

ITEM NO.5

COURT NO.7

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 98/2012

JEEJA GHOSH & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.
(With office report)
(For final disposal)

Respondent(s)

Date : 24/03/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.
Ms. Divya Tyoti Jaipurkar, Adv.
Mr. Avi Singh, Adv.
Ms. Jyoti Mendiratta, Adv.

For Respondent(s) Mr. P.S. Patwalia, ASG
Ms. Binu Tamta, Adv.
Ms. Kiran Bhardwaj, Adv.
Mr. B. Krishna Prasad, Adv.

Mr. Abhishek Sharma, Adv.
Mr. M. R. Shamshad, Adv.

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

This writ petition has been filed seeking inter alia a direction to the respondents to follow the Civil Aviation Requirements (CAR) dated 1st May, 2008 with regard to carriage of persons with disabilities by air. During the pendency of the writ petition as the CAR in force was considered to be somewhat inadequate in coverage. A Committee headed

by one Shri Ashok Kumar was constituted by Ministry of Civil Aviation, New Delhi, to look into the matter and submit its recommendations. The Ashok Kumar Committee made its recommendations in October 2012, a copy of which is available on record. During the pendency of the writ petition, CAR dated 28.02.2014 has been published which is stated to be presently holding the field. According to the learned counsel for the petitioners the aforesaid CAR dated 28.02.2014 omits some of the vital recommendations made by the Ashok Kumar Committee and therefore, learned counsel has prayed for leave to amend the writ petition insofar as the prayer made therein is concerned.

Considering the issue that arises in writ petition, Shri P.S. Patwalia, learned Additional Solicitor General has fairly submitted that the Court may go into the necessity of implementation of specific terms of the recommendations of the Ashok Kumar Committee without any formal amendment. Shri Patwalia has further submitted that he may be given some time to respond to the specific areas of the report of the Ashok Kumar Committee which, according to the petitioner, are not covered by the CAR dated 28.02.2014. In this regard, it may be observed that a compilation has been submitted by the petitioner indicating, 24 different areas where such deficiency

in the CAR of 2014 exist. Copy of said compilation has been made available to Shri Patwalia. In the aforesaid circumstances, the Union of India is directed to indicate its response to the above within a period of four weeks from today. Thereafter, the matter will be considered again.

Registry is directed to list the case on 21st of April, 2015.

(MADHU BALA)
COURT MASTER

(ASHA SONI)
COURT MASTER