



2026:DHC:1556



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9314/2023 and CM APPL. 35465/2023**

Date of Decision: **19.02.2026**

IN THE MATTER OF:

AIR INDIA LTD & ORS.

.....Petitioners

(Through: Mr. Rajiv Nayar, Sr. Advocate, Mr. Amit Mishra, Mr. Azeem Samuel, Ms. Mitakshara Goyal, Mr. Vaibhav Kharbanda, Mr. Shivam Goel, Ms. Shrijeta Pratik, Advocates.)

versus

NATIONAL COMMISSION FOR SCHEDULED TRIBES & ANR.

.....Respondents

*(Through: Mr. T. P. Singh, Sr. Central Govt. Counsel for R-1.
Mr. Rajat Aneja, Mr. Abhinav Chauhan, Advocates for R-2.)*

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

J U D G M E N T

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

1. The instant petition is for the following reliefs:-

"a. Quash the Impugned Order, i.e., the summons dated 15.06.2023 issued against Petitioner No. 2 and 3,,officials of Petitioner No. 1 and the Complaint dated 2.12.2022.

b. Issue a declaration to the effect that the proceedings in File No. R-48/CA- 19/2019/SSW-II pending before the Respondent No. 1 and



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orders/minutes of meetings passed by Respondent No. 1 are non-est and without jurisdiction.

c. Quash the proceedings in File No. R-48/CA-19/2019/SSWII pending before the Respondent No. 1 and orders/minutes of meetings passed by Respondent No. 1 are non-est and without jurisdiction.

d. Issue a direction or order against the Respondent No. 1 staying the proceedings relating to the Complaint dated 2.12.2022 filed by Respondent No.2 before Respondent No.1 being File No. R- 48/CA-19/2019/SSW-II.

e. Issue a Writ in the nature of Certiorari or any other appropriate Writ, and/or direction against the Respondent, and/or direction inter alia calling for the records of the entire proceedings relating to the Complaint filed by Respondent No.2 before Respondent No.1 being File No. R- 48/CA-19/2019/SSW-II.

f. Pass any other orders/s, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present/case and in the interest of justice.”

2. The sole grievance raised by the petitioner is with respect to the order of summons dated 15.06.2023 issued against the petitioner nos. 2 and 3, who are the officials of petitioner no.1. The order impugned herein has been stayed by the Court on 14.07.2023. The order dated 14.07.2023 is extracted as under:-

“1. The instant writ petition has been filed by the Petitioners challenging the summons dated 15.06.2023 issued by the National Commission for Scheduled Castes directing the presence of Chief Human Resources Officer and Chief of Operations Officer of Air India.

2. Mr. Rajiv Nayyar, learned Senior Counsel for the Petitioner, submits that Air India is represented by Vice-President, Employees Relations Officer before the Commission.

3. No reason has been given as to why the presence of the said Officers has been requisitioned by the Commission or that the Officer representing the Union of India has not been able to answer the queries of the Commission in a satisfactory manner. Further, Mr. Nayyar, learned Senior Counsel, also raises questions regarding the jurisdiction



of the Commission to entertain the dispute raised before the Commission regarding the right of a person to fly as a pilot, which according to him, is primarily a service dispute which cannot be adjudicated by the Commission.

4. Per contra, learned Counsel for Respondent No.1/ National Commission for Scheduled Castes, contends that the Act and the Rules give powers of a civil court to the Commission and, therefore, the Commission can summon any person. He also states that the Commission can also look into questions in service matters if the Commission is of the view that the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are violated and it has the powers to rectify and pass orders if it finds that the authorities have discriminated or have harassed any person.

5. Issue notice.

6. Learned Counsel for Respondent No.1 accepts notice. Let a reply be filed before the next date of hearing.

7. On payment of process fee, let notice be issued to Respondent No.2 through all permissible modes.

8. List on 09.08.2023.

9. The Petitioner is directed to ensure that a competent officer who is aware of the facts and circumstances of the case appears before the Commission on each and every date of hearing to assist the Commission.

