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Asharaf M. vs Union of India

Asharaf M. vs Union of India

SooperKanoon Citation : sooperkanoon.com/1404099

Court : Kerala

Decided On : Feb-28-2023

Judge : Honourable Mr. Justice a.Muhamed Mustaque,Honourable Mrs. Justice Shoba Annamma Eapen

Appeal No. : WA/223/2023

Appellant : Asharaf M.

Respondent : Union of India

Advocate for Pet/Ap. : Shri. Kodoth Sreedharan

Judgement :

> & WA NO. 120 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 31872 OF 2022 APPELLANT/PETITIONER: ASHARAF, AGED 56 YEARS, R/AT PULIKIATH HOUSE, PALLIPPADI, THNALUR P.O., MALAPPURAM-676 307 RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001

2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 SHRI MANU S. DSG OF IND THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.121/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 121 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 27906 OF 2022 APPELLANT/PETITIONER: FASALUNNISA SAIFUDDEEN, AGED 35 YEARS, R/AT PADIPATTA CHALIL HOUSE, KARUVANPOYIL. P.O., KODUVALLY, KOZHIKODE-673 572. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 140 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 27817 OF 2022 APPELLANT/PETITIONER: MOHAMMED SALEEL, AGED 31 YEARS, S/O. MOIDEENKUTTY, R/AT MALAYIL MARAKKATTIL, CHALIYAR. P.O., KADALUNDI, KOZHIKODE-673 301. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA,

REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 141 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 27937 OF 2022

APPELLANT/PETITIONER: ROSHITH V, AGED 21 YEARS, S/O. MOHANASUNDARAN, R/AT VILLODI HOUSE, MUNDOPRAMBA, MALAPPURAM-676 509. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001

2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 142 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 30596 OF 2022 APPELLANT/PETITIONER: LAILA RAZAAK, AGED 52 YEARS, W/O. ABDUL RAZAAK, RESIDING AT BAITHUL RAYAN,

ENGALATH PADAM, RAMANTTUKARA P. O, KOZHIKKODE, PIN-673 633. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 143 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 27814 OF 2022 APPELLANT/PETITIONER: SANA FATHIMA (MINOR), REPRESENTED HER FATHER SAIFUDDEEN, R/AT PADIPATTA CHALIL HOUSE, KARUVANPOYIL P.O., KODUVALLY, KOZHIKODE-673 572. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 144 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 27805 OF 2022 APPELLANT/PRTITIONER: SAJEEV KUMAR.K.P, AGED 49 YEARS,

S/O CHATHU, KUNNATHERIPARAMBIL HOUSE, KALPAKANCHERY P.O., MALAPPURAM. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 145 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 30604 OF 2022 APPELLANT/PETITIONER: RIYAS MADAPARAMBATH, AGED 30 YEARS, R/AT KULATHAMKUZHIYIL HOUSE, VATTAYAM KAKKATTIL P.O., KOZHIKKODE-673 517. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 146 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 27825 OF 2022 APPELLANT/PETITIONER: SAIFUDDEEN, AGED 44 YEARS, R/AT PADIPATTA CHALIL HOUSE, KARUVANPOYIL P.O.,

KODUVALLY, KOZHIKODE-673 572. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 147 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 30755 OF 2022 APPELLANT/PETITIONER: INSHA (MINOR), REPRESENTED BY HER FATHER MOHAMMED SULFIKAR ALI, CHULLIKKULAVAN HOUSE, VADAKKANGARA, MANAKKADA P.O., MALAPPURAM-679 324. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 156 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 28441 OF 2022 APPELLANT/PETITIONER: MUHAMMED RAFEEQUE, AGED 41

YEARS, S/O YAHOOTTY HAJI, RESIDING AT KARINGAYI HOUSE, KANMANAM, THEKKUMURI P.O., MALAPPURAM-676 551. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 157 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 30575 OF 2022 APPELLANT/PETITIONER: JIBIN N.C., AGED 31 YEARS, S/O. PURUSHOTHAMAN, NADUVIL CHATHOTH KRISHNALAYAM, CHOMBALA P.O VATAKARA VIA, KOZHIKODE DISTRICT. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 160 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 30739 OF 2022

APPELLANT/PETITIONER: FATHIMA RAHMA, AGED 25 YEARS, W/O. SAFVAN VADAKKAN, R/AT VATTAKANDATHIL HOUSE, PATHAPPIRIYAM P.O., MALAPPURAM. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 163 OF 2023 AGAINST THE JUDGMENT DATED 25.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 32409 OF 2022 APPELLANT/PETITIONER: RENJITH PANANGAD, AGED 35 YEARS, S/O. P.K.NARAYANAN, KUTTIYADUKKAM HOUSE, THAZHANNUR P.O., ANANDASRAM, KASARAGOD DISTRICT. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 164 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF

THIS HONOURABLE COURT IN WP(C) 27823 OF 2022 APPELLANT/PETITIONER: ZAIN.K.P. (MINOR), AGED 8 YEARS, S/O ANSAD, REPRESENTED BY HIS MOTHER SHAHINA, KUNDOTT PARAKKAL HOUSE, KARIAVATTOM, MANNARMALA P.O., PERINTHALMANNA, MALAPPURAM, PIN-679 325. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 180 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 27802 OF 2022

