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W.P. No.38642 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.38642 of 2025
and
W.M.P. No.43214 of 2025

Capt.M.S.Krishna Kumar

Petitioner

Vs

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

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

3.Air India Ltd
C.H.R.O. Rep by its General Manager,
Industrial Relation (I.R.)
Block 4 Vatika One on One
Sector 16 NH 48,
Gurugram,
Haryana-122 007

Respondents



W.P. No.38642 of 2025

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records of dated 30th July 2025 sent by an e-mail by the 2nd respondent to the petitioner, consequently to quash the same and to directing to furnish the supporting documents for the question of law-1 to 6 as per the Civil Aviation Regulation (C.A.R) for the several representation e-mails sent by the petitioner dated 07.01.2025, 09.01.2025, 02.02.2025, 21.02.2025, 28.02.2025, 10.03.2025, 31.03.2025, 19.04.2025, 27.04.2025, 28.04.2025, 10.06.2025, 14.07.2025 and 30.07.2025 for clarification for the incident in AI 908 dated 15.07.2012 from Muscat to Chennai and other specific clarification on Civil Aviation Regulation (C.A.R) to the petitioner and the Hon'ble High Court in a time frame.

For petitioner : Capt. M.S. Krishna Kumar
Party-in-person
For respondents : Mr.Rajesh Vivekanandhan
Dy. A.S.G. for R1 & R2
Mr.K. Srinivasamoorthy
for R3

ORDER

This writ petition is filed by the petitioner, appearing as Party-in-Person, seeking issuance of a Writ of Certiorarified Mandamus to quash the impugned communication dated 30.07.2025 and for consequential directions, including restoration of the petitioner as Check Pilot / Line Training Captain and other reliefs.



2. Facts of the Case :-

a) The petitioner joined Air India Limited (formerly Indian Airlines Limited) as a Trainee Pilot in the year 1989 and over the years was promoted as Co-Pilot, Captain and thereafter as Check Pilot / Line Training Captain, with effect from 10.07.2010. It is stated that he has an extensive flying record experience of about 24,700 flying hours. While so, he was removed from the position of Check Pilot by the 3rd respondent vide order dated 20.10.2011, allegedly without assigning reasons and without affording any opportunity of hearing. Aggrieved by the same, the petitioner submitted a grievance application dated 02.01.2014, which was forwarded to the Grievance Committee by the 3rd respondent. The said Committee is stated to have recommended restoration of the petitioner as Check Pilot and payment of allowances to the petitioner from the date it was stopped.

b) Subsequently, the petitioner approached this Court seeking restoration of Check Pilot as per the Minutes issued by the Grievance Committee, by filing writ petition viz., W.P. No. 32885 of 2015 and the same was dismissed by this Court. It is the grievance of the petitioner that because of the 3rd respondent's false affidavit and misleading information stating he has not preferred to undergo corrective training, the said writ petition was dismissed. Challenging the same, an appeal was preferred. Subsequently, the same was also dismissed and thereafter up to the Hon'ble Supreme Court, where the same was affirmed.



Subsequently, another writ petition filed seeking issuance of a fresh notification and consideration of his candidature as Check Pilot, which was also dismissed, and the writ appeal therefrom met with the same fate. A Review Application is stated to be presently pending.

c) On the other hand, the petitioner submitted representations and applications under the Right to Information Act, seeking clarification with regard to Civil Aviation Requirements (CAR) and an incident relating to Flight AI-908, contending that without corrective training, a pilot cannot be permitted to fly and that permitting the petitioner to fly despite such allegation itself demonstrates arbitrariness. As no orders were passed against the said representations, the impugned communication dated 30.07.2025 came to be issued by the 2nd respondent. Aggrieved by the same, this writ petition has been filed.

3. The petitioner, appearing in person, submitted that as per the Civil Aviation Requirements framed by the Directorate General of Civil Aviation (DGCA), a pilot alleged to have committed an error in the cockpit cannot be permitted to fly without undergoing corrective training, failing which the licence itself is liable to be suspended. He elaborately argued the matter and contended that the respondents failed to clarify certain issues relating to Civil Aviation Requirements and an incident pertaining to Flight AI-908 dated 15.07.2012, despite repeated representations and applications under the Right to



Information Act. He further contended that the 2nd respondent, being the policy-making authority, ought to have directly clarified the issue instead of directing the petitioner to approach the 3rd respondent. He further argued that the allegations levelled against him are unsustainable. Pursuant to a subsequent notification, he applied, but without calling him for interview or without affording an opportunity of hearing, and without adherence to the prescribed rules, his candidature was rejected at the threshold, thereby violating principles of natural justice.

4. Further, he submitted that substantial questions of law involving interpretation of six statutory rules arise for consideration and this Court may permit to point out the same. He mainly pointed out that till date, no counter affidavit has been filed by the DGCA addressing these legal issues.

5. Learned Deputy Additional Solicitor General appearing for the respondents 1 and 2 submitted that the issues raised in the present writ petition are not new and are substantially and directly connected to the petitioner's removal as Check Pilot and the consequential claims flowing therefrom. The petitioner has already litigated the very same cause of action in earlier writ petitions, the corresponding writ appeals, and is presently pursuing a Review Application, which is still pending. He vehemently argued that under the guise of a fresh cause of action arising out of the communication dated 30.07.2025 issued by the 2nd respondent the petitioner is seeking to reopen issues which



have already attained finality or are sub judice. Therefore, he prays for dismissal of this writ petition.

6. Reiterating the submissions made by the learned Deputy Additional Solicitor General , learned counsel appearing for the 3rd respondent submitted that the petitioner, party-in-person is repeatedly filing various writ petitions to get favourable orders and during the pendency of Review Application, this writ petition has been filed. In view of the above, this Court may dismiss the writ petition.

7. This Court has carefully considered the submissions of the petitioner appearing in person and the learned counsel for the respondents and perused the materials available on record.

8. From a reading of the pleadings and the reliefs sought, it is evident that though the present writ petition is filed as one arising out of the impugned communication dated 30.07.2025, the substance of the grievance continues to revolve around the petitioner's removal as Check Pilot / Line Training Captain, the alleged cockpit incident dated 15.07.2012, and the consequential non-restoration.

9. The records disclose that these very issues have been the subject matter of repeated rounds of litigation, the writ appeals arising therefrom, and that a Review Application is presently pending. When the review proceedings are yet to attain finality, filing a fresh writ petition seeking substantially the same reliefs



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is clearly not maintainable. This Court is also of the view that the questions raised by the petitioner with regard to corrective training, operational decisions, compliance with Civil Aviation Requirements involve technical and disputed questions of fact, which require detailed examination by the competent authority and cannot be adjudicated in exercise of writ jurisdiction under Article 226 of the Constitution of India.

10. Further, permitting the petitioner to agitate the same issues repeatedly by filing successive writ petitions would amount to abuse of process of Court, particularly when appropriate remedies have already been availed and are still Review Application is pending consideration.

11. In view of the above, this Court finds no merit in the present writ petition and the same is dismissed. However, this dismissal shall not preclude the petitioner from pursuing the Review Application already filed or any other remedy available to him in accordance with law before the appropriate forum. No costs. Consequently, connected miscellaneous petition is closed.

15.10.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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M. DHANDAPANI, J.

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To

1. The Secretary,
Union of India
Ministry of Civil Aviation,
Rajiv Gandhi Bhavan,
Safdarjung Airport
New Delhi-110 003.

2.The Director General
Directorate General of Civil Aviation,
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C.H.R.O. Rep by its General Manager,
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