

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).4274/2013

(From the judgement and order dated 05/10/2012 in WA No.1110/2012 of The HIGH COURT OF A.P AT HYDERABAD)

Y.V. RAJU

Petitioner(s)

VERSUS

AIR INDIA LTD. & ANR.

Respondent(s)

(With appln(s) for modification/clarification,permission to file additional documents and prayer for interim relief and office report) (For final disposal)

WITH SLP(C) NO. 8570 of 2013

(With appln.(s) for permission to file additional documents and office report) (For final disposal)

Date: 29/04/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

HON'BLE MR. JUSTICE A.K. SIKRI

For Petitioner(s)

Prof. Bhim Singh, Sr.Adv.
Mr. S.K. Bandhopadhyaya, Adv.
Mr. Satish Vig,Adv.

Mr. J.M. Sharma, Sr.Adv.
Mr. Praveen Kumar Pandey, Adv.
Mr. Aditya Kumar, Adv.
Mr. C.S.N. Mohan Rao, Adv.

For Respondent(s)

Mr. Lalit Bhasin, Adv.
Ms. Nina Gupta, Adv.
Mr. Mudit Sharma,Adv.
Ms. Swati Sharma, Adv.
Mr. Parvez A. Khan, Adv.

For State of Manipur

M. Sapam Biswajit Meitei, Adv.
Mr. KH Nobin Singh, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeals are disposed of in terms of the signed order.

(Sukhbir Paul Kaur)

(Indu Bala Kapur)

Court Master

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4986 OF 2014

(Arising out of S.L.P.(C) No.4274 of 2013)

Y.V. RAJU

Appellant(s)

Versus

AIR INDIA LIMITED AND ANOTHER

Respondent(s)

W I T H

CIVIL APPEAL NO.4987 OF 2014
(Arising out of S.L.P.(C) No.8570 of 2013)

S.D.P. SUDHAKAR

Appellant(s)

Versus

M/S. AIR INDIA LIMITED AND ANOTHER

Respondent(s)

O R D E R

We have heard learned counsel for the parties.

Leave granted.

This order will dispose of Civil Appeal

No.4986/2014 arising out of Special Leave
Petition(Civil) No. 4274 of 2013 and Civil Appeal

No.4987/2014 arising out of Special Leave
Petition(Civil) No. 8570 of 2013.

It is not necessary for this Court to examine the issue raised with regard to the applicability of Regulation 13(a) of the Air India

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Service Regulations in the facts and circumstances of these two cases, as we are of the opinion that the matter needs to be decided on merits by the Division Bench of the High Court.

Learned Single Judge of the High Court allowed the Writ Petitions and quashed the orders of termination in both the matters. The learned Single

Judge upheld the vires of Regulation 13(a), but allowed the Writ Petition on the ground that the Chairman cum Managing Director(C.M.D.) was not the competent authority to pass the orders of termination. It was

held that subsequent ratification of the order terminating the services of the petitioners, would not

cure for inherently illegal exercise of power by the C.M.D. under Regulation 13(a). The Division Bench in the Letters Patent Appeal, filed by the Air India, set aside the findings recorded by the learned Single Judge to the effect that the C.M.D. was not the competent authority. It was held that the decision taken by the C.M.D., having been ratified by the Board of Directors, can no longer be said to be not taken by the competent authority. The Division Bench also clarified that the appellants (petitioners in the High Court) had already challenged the orders of termination before the Board of Directors. Therefore, an effective remedy was available to the appellants. Therefore, a

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direction was issued to the Board of Directors to take a decision on the appeals filed by the appellants expeditiously.

Mr. Bhim Singh, learned senior counsel appearing for the appellant in Civil Appeal No.4986 of 2014 arising out of S.L.P.(C) No.4274 of 2013 has submitted that the Division Bench committed an error of law in coming to the conclusion that Regulation 13(a) would be applicable in the facts and circumstances of this case, as, according to the learned senior counsel, the services of the appellants have been terminated by way of victimization, as the appellants happen to be the leaders of the Union representing the employees of Air India.

Keeping in view the fact that the Division Bench of the High Court has not decided the entire controversy on merits, we are of the opinion that it would not be appropriate for this Court to express any opinion on the merits of the legal as well as factual submissions which are available to the parties.

Rather

it would be more appropriate to remit the matter back to the Division Bench to decide the entire controversy between the parties on merits.

Since the appellant - Y.V. Raju is retiring tomorrow, the 30th April, 2014 and the appellant -S.D.P. Sudhakar is also very near the age of

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superannuation, we request the High Court to decide the Letters Patent Appeals with utmost expedition preferably within one month of the reopening of the High Court after summer vacation.

The appeals are, accordingly, disposed of.

.....J.
(SURINDER SINGH NIJJAR)

.....J.
(A.K. SIKRI)

New Delhi,
April 29, 2014.