APPELLANT/PETITIONER: RESHMA K, AGED 28 YEARS, W/O SREEJITH, PUTHUPARAMBIL HOUSE, VELLERI, PONNANI, MALAPPURAM-679 577. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001

2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG

WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 181 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 27801 OF 2022 APPELLANT/PETITIONER: RIYASUDHEEN ABDULLA, AGED 30 YEARS, S/O. ABDULLA, R/AT VADAKKAYIL HOUSE, BALUSSERY.P.O., KOYILANDI, KOZHIKODE-673 612. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 182 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 32286 OF 2022

APPELLANT/PETITIONER: ASHIK, AGED 30 YEARS, PUTHENPEEDIYEKKAL HOUSE, KULURMA, PERUMBAL, NANNAMUKKU, MALAPPURAM-679 575. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001

2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND

MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 183 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 31956/2022 APPELLANT/PETITIONER: MUHAMMED ZISHAN (MINOR), REPRESENTED BY HIS FATHER MOHAMMED SULFIKAR ALI, CHULLIKKULAVAN HOUSE, VADAKKANGARA, MANAKKADA P.O., MALAPPURAM-679 324. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 184 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 30683/2022 APPELLANT/PETITIONER: ANSAD P.P, AGED 28 YEARS, S/O. RASAK, R/AT PITHAPERI HOUSE, CHETTIPPADI, PARAPPANANGADI, MALAPPURAM-676 319. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING,

REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 192 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 32167/2022 APPELLANT/PETITIONER: JAMIMA.K.M., AGED 60 YEARS, W/O. VIJAYAMOHAN, R/AT REHBOTH, NMRA-97, APC ROAD, MALAPARAMBA P.O., KOZHIKODE-673 009. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 195 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 31010/2022 APPELLANT/PETITIONER: KUNHI MOHAMMED P., AGED 51 YEARS, S/O.KOMUKUTTY, RESIDING AT PAINATT, KUNDOOR P.O., NANNABRA, THAYYALINGAL, MALAPPURAM-676 320. RESPONDENTS/RESPONDENTS: & WA NO. 197 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 27917/2022 APPELLANT/PETITIONER: PURUSHOTHAMAN.K, AGED 53 YEARS, S/O. GOVINDAN, R/AT, KODAKKAT, KUMARANPADI, NIRAMARUTHUR, MALAPPURAM DISTRICT.

RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016

& WA NO. 198 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 31862/2022 APPELLANT/PETITIONER: NIKHIL.M., AGED 27 YEARS, S/O ASOKAN, RESIDING AT MALAYIL HOUSE, PONMERI PARAMBIL P.O., KOZHIKODE-673 542. RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 199 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 27857/2022 APPELLANT/PETITIONER:

LATHEESH MUTTOOLY, AGED 31 YEARS, SREEDHARAN, R/AT MUTTOOLY HOUSE, KALLURUTTY P.O., OMASSERY, KOZHIKKODE-673 582. RESPONDENTS/RESPONDENTS: & WA NO. 207 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 30595/2022 APPELLANT/PETITIONER: MUHMAMMED ASHIK, AGED 23 YEARS, S/O. ASHARAF, R/AT THACHAPARAMBIL HOUSE, CHERUKUNNU, MALAPPURAM-676 528.

RESPONDENTS/RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF CIVIL AVIATION, NEW DELHI-110 001 2 AIR INDIA EXPRESS LIMITED, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 3 AIR INDIA ASSESTS HOLDING, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, INDIA AIRLINES BUILDING, 113, GURUDWARA RAKABGANJ ROAD, NEW DELHI-110 001 WITH CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 210 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 32190/2022 APPELLANT/PETITIONER: RATHEESH K.T, AGED 41 YEARS, S/O.BALAKRISHNAN, KALAPPATTU THODY HOUSE, ARIPRA.P.O., ANGADIPURAM, PERINTHALMANNA, MALAPPURAM. RESPONDENTS/RESPONDENTS: & WA NO. 211 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 27837/2022 APPELLANT/PETITIONER: MANOJ KUMAR, AGED 60 YEARS, S/O. VELAYUDHAN, R/AT KUNDOOR VALAPPIL, NARIPARAMBU P.O., THAVANOOR VIA, MALAPPURAM. RESPONDENTS/RESPONDENTS: & WA NO. 213 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 31868/2022 APPELLANT/PETITIONER: MUHAMMED SHAFAF, AGED 28 YEARS, S/O. ABDUL KHADER, R/AT CHUNKATH HOUSE, MUNDUPALAM, PERUMANNA. P.O., KOZHIKKODE-673 019. RESPONDENTS/RESPONDENTS: & WA NO. 219 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 31088 OF 2022 APPELLANTS/PETITIONER: 1 AJMAL ROSHAN, AGED 30 YEARS, S/O MUSHTHAFA.K., R/AT KALATHUMPADICKAL, MAYYATHANI ROAD, CHANDAKUNNU, NILAMBUR, MALAPPURAM - 679 329. RESPONDENTS/RESPONDENTS: & WA NO. 220 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 32188 OF 2022 APPELLANT/PETITIONER: ASHARAF ATHALAN, AGED 63 YEARS, R/AT ANEESA MANZIL, KOROTH ROAD, P.O.KANJIPALLY, VADAKARA, KOZHIKKODE-673 310.

