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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 12793/2024 & CM APPL. 65918/2025

**AIR INDIA RETIRED ENGINEERS AND ENGINEERING
EXECUTIVES WELFARE ASSOCIATION**

.....Petitioner

Through: Mr. Suresh Kumar Thakur and Mr.
Prabhu Razdan, Advocates.

versus

UNION OF INDIA (THROUGH ITS SECRETARY) & ANR.

.....Respondents

Through: Ms. Anjana Gosain, Ms. Laavanya
Kaushik, Ms. Shreya M., Ms.
Akansha Choudhary and Ms.
Khyati Bansal, Advocates for R1.
Mr. A.P. Singh, Mr. Vikas Soni,
Mr. Naman Saraswat, Mr. Varnit
Vashistha and Ms. Anushka
Nigam, Advocates for R2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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17.10.2025

1. Further to the order dated 26.09.2025, respondent No. 2 has filed an affidavit dated 16.10.2025. Although the affidavit is not on record, it has been served upon Mr. Suresh Kumar Thakur, learned counsel for the petitioner. A copy of the affidavit has been handed up in court and is taken on record.

2. With regard to the petitioner's contention that liability to pay staff dues of persons working in Air India Limited ["AIL"] when it was an undertaking of the Government of India, has been transferred to respondent No. 2, the said affidavit states as follows:

"4. That the Petitioner Society has filed present Writ Petition in



August 2024 seeking directions to the Respondent to pay pending dues arising allegedly due to revision of pay scale and for the period between 01.01.2007 to 31.01.2015 on behalf of its members who worked with erstwhile Air India Limited while it was under Control Government of India.

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9. *I state that the question of liability towards wages/revise wages and/or consequential benefits of the employees of Air India Limited, while it was under control of Government i.e. prior to 27.01.2022, the Asset Transfer date is no more res-integra. The said question also arose in “WP(C) No. 12763/2009 titled Capt. Dilip Desmond Vs. Union of India & Ors.” which was disposed of vide Judgment and final Order dated 21.03.2025, in view of Affidavit dated 12.03.2025 filed by Air India Limited before this Hon’ble Court. A copy of the Order dated 21.03.2025 in the above Writ Petition is being enclosed with the present Affidavit.*

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11. *It is submitted that the Respondent-AIAHL does not have liability of salaries/allowances pertaining to the employees erstwhile Air India Ltd. specifically relating to the revised pay scales which are identified pursuant to justice Dharmadikari Committee Report that too pertaining to a period from 2007 to 2015.”*

3. Respondent No. 2 has also drawn the attention of this Court to an order dated 21.03.2025 passed in W.P.(C) 12763/2009, which also concerns a similar issue. In that case, AIL had specifically stated that in case of any dues in respect of the employment of the petitioner therein with AIL pertaining to the period when AIL was under the control of the Government of India, the liability continued to be with AIL after privatisation on 27.01.2022.

4. In view of the above, it appears that the petitioner’s contentions that liability for the claims asserted by it has been taken over by Air India Assets Holding Ltd. are incorrect. The petitioner’s claims, if any, would have to be asserted against AIL, which is not amenable to the writ jurisdiction of the Court, as held by the Supreme Court in *R.S. Madireddy v. Union of India*, [2024 SCC OnLine SC 965].



5. The writ petition is, therefore, disposed of, with liberty to the petitioner or its members to take alternative remedies as may be available to them in accordance with law.

6. It is made clear that this Court has not made any comment on the merits of the petitioner's claims.

PRATEEK JALAN, J

OCTOBER 17, 2025

UK/JM/