through: Ms Anjana Gosain and Ms. Nippun
Sharma, Advs. for R-1.

Mr. Rajiv Nayyar, Sr. Adv. with Mr. Avishkar
Singhvi, Mr. Azeem Samuel, Mr. Amit Kumar
Mishra, Ms. Mitakshara Goyal, Mr. Akhil Kumar
Kulshrestha, Ms. Yashika Nagpal and Mr.
Shubham Kumar, Advs. for AIR INDIA.

+ LPA 108/2023

CAPT. GAUTAM MEHTA Appellant

Through: Mr. Lalit Bhardwaj, Mr. Jatin Anand
Dwivedi and Mr. Chaan Alam Kazi, Advs.

versus

UNION OF INDIA THROUGH SECRETARY MINISTRY CIVIL
AVIATION & ORS.

..... Respondent

Through: Ms Anjana Gosain and Ms. Nippun
Sharma, Advs. for R-1

Mr. Avishkar Singhvi, Mr. Azeem Samuel, Mr.
Amit Kumar Mishra, Ms. Mitakshara Goyal, Mr.
Akhil Kumar Kulshrestha, Ms. Yashika Nagpal and
Mr. Shubham Kumar, Advs. for AIR INDIA.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

31.05.2024

%



CM APPL. 34566/2024 –Dismissal by R-2 in LPA 105/2023
CM APPL. 34378/2024 –Dismissal by R-2 in LPA 108/2023

1. These are applications filed by the respondent no. 2 seeking dismissal of the appeals in view of the recent decision dated 16.05.2024 of the Apex Court in “*R.S. Madireddy and Anr. Vs. Union of India and Ors*” (2024) SCC OnLine SC 965.
2. Issue notice. Learned counsel for the appellants accepts notice and fairly submits that in view of the aforesaid decision of the Apex Court, a writ petition against respondent no. 2 would not be maintainable. He, therefore, seeks leave to withdraw the appeals, but prays that liberty be granted to pursue appropriate civil remedies as per law.
3. Learned senior counsel for respondent no. 2/applicant has no objection to this limited request.
4. In the light of the aforesaid stand taken by the parties, the applications are allowed by dismissing the appeals as not pressed. Needless to state, the appellants will be at liberty to initiate appropriate proceedings in respect of the cause of action which was the subject matter of the writ petitions which have been dismissed vide the impugned order.
5. The next date fixed in the matters stands cancelled.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 31, 2024/acm