RESPONDENTS/RESPONDENTS: & WA NO. 221 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 27835 OF 2022 APPELLANT/PETITIONER: ZAMIL.K.P (MINOR), AGED 8 YEARS, S/O ANSAD, REPRESENTED BY HIS MOTHER SHAHINA, KUNDOTT PARAKKAL HOUSE, KARIAVATTOM, MANNARMALA P.O., PERINTHALMANNA, MALAPPURAM 679 325 RESPONDENTS/RESPONDENTS: & WA NO. 222 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) 24716 OF 2022 APPELLANTS/PETITIONERS: 1 AMEENA SHERIN E., AGED 23 YEARS, W/O.LATE SHARAFUDEEN,R./ AT MELEMARUTHAKOTTIL HOUSE,PILASSERY POST, KUNNAMANGALAM, KOZHIKODE-673 571. 2 FATHIMA IZZA (MINOR), AGED 2 YEARS, D/O. LATE SHARAFUDEEN, R./ AT MELEMARUTHAKOTTIL HOUSE, PILASSERY POST, KUNNAMANGALAM, KOZHIKODE-673 571. (REPRESENTED BY HER MOTHER AMEENA SHERIN E.) 3 MOOSA M.M., AGED 67 YEARS,,R./ AT MELEMARUTHAKOTTIL HOUSE, PILASSERY POST, KUNNAMANGALAM, KOZHIKODE-673 571. 4 AAMINA P.K., AGED 60 YEARS, W/O.MOOSA M.M., R./ AT MELEMARUTHAKOTTIL HOUSE, PILASSERY POST, KUNNAMANGALAM, KOZHIKODE-673 571. RESPONDENTS/RESPONDENTS: WA 222/2023 -:2:- & WA NO. 223 OF 2023 AGAINST THE JUDGMENT in WP(C) 32195/2022 OF HIGH COURT OF KERALA APPELLANT/S: ASHARAF M. AGED 42 YEARS S/O. ALAVI, R/AT MAKKADAYIL HOUSE, THATHANAMPULLY, KULUKKALLUR, PALAKKAD 679 337 RESPONDENT/S: & WA NO. 224 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 27920/2022 OF HIGH COURT OF KERALA APPELLANT/S: FATHIMA NUHA (MINOR) REPRESENTED BY HER MOTHER AYISHA FAROONA B., R/AT THOPPILAKAM PARAMBA, MANANTHALAPALAM, KALLAI PO , KOZHIKKODE 673 003 RESPONDENT/S: & WA NO. 225 OF 2023 AGAINST THE JUDGMENT WP(C) 31912/2022 OF HIGH COURT OF KERALA APPELLANT/S: RINEESH AGED 34 YEARS R/AT GOWRI NILAYAM, NANDIALI MEETHAL, ANNASSERY, THALAKKALATHUR,

KOZHIKKODE 673 317. RESPONDENT/S: & WA NO. 226 OF 2023 AGAINST THE ORDER/JUDGMENT WP(C) 25539/2022 OF HIGH COURT OF KERALA APPELLANT/S: FAVAS.K.P. AGED 33 YEARS S/O.SHOUKATHALI KP, R/AT KODUKAPARAMBAN HOUSE, KIZHAKKETHALA MANJERI, MANJERI COLLEGE P.O., MALAPPURAM RESPONDENT/S: & WA NO. 227 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 32262/2022 OF HIGH COURT OF KERALA APPELLANT/S: SHAHINA ANSAD AGED 34 YEARS, W/O ANSAD. K.P., R/AT KUNDOTTUPARAKKAL, MANNARIMAIA, KAIVATTOM, MALAPPURAM - 679 325.

RESPONDENT/S: & WA NO. 228 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 30629/2022 OF HIGH COURT OF KERALA APPELLANT/S: (*) SHAMILA, AGED 35 YEARS, W/O MOHAMMED SULFIKAR ALI, CHULLIKKULAVAN HOUSE, VADAKKANGARA, MANAKKADA.P.O., MALAPPURAM - 679 324. (*) Petitioner's name and address is suo motu corrected as appearing in WP(C).No.30629/2022: RISHANA KOOTHRADAN, AGED 30 YEARS, KOOTHRADAN HOUSE, MANNAMPARA, IRUMBUZHI PO MALAPPURAM 676 509 RESPONDENT/S: WA NO. 228 OF 2023 -:2:- & WA NO. 229 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 28399/2022 OF HIGH COURT OF KERALA APPELLANT/S: MOHAMMED ANAS. S.P., AGED 31 YEARS, S/0 S.P. ABOOBACKER, ANAS MANZIL, SEETANGOLI, KASARAGOD. RESPONDENT/S: & WA NO. 231 OF 2023 AGAINST THE ORDER/JUDGMENT WP(C) 28419/2022 OF HIGH COURT OF KERALA APPELLANT/S: INSHAL CHULLIKULAVAN, AGED 18 YEARS S/O.MOHAMMED SULFIKAR ALI, CHULLIKKULAVAN HOUSE, VADAKKANGARA, MANAKKADA P.O., MALAPPURAM-679 324. RESPONDENT/S: & WA NO. 233 OF 2023 AGAINST THE JUDGMENTWP(C) 30622/2022 OF HIGH COURT OF KERALA APPELLANT/S: UNNI CHEMBAKAM AGED 33 YEARS S/O.VELAYUDHAN, THANALUR, KERALADHESHWARAM, MALAPPURAM DISTRICT. RESPONDENT/S: & WA NO. 234 OF 2023

