

(2023) 05 DEL CK 0407

In the Delhi High Court

Case No : Civil Writ Petition No. 4781 Of 2013, Civil Miscellaneous Application
No. 49580 Of 2022

Amrita Hundal

APPELLANT

Vs

Air India Ltd & Anr

RESPONDENT

Date of Decision : 26-05-2023

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2023) 05 DEL CK 0407

Hon'ble Judges : Mini Pushkarna, J

Bench : Single Bench

Advocate : Jawahar Raja, L. Gangmai, Siddharth Sapra, Neetika Sharma

Final Decision : Disposed Of

Judgement

Mini Pushkarna, J

1. The present writ petition has been filed with prayer for directions to the respondent to allow the petitioner to join her duty as Cabin crew without any further delay and to make her due payments of pay and allowances regularly.
2. Perusal of order dated 07.05.2015 passed by this Court shows that the petitioner has already been allowed to join cabin crew duties in an aircraft and she is now undertaking her duties in the international sector, as per duties given by the respondent.
3. During the pendency of the present writ petition, the respondent Air India Limited has become privatized.
4. In view thereof, present writ petition against a private entity would not be maintainable. Thus, CM APPL. 49580/2022 has come to be filed on behalf of respondent no. 1 for dismissal of the present writ petition.
5. As far as the issue of maintainability of the present writ petition after privatization of Air India is concerned, the said issue is no longer res-integra.

This issue has been considered by various Courts and it has been held that any writ petition which has been filed prior to privatization of the respondent, will no longer be maintainable. The said view has been followed consistently even by this Court.

6. Thus, in the case of Satya Sagar and Anr Vs Air India (AIESL), W.P. (C) No. 7908/2015 vide order dated 01.09.2022, this Court has held as follows:-

" ... it is clear that the position which existed on the date of the filing of the present petition is no longer the same. Air India has been privatized and entire shareholding of Government of India in Air India has been given to M/s Talace Pvt Ltd (a wholly owned subsidiary of M/s Tata Sons Pvt. Ltd). The grievance of Petitioners, if any, cannot therefore be entertained by way of a writ petitioner under Article 226 of the Constitution of India"

7. Thus, it is clear that after privatization, the respondent now being a private limited company, the present writ petition against a private limited company will not be maintainable.

8. Perusal of the order dated 07.05.2015 clearly shows that the only issue which now remains is with respect to the monetary emoluments which the petitioner claims for the disputed period.

9. The substantive relief as claimed by the petitioner has already been satisfied, as the petitioner has already been given the cabin crew duties by the respondent.

10. In view of the aforesaid, the present writ petition is not maintainable in view of the subsequent events wherein the respondent Air India Limited stands privatized.

11. Considering the nature of the disputes which are still pending as raised on behalf of the petitioner, liberty is granted to the petitioner to make a representation to the respondent for redressal of her claims with respect to the disputed period in question when she was on ground duty.

12. In case, the petitioner is still aggrieved by any decision that may be taken by the respondent, the petitioner would be at liberty to seek legal remedies, as available.

13. It is clarified that the period which the petitioner has spent in the present writ petition from its filing till its disposal, shall stand excluded in case any legal proceedings are initiated by the petitioner, wherein any question of limitation may be raised as an issue.

14. With the aforesaid observations and directions, the present writ petition is disposed of along with the pending applications.