



W.P.Nos.17638 and 16510 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.17638 and 16510 of 2025

A.Thangavelu ... Petitioner (in WP.No.17638/2025)

M.Krishnamurthy ... Petitioner (in WP.No.16510/2025)

Vs.

- 1.Union of India
Rep. By its Secretary,
The Ministry of Civil Aviation
Government of India
New Delhi
- 2.The Executive Director,
Air India Ltd,
New No. 22, Old No. 25,
Indique Viceroy Sardar Patel Salai,
Little Mount, Guindy,
Chennai
- 3.The General Manager (Personal)
Air India Ltd,
New No. 22, Old No. 25,
Indique Viceroy Sardar Patel Salai,
Little Mount, Guindy,
Chennai



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4. The Regional Director

Air India Ltd, New No. 22, Old No. 25,
Indique Viceroy Sardar Patel Salai,
Little Mount, Guindy, Chennai

... Respondents (in both WPs)

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to consider the representation dated 04.03.2025.

For Petitioners : Mr.S.Gunaseelan (in both WPs)

For R1 : M/s.P.Rajalakshmi
Central Government Standing Counsel
(in both WPs)

For R2 to R4 : Mr.K.Srinivasa Murthy, SPCCG
for M/s.N.G.R.Prasad (in both WPs)

COMMON ORDER

The instant writ petitions have been filed with a prayer for issuing a Mandamus, directing the respondents to consider the petitioners' representation dated 04.03.2025.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The learned counsel for the petitioners would submit that the petitioners were employed as a Casual Workers with the Air India Limited



W.P.Nos.17638 and 16510 of 2025

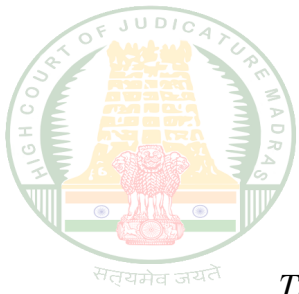
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and many benefits such as Sick Leave, ESI Benefits and Public Holidays Leave Salary and other benefits have not been paid by the respondents to them. Hence, they have sent representation to the respondents on 04.03.2025 and such representation is yet to be answered.

4. The learned Central Government Standing Counsel appearing for the 1st respondent would vehemently submit that the very writ petitions are not maintainable as their prayer is against the Air India Limited, who were arrayed as respondents 2 to 4, which is not a State as per Article 12 of the Constitution of India and in support of her contention, she has also relied upon the judgment of the Hon'ble Supreme Court in S.L.P.(C).Nos.23441 – 23444 of 2022, dated 16.05.2024 and invite the attention of this Court in Paragraph Nos.33 and 37, which are extracted hereunder for ready reference.

“33. Once the respondent No.3(AIL) ceased to be covered by the definition of State within the meaning of Article 12 of the Constitution of India, it could not have been subjected to writ jurisdiction under Article 226 of the Constitution of India.

37. The respondent No.3(AIL), the erstwhile Government run airline having been taken over by the private company



W.P.Nos.17638 and 16510 of 2025

WEB COPY

Talace India Pvt. Ltd., unquestionably, is not performing any public duty inasmuch as it has taken over the Government company Air India Limited for the purpose of commercial operations, plain and simple, and thus no writ petition is maintainable against respondent No.3(AIL). The question No. 1 is decided in the above manner.”

5. As rightly contended by the learned Central Government Standing Counsel for the 1st respondent and as per the ratio of the Hon'ble Supreme Court, the writ petition is not maintainable against the Air India Limited as of now as it is not a State as defined under Article 12 of the Constitution of India.

6. Hence, the present Writ Petitions are dismissed. However, if the petitioners have got any remedy, they are at liberty to workout in accordance with law. No costs.

26.06.2025

dm

Index : Yes/No

Speaking order

Neutral Citation : Yes/No



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W.P.Nos.17638 and 16510 of 2025

C.KUMARAPPAN, J.

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W.P.Nos.17638 and 16510 of 2025

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