AGAINST THE ORDER/JUDGMENTWP(C) 27841/2022 OF HIGH COURT OF KERALA APPELLANT/S: ABDULLA SHEHRAN (MINOR) AGED 6 YEARS REPRESENTED BY HIS FATHER ABDUL RAFEE, R/AT NAVODAYA NAGER, PERIYA, KASARAGOD-671316.

RESPONDENT/S: & WA NO. 235 OF 2023 AGAINST THE JUDGMENTWP(C) 30576/2022 OF HIGH COURT OF KERALA APPELLANT/S: MURSHIDA SHIRIN AGED 24 YEARS D/O. MUSTHAFA, KUNDULIYIL, KULUKKALLUR, PALAKKAD DISTRICT. RESPONDENT/S: & WA NO. 236 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 32198/2022 OF HIGH COURT OF KERALA APPELLANT/S: SIDHEEK AGED 54 YEARS R/AT KIZHAKKUMPATT HOUSE, EZHOOR, KOOTHUPARAMBA, TIRUR,, MALAPPURAM. RESPONDENT/S: & WA NO. 237 OF 2023 AGAINST THE JUDGMENT DATED 25.10.2022 IN WP(C) 30774 OF 2022 APPELLANT/PETITIONER:

JASEELA NARGEES, AGED 28 YEARS, W/O. SHAMEER VADAKKAN, R/AT VATTAKANDTHIL HOUSE, PATHAPPIRIYAM P.O., MALAPPURAM. RESPONDENTS/RESPONDENTS: & WA NO. 238 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 27902 OF 2022 APPELLANT/PETITIONER: MUHAMMED SAHIL(MINOR), REPRESENTED BY HIS FATHER SAIFUDDEEN, RESIDING AT PADIPATA CHALIL HOUSE, KARUVANPOYIL P.O., KODUVALLY, KOZHIKODE-673 572. RESPONDENTS/RESPONDENTS: & WA NO. 239 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 30979 OF 2022 APPELLANT/PETITIONER: KENVAL AISHA KOOTHRADAN (MINOR), REPRESENTED BY HER FATHER MOHAMMED NIYAS, KOOTHRADAN HOUSE, MANNAMPARA, IRUMBUZHI.P.O., MALAPPURAM-676 509. RESPONDENTS/RESPONDENTS: & WA NO. 240 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 27913 OF 2022 APPELLANT/PETITIONER: ABDULLA RIHAN (MINOR), AGED 12

YEARS, S/O. ABDUL RAFEE, REPRESENTED BY HIS FATHER ABDUL RAFEE, R/AT NAVODYA NAGER, PERIYA, KASARAGOD-671 316. RESPONDENTS/RESPONDENTS: & WA NO. 241 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 32035 OF 2022 APPELLANT/PETITIONER: SIYAN.K.P (MINOR), AGED 16 YEARS, S/O ANSAD.K.P., REPRESENTED BY HIS MOTHER SHAHINA, RESIDING AT KUNDOTTUPARAKKAL, MANNARMALA, KARIVATTOM, MALAPPURAM-679 325. RESPONDENTS/RESPONDENTS: & WA NO. 243 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 27940 OF 2022 APPELLANT/PETITIONER: SHAMILA, AGED 35 YEARS, W/O MOHAMMED SULFIKAR ALI, CHULLIKKULAVAN HOUSE, VADAKKANGARA, MANAKKADA.P.O., MALAPPURAM - 679 324.

RESPONDENTS/RESPONDENTS: MANAGING DIRECTOR, CORPORATE OFFICE, AIR INDIA EXPRESS LTD., DH ROAD, ERNAKULAM, KOCHI-682 016 & WA NO. 244 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 32191 OF 2022 APPELLANT/PETITIONER:

MUHAMMED ALI, AGED 36 YEARS, S/O.HAMZA, RESIDING AT MALOL MEETHAL HOUSE, URALLOOR P.O., QUILANDY, KOZHIKKODE-673 620. RESPONDENTS/RESPONDENTS: & WA NO. 245 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 32129 OF 2022 APPELLANT/PETITIONER: MOHAMMED REHAB VADAKKAN (MINOR), REPRESENTED HER FATHER SHAMEER VADAKKAN, RESIDING AT VATTAKANDTHIL HOUSE, PATHAPPIRIYAM P.O., MALAPPURAM. RESPONDENTS/RESPONDENTS: & WA NO. 261 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 31867 OF 2022 APPELLANT/PETITIONER: MUHAMMED JUNAID.K, AGED 25 YEARS, R/AT NEW ARAFA (H), KOROTHY ROAD, P.O. KUNJIPALLY, VADAKARA, KOZHIKODE-673 010 RESPONDENTS/RESPONDENTS:

& WA NO. 262 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 30976 OF 2022 APPELLANT/PETITIONER: MUHAMMED SAREEF, AGED 39 YEARS, S/O. ABU, R/AT OSSARU VEETTIL, PERUMPADAPPU, AYIROOR P.O., MALAPPURAM-679 582.

