

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 513 OF 2012

Prabhakar Parashram Kale

VERSUS

The Union Of India Thr Secretary Deptt Of Civ Aviation New Delhi
And Ors

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Advocate for the Petitioner : Mr. Yashodeep Deshmukh h/f Mr. Shinde
Ankush G & Mr. H.A. Joshi

Advocate for Respondent No.1 : Mr. R.R. Bangar, Standing Counsel

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CORAM : S.G. MEHARE &
SHAILESH P. BRAHME, JJ.

DATED : JANUARY 14, 2025

PER COURT :

1. Heard learned counsel for the petitioner.
2. By way of this writ petition, the petitioner is seeking direction against the respondents to consider him for promotion to the post of Senior Traffic Superintendent 9 Grade and Officers Grade as per the Career Progression Scheme along with all consequential and monitory benefits within specified time. Hence, the petition was filed.
3. Undisputedly, the respondents were the statutory body. However, due to the pendency of this petition, the respondent/Air India Limited has been privatized. Therefore, the learned counsel for the petitioner has fairly submitted that in view of the judgment of the Bombay High Court at Principal Seat in the case of R.S. Madireddy

and Another Vs. Union of India and Others with other connected matters, 2022 SCC Online Bom 2657 which is confirmed by the Hon'ble Supreme Court, argued that the view of the Bombay High Court that although the writ petition is maintainable on the date when it was instituted, it has been ceased to be maintainable by reason of privatization of AIL which takes it beyond our jurisdiction to issue a writ or order or direction to it. He has fairly conceded that in view of this judgment, this writ petition does not survive. However, the petitioner wants to choose to approach the appropriate forum but the petitioner may face the difficulty of limitation. Therefore, the benefit of Section 14 of the Indian Limitation Act may be given to him as is granted in the above case and maintained by the Hon'ble Supreme Court. We are bound by the view taken by the Hon'ble Supreme Court and the Co-ordinate Bench.

4. In view of the above pronouncement, we dispose of this writ petition for the reason that due to the privatization, the writ petition does not fall with the writ jurisdiction. However, in case the petitioner chooses to approach appropriate forum to seek the redressal against the grievance as per the law applicable, the benefit of Section 14 of the Indian Limitation Act, 1963 shall be extended to him and the period which he has spent before this Court should be considered in view of Section 14 of the Indian Limitation Act.

5. It seems that the petitioner was bonafide contesting petitions, earlier before the privatization.

(SHAILESH P. BRAHME, J.)

(S.G. MEHARE, J.)