



WEB COPY

W.P.No.11206 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.11206 of 2019

and

W.M.P.No.8981 of 2023

R.Vasudevan

... Petitioner

vs

1. Director (Personnel)

Air India Limited,

'Airline House'

113, Gurudwara Rakabkanj Road,

New Delhi – 110 001.

2. The Chairman Cum Managing Director,

Air India Limited Head Quarters,

'Airlines House'

113, Gurudwara Rakabkanj Road,

New Delhi – 110 001.

3. Executive Director (Personnel)

Air India Limited,

'Airline House',

113, Gurudwara Rakabkanj Road,

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New Delhi – 110 001.

W.P.No.11206 of 2012

... Respondents



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Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue Writ of Certiorari Mandamus, to call for the Internal Memo Reference No.HPDO1/X-1200 dated 30.10.2012, issued by Offg. Executive Director (Personnel), Air India Ltd., Regd. Office, New Delhi and quash the same and consequently direct the Respondents to promote the petitioner considering the cut off period as 01.04.2007 and also to consequential financial benefits, thereby taking Petitioner's date of promotion with effect from 01.04.2007 and grant payment of differential salary and all other monetary benefits that he would have been entitled to, between the period from 01.04.2007 till the disposal of the petition.

For Petitioner : Mr.K.V.Ananthakrishnan

For Respondents : Mr.K.Srinivasamurthy
Central Government Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Central Government Standing Counsel on behalf of the respondents and perused the records.

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2. This Writ Petition is filed to call for an internal memo dated 30.10.2012, issued by the third respondent and for a consequential direction to the respondents to promote the petitioner by considering the cut off period on 01.02.2007.

3. When the matter is taken up for hearing, it brought to the notice of this Court that similar issue was also under consideration of this Court and this Court having regard to the decision of the Hon'ble Apex Court in the case of ***R.S.Madireddy and others V. Union of India and others reported in 2024 SCC Online SC 965***, by order dated 16.09.2025, held that on account of change of status of the respondents from a public sector airline to private sector airline, the respondents cannot be considered as 'State' within the meaning of Article 12 of the Constitution of India, in order to maintain the present Writ Petition.



4. Since the status of the petitioner had changed during the pendency of the present Writ Petition, no mandamus can be issued under Article 226 of Constitution of India, against the respondents from the public sector to private sector.

5. Accordingly, this Writ Petition is liable to be dismissed. However, all the rights of the petitioner against the impugned proceedings are preserved and the petitioner is at liberty to initiate appropriate action as agitated in the present writ petition by approaching the appropriate forum.

6. In the event of the petitioner initiating action against the impugned proceedings by approaching the appropriate forum, and showing sufficient cause, the period spent in pursuing the present writ petition i.e., from the date of filing of the writ petition on 10.04.2019, till the date of receipt of the copy of this order shall stand excluded, in terms of Section 14 of the Limitation Act, 1963.



7. Accordingly, the writ petition is dismissed, subject to the liberty

noted herein above. No order as to costs. Consequently, connected

Miscellaneous petition is closed.

05.11.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh

To

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T. VINOD KUMAR, J.

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W.P.No.11206 of 20



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