RESPONDENTS/RESPONDENTS: & WA NO. 264 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 32177 OF 2022 APPELLANT/PETITIONER: ABDUL RAFEE, AGED 41 YEARS, S/O. ABDUL HAMEED, R/AT NAVODYA NAGER, PERIYA, KASARAGOD-671 316. RESPONDENTS/RESPONDNTS: & WA NO. 265 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 32206 OF 2022 APPELLANT/PETITIONER:

MUHAMMED FASIL, AGED 29 YEARS, S/O. MOIDEEN KOYA, KOTTUMAL HOUSE, KODIYATHUR P.O., MOKKAM, KOZHIKKODE-673 602. RESPONDENTS/RESPONDENTS: & WA NO. 266 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 31166 OF 2022 APPELLANT/PETITIONER: MOHAMMED SAHIN PUTHEN PEEDIYEKKAL, AGED 40 YEARS RESIDING AT PUTHEN PEEDIYEKKAL HOUSE, PERUMBAL, NANNAMUKKU P.O., MALAPPURAM-679 575. RESPONDENTS/RESPONDENTS: THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 272 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 30733 OF 2022 APPELLANT/PETITIONER: ABDUL KABEER UNNI MOIDEEN, AGED 42 YEARS, S/O. UNNI MOIDEEN, R/ AT 4/35H, KAMBADI, PADANTHORAI.P.O., DEVASHOLAI, NILGRIS, TAMIL NADU-643 211. RESPONDENTS/RESPONDENTS: & WA NO. 275 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 30724 OF 2022 APPELLANT/PETITIONER: MUHAMMED AZAAN (MINOR), REPRESENTED HIS FATHER SAFVAN VADAKKAN., R/ AT VATTAKANDTHIL HOUSE, PATHAPPIRIYAM.P.O., MALAPPURAM.

RESPONDENTS/RESPONDENTS: & WA NO. 276 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 31870 OF 2022 APPELLANT/PETITIONER: SULEKHA K P, AGED 64 YEARS, R/AT THENGAKOOTTUNGAL HOUSE, PARAPPUR P.O., VEENALUKKAL, MALAPPURAM. RESPONDENTS/RESPONDENTS: & WA NO. 277 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 31162 OF 2022 APPELLANT/PETITIONER:

FATHIMA VADAKKAYIL, AGED 27 YEARS, D/O. ABDUL RAZAAK, R/AT BAITHUL RAYAN, ENGALATH PADAM, RAMANATTUKARA P.O., KOZHIKODE-673 633. RESPONDENTS/RESPONDENTS: & WA NO. 285 OF 2023 AGAINST THE JUDGMENT DATED 20.10.2022 IN WP(C) 30764 OF 2022 APPELLANT/PETITIONER: ARJUN PEETHAMBARAN, AGED 21 YEARS, S/O.PEETHAMBARAN, CHANDRAN KANDIYIL, VALLIYAPPALLI, KOZHIKKODE-673 542. RESPONDENTS/RESPONDENTS: & WA NO. 286 OF 2023 AGAINST THE ORDER/JUDGMENT WP(C) 32508/2022 OF HIGH COURT OF KERALA APPELLANT/S: EMRIN MOHAMMED (MINOR), D/O.MOHAMMED RAJEESH, REPRESENTED BY HER MOTHER FATHIMA VADAKKAYIL, RESIDING AT BAITHUL RAYAN, ENGALATH PADAM, RAMANTTUKARA P.O., KOZHIKKODE-673 633. RESPONDENT/S: THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 28.02.2023, ALONG WITH WA.120/2023 AND CONNECTED CASES, THE COURT ON THE SAME DAY & WA NO. 287 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 30615/2022 OF HIGH COURT OF KERALA APPELLANT/S: JAZZA VADAKKAN(MINOR) REPRESENTED HER FATHER SAFVAN VADAKKAN., R/AT VATTAKANDTHIL HOUSE, PATHAPPIRIYAM.P.O., MALAPPURAM. RESPONDENT/S: & WA NO. 288 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 31492/2022 OF HIGH COURT OF KERALA APPELLANT/S: ABDULRAHIMAN KUTTY NADAMMAL PUTHIYAKATH AGED 52 YEARS THALASSERY PADAM HOUSE, CHETTIPPADY P.O., PARAPPANANGADI VIA, MALAPPURAM-

676319. RESPONDENT/S: & WA NO. 291 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 31114/2022 OF HIGH COURT OF KERALA APPELLANT/S: NIHMATHULLA ABDUL MAJEED AGED 33 YEARS R/ AT THAHIRA MANZIL, KARIPARAMBU. P.O., TIRURANGADI, MALAPPURAM-676 306. RESPONDENT/S: & WA NO. 292 OF 2023 AGAINST THE ORDER/JUDGMENT WP(C) 32012/2022 OF HIGH COURT OF KERALA APPELLANT/S: AMEENA SHERIN AGED 23 YEARS W/O LATE SHARAFUDEEN, R/ AT MELE MARUTHAMKOTTIL HOUSE, PILASSERY. P.O., KUNNAMANGALAM, KOZHIKKODE - 673 571. RESPONDENT/S: & WA NO. 293 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 32124/2022 OF HIGH COURT OF KERALA APPELLANT/S: ZEYA K.P (MINOR) D/O.ANSAD, REPRESENTED BY HER MOTHER SHAHINA, KUNDOTT PARAKKAL HOUSE, KARIAVATTOM, MANNARMALA P.O., PERINTHALMANNA, MALAPPURAM-679 325 RESPONDENT/S: & WA NO. 294 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 30590/2022 OF HIGH COURT OF KERALA APPELLANT/S: AYISHA FAROONA.B. AGED 24 YEARS S/O. NOUSHEER, R/AT THOPPILAKAM PARAMBA, MANANTHALAPALAM, KALLAI P.O., KOZHIKKODE-673 003. RESPONDENT/S: & WA NO. 295 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 32205/2022 OF HIGH COURT OF KERALA APPELLANT/S: SAREEFA NAZER AGED 30 YEARS W/O. NAZER, R/AT KAKKIRI HOUSE, THOTTUMUKKAM P.O., AREEKKODE, KOZHIKKODE.

RESPONDENT/S: & WA NO. 296 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 31323/2022 OF HIGH COURT OF KERALA APPELLANT/S: MUHAMMED NIAS AGED 30 YEARS PAYYAMPALLI MEETHAL HOUSE, CHUNDALE P.O., WAYANAD-673 123. RESPONDENT/S: & WA NO. 297 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 27831/2022 OF HIGH COURT OF KERALA APPELLANT/S:

SHENZA AYISHA (MINOR) REPRESENTED HER FATHER SAIFUDHEEN, R/AT PADIPATTA CHALIL HOUSE, KARUVANPOYIL P.O.,KODUVALLY, KOZHIKKODE-673 572. RESPONDENT/S: & WA NO. 300 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 31904/2022 OF HIGH COURT OF KERALA APPELLANT/S: MUHAMMED MUSTHAFA, AGED 27 YEARS S/O.SIDHIQ, RESIDING AT CHOLAKUNNATH HOUSE, MUNDAKOTTUKURUSHI P.O., PALAKKAD DISTRICT. RESPONDENT/S: & WA NO. 308 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 31106/2022 OF HIGH COURT OF KERALA APPELLANT/S: ABBAS THEKKETHIL AGED 49 YEARS S/O. KUHAMMED THEKKETHIL, R/AT THEKKETHIL HOUSE, KALLADIPATTA P.O., PATTAMBI VIA, PALAKKAD. RESPONDENT/S: & WA NO. 311 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 27922/2022 OF HIGH COURT OF KERALA APPELLANT/S: SREEMANIKANDAN.T.M. AGED 41 YEARS S/O. KUNCHAPPA MENON, R/AT AMBIKAMRUTHAM, MANTHAKKAD, MALAMPUZHA, PALAKKAD-678651. RESPONDENT/S: & WA NO. 318 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 31013/2022 OF HIGH COURT OF KERALA APPELLANT/S: MUTHU VIJAYAMOHAN, AGED 70 YEARS S/O.M.AMON, RESIDING AT REHBOTH, NMRA-97, APC ROAD, MALAPARAMBA P.O., KOZHIKKODE-673 009. RESPONDENT/S: THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27.02.2023, ALONG WITH WA NO.120/2023 AND CONNECTED CASES, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: & WA NO. 319 OF 2023 AGAINST THE JUDGMENTWP(C) 31177/2022 OF HIGH COURT OF KERALA APPELLANT/S: FATHIMA IZZA(MINOR), REPRESENTED BY HER MOTHER AMEENA SHERIN, D/O. LATE SHARAFUDEEN, MELE MARUTHAMKOTTIL, PILASSERY POST, KUNNAMANGALAM, KOZHIKODE. RESPONDENT/S: & WA NO. 320 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 32089/2022 OF HIGH COURT OF KERALA APPELLANT/S: ASHARAF KAPPUMALA AGED 45 YEARS S/O. MUHAMMED, KOTTUVATTA PALAMTHALAKKAL HOUSE,

PERUVAYAL, VELAM, VADAKARA, KOZHIKKODE DISTRICT. RESPONDENT/S: & WA NO. 321 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 27914/2022 OF HIGH COURT OF KERALA APPELLANT/S: ADHISREE.P. (MINOR), AGED 6 YEARS, D/O SREEJITH, REPRESENTED BY HER FATHER SREEJITH, PUTHUPARAMBIL HOUSE, VELLERI, PONNANI, MALAPPURAM-679577. RESPONDENT/S: & WA NO. 330 OF 2023 AGAINST THE ORDER/JUDGMENT WP(C) 27540/2022 OF HIGH COURT OF KERALA APPELLANT/S: MOHAMMED JASIR, AGED 21 YEARS, R/AT THUPPATH HOUSE, VALAVANNUR PO, PARAPPANANGADI, MALAPPURAM 676 551 RESPONDENT/S: & WA NO. 334 OF 2023 AGAINST THE ORDER/JUDGMENT WP(C) 30620/2022 OF HIGH COURT OF KERALA APPELLANT/S: FAIHA VADAKKAN (MINOR) REPRESENTED BY HER FATHER SHAMEER VADAKKAN, RESIDING AT VATTAKANDTHIL HOUSE, PATHAPPIRIYAM P.O., MALAPPURAM.

RESPONDENT/S: & WA NO. 335 OF 2023 AGAINST THE JUDGMENTWP(C) 27905/2022 OF HIGH COURT OF KERALA APPELLANT/S: AYSHATH SALEENA AGED 36 YEARS S/O ABDUL RAFEE, RESIDING AT NAVODYA NAGER, PERIYA, KASARGOD-671 316. RESPONDENT/S: & WA NO. 336 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 31432/2022 OF HIGH COURT OF KERALA APPELLANT/S:

MUHAMMED SUHAIL (MINOR) REPRESENTED BY HER FATHER ABDULRAHIMAN KUTTY NADAMMAL., RESIDING AT THALASSERY PADAM HOUSE, CHETTIPPADY P.O., PARAPPANAGADY, MALAPPURAM. RESPONDENT/S: & WA NO. 337 OF 2023 AGAINST THE JUDGMENTWP(C) 32504/2022 OF HIGH COURT OF KERALA APPELLANT/S: MANHA VADAKKAN (MINOR) REPRESENTED BY HER FATHER SHAM SHAMEER VADAKKAN, RESIDING AT VATTAKANDTHIL HOUSE, PATHAPPRIRIYAM P.O., MALAPPURAM. RESPONDENT/S: & WA NO. 338 OF 2023 AGAINST THE

ORDER/JUDGMENTWP(C) 27833/2022 OF HIGH COURT OF KERALA APPELLANT/S: MOIDUTTY AGED 44 YEARS S/O KUNHAPPA, RESIDING AT VATTAPARAMBIL HOUSE, NANNAMUKKU, MALAPPURAM-679 575.

RESPONDENT/S: & WA NO. 339 OF 2023 AGAINST THE ORDER/JUDGMENTWP(C) 25140/2022 OF HIGH COURT OF KERALA APPELLANT/S: VIJESH MULAMUKKIL AGED 35 YEARS S/O SHANMUGHAN, MULAMUKKIL HOUSE, VALLACHI, OZHUR P.O., MALAPPURAM. RESPONDENT/S: & WA NO. 359 OF 2023 AGAINST THE JUDGMENT WP(C) 28369/2022 OF HIGH COURT OF KERALA APPELLANT/S: MUNEERA MEDAPPIL AGED 45 YEARS W/O.ABDUL RAHIMANKUTTY, RESIDING AT THALASSERY PADAM HOUSE, CHETTIPPADI P.O, PARAPPANANGADI, MALAPPURAM-676319. RESPONDENT/S: A.MUHAMED MUSTAQUE & SHOBA ANNAMMA EAPEN, JJ.

---------- Writ Appeal Nos.120, 121, 140, 141, 142, 143, 144, 145, 146, 147, 156, 157, 160, 163, 164, 180, 181, 182, 183, 184, 192, 195, 197, 198, 199, 207, 210, 211, 213, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 231, 233, 234, 235, 236, 237, 238, 239, 240, 241, 243, 244, 245, 261, 262, 264, 265, 266, 272, 275, 276, 277, 285, 286, 287, 288, 291, 292, 293, 294, 295, 296, 297, 300, 308, 311, 318, 319, 320, 321, 330, 334, 335, 336, 337, 338, 339 and 359 of 2023 ---------- Dated this the 28th day of February, 2023

J U D G M E N T

Justice A.Muhamed Mustaque These intra-court appeals are filed by the writ petitioners. The matter is related to a claim for compensation under the Carriage by Air Act,

1972. Claims have been raised by passengers and

relatives of the victims of the air crash at Karipur International Airport who were traveling in Writ Appeal No.120/2023 and con.cases -:2:- Air India Express Dubai-Kozhikode Flight IX-1344. Accident occurred on 7/8/2020.

2. Heard the learned counsel, Shri Kodoth

Sreedharan appearing for the appellants and the learned Senior Counsel, Shri Joseph Kodianthara appearing for Air India and learned Amicus Curiae Smt.John Nellimala Sarai.

3. The learned Single Judge who heard the

matter dismissed the writ petitions holding that Air India is a private entity and no public function is being discharged in payment of compensation that is payable by them under the Carriage by Air Act. The learned Single Judge also found that all the petitioners having received compensation, the writ petitions are not maintainable.

4. In regard to the finding that the writ

petitions are not maintainable as Air India being a private carrier, is according to us, unwarranted. Merely because Air India is a Writ Appeal No.120/2023 and con.cases -:3:- private entity, it cannot be said they are not discharging public function in matters related to Air Laws and regulations thereon. A learned Single Judge of this Court in Abdul Salam S. and Others v. Union of India and Another [2011 (3) KHC 199] after adverting to Rules 20, 21, 26 and Rule 28 of the third schedule to the Carriage by Air Act, was of the view that in the matter of accidents arising from air crash, air carrier is liable to pay minimum compensation of one lakh SDRs (then prevailing rate). The view of the learned Single Judge was overturned by a Division Bench in National Aviation Company of India Ltd. v. S.Abdul Salam and others [2011 (3) KHC 761]. The Division Bench was of the view that the air carrier was only liable to pay damages for proven loss. The appeal against Division Bench Judgment is pending before the Apex Court. If the view of the learned Single Judge is upheld, perhaps we may have to hold that minimum compensation prescribed under Writ Appeal No.120/2023 and con.cases

-:4:- the Carriage by Air Act is based on public policy and even private carriers could be accountable under public law for non-payment of minimum compensation. It has to be noted that the obligation to pay compensation under the Carriage by Air Act is not based on mere regulatory regime but also based on sovereign functions as committed by our country in international forums. An air carrier may have to carry many passengers from different countries. Convention for unification of rules relating to international carriage was signed in Warsaw in the year 1929 and Montreal convention in the year 1999. The Montreal convention casts an obligation on air carriers to pay the compensation as referred to in the Carriage by Air Act. These are sovereigns obligations and private carriers in fact shoulder such obligations assured by the Sovereign in international forums. In such a scenario, it may not be safe to hold that the writ petitions are Writ Appeal No.120/2023 and con.cases -:5:- not maintainable even to direct the air carrier to pay minimum compensation. In such circumstances, we find that question can be left open for decision in appropriate cases in future. 5 In these cases, admittedly, all the writ petitioners have received compensation. The compensation has been received without any protest or any reservation. We also note that some of the writ petitioners who in the earlier round of litigation had claimed compensation, withdrew the writ petition as not pressed based on the settlement of payment of compensation.

5. The learned counsel for the appellants

submitted that the compensation received is much less than the compensation payable under the Carriage by Air Act and, therefore, they have every right to approach this Court invoking Article 226 of the Constitution. The learned counsel further placing reliance on the judgments of this Court and other materials argued that Air Writ Appeal No.120/2023 and con.cases -:6:- India is discharging public function and therefore, they are amenable to Article 226 of the Constitution. The learned counsel pointed out Rule 26 of the third schedule to the Carriage by Air Act. The above provision reads thus:

26. Any provision tending to relieve the carrier of

liability or to fix a lower limit than that which is laid down in these rules shall be null and void, but the nullity of any such provision does not involve the nullity of the whole contract, which shall remain subject to the provisions of these rules .

6. According to the learned counsel for the

appellants, any action on the part of Air India limiting compensation by a contract is null and void and, therefore, even if they have accepted compensation, that will not preclude them from claiming higher compensation as per the statutory regulation.

7. The learned Senior Counsel Shri Joseph

Kodianthra submitted that merely because the compensation regime is regulated by a statutory provision, that will not confer a right on Writ Appeal No.120/2023 and con.cases -:7:- passengers to move a public law remedy. He cited examples of claims under the Motor Accidents Claims Tribunal for compensation arising out of motor accidents. The learned Senior Counsel further submitted that compensation was worked out based on individual claims and entire compensation was paid based on mediation to each individual claimant.

8. We shall now have a look at Rule 26 of the

third schedule to the Carriage by Air Act once again. Rule 26 only nullifies the provision if any made by the carrier by way of contract or stipulation in air ticket limiting the liability of the air carrier. Thus, any contract contrary to the compensation regime under the statutory provision, if it is not beneficial to the passenger, such contract is null and void. That means that the carrier cannot escape liability to pay compensation in accordance with the statutory provision citing contracts entered with Writ Appeal No.120/2023 and con.cases -:8:- passengers. In this case, however, we note that all the parties to this litigation voluntarily accepted the compensation given to them without any protest. Rule 26 refers to entitlement and that cannot be whittled down by a contract. But that does not mean that the parties are not free to enter into a contract to accept the compensation at a lower fixed rate than prescribed in the statute. In every contract

what is reflected is party autonomy. If parties voluntarily accept the compensation given to them, they cannot turn around and challenge the same, contending that it is lower than what is stipulated in the statutory provision. The offer and acceptance refers to a contract. That can be impeached only through a known manner as provided in the Indian Contract Act, 1872. In such circumstances, we are of the view that there is no merit in the writ petitions. The question whether Air India is amenable to writ jurisdiction being a Writ Appeal No.120/2023 and con.cases -:9:- private entity for payment of any compensation as per the schedule, is left open. These appeals stand dismissed. No costs. Sd/- A.MUHAMED MUSTAQUE, JUDGE Sd/- SHOBA ANNAMMA EAPEN, JUDGE ms

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