10. In the meantime, the summons dated 15.06.2023 issued by the National Commission for Scheduled Castes summoning the officers of Air India to the Commission shall remain stayed till the next date of hearing.”

3. The Court, in ***PhonePe Insurance Broking Services Pvt. Ltd. and Anr. v. National Commission for Scheduled Castes and Ors.***,¹ has considered the propriety of directing the personal appearance of the parties. Even the issue of challenging the jurisdiction of the said Commission to entertain the complaint in question, has also been left open.

4. The material portion of the aforesaid decision is extracted as under:-

“8. The Supreme Court in the case of ***All India Overseas*** recognises

¹ Judgment dated 11.02.2026 in W.P.(C) 1226/2024



that the Commission enjoys all procedures and powers of a Civil Court for the purpose of investigating and inquiring into the matters falling within jurisdiction of the Commission. The said power, however, will have to be exercised depending upon the facts and circumstances of each case.

9. Without adjudicating on the aspect whether the Commission lacks the inherent jurisdiction to entertain the said complaint, the Court finds that directions for securing the presence of the petitioners by way of arrest warrant under the facts of the present case were not required. When the petitioners made the request to the Commission seeking necessary details of the complaint in order to enable them to file the proper reply, the same should have been appropriately considered. There does not seem to be any consideration on that aspect in the impugned order.

10. At this stage, it is pertinent to take note of the decision of the Supreme Court in **The State of Uttar Pradesh & Ors. vs. Manoj Kumar Sharma.**² The relevant paragraphs of the aforementioned decision are extracted :

17. A practice has developed in certain High Courts to call officers at the drop of a hat and to exert direct or indirect pressure. The line of separation of powers between Judiciary and Executive is sought to be crossed by summoning the officers and in a way pressurizing them to pass an order as per the whims and fancies of the Court.

18. The public officers of the Executive are also performing their duties as the third limbs of the governance. The actions or decisions by the officers are not to benefit them, but as a custodian of public funds and in the interest of administration, some decisions are bound to be taken. It is always open to the High Court to set aside the decision which does not meet the test of judicial review but summoning of officers frequently is not appreciable at all. The same is liable to be condemned in the strongest words.

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20. Thus, we feel, it is time to reiterate that public officers should not be called to court unnecessarily. The dignity and majesty of the Court is not enhanced when an officer is called to court. Respect to the court has to be commanded and not demanded and the same is not enhanced by calling public officers. The presence of public officer comes at the cost of

² SLP 7487/2020



other official engagement demanding their attention. Sometimes, the officers even have to travel long distance. Therefore, summoning of the officer is against the public interest as many important tasks entrusted to him gets delayed, creating extra burden on the officer or delaying the decisions awaiting his opinion. The Court proceedings also take time, as there is no mechanism of fixed time hearing in Courts as of now. The Courts have the power of pen which is more effective than the presence of an officer in Court. If any particular issue arises for consideration before the Court and the Advocate representing the State is not able to answer, it is advised to write such doubt in the order and give time to the State or its officers to respond.

11. Though the directions of the Supreme Court are applicable qua public officers, however, the underlining principle can be made applicable to personal appearance of other organizations as well. Unless the personal appearance is the only available recourse, the same should not be resorted to. Insistence for the personal appearance ought not to be made routinely, particularly, where the concerned party has evinced a bona fide intention to cooperate with the proceedings and comply with the directions issued. Resort to coercive measures, in the absence of deliberate non-compliance, would be unwarranted and is not in consonance with the settled principles governing the exercise of such power.”

5. The Court has held that unless the personal appearance is absolutely necessary, the same normally should not be resorted to. There does not seem to be any pressing issue or deliberate act of non-cooperation requiring the personal appearance of the petitioners. In view thereof, the impugned order dated 15.06.2023 stand set aside. The undertaking of the petitioners is taken on record that they shall fully co-operate with the enquiry. All rights and contentions of the parties are left open including regarding jurisdiction of the Commission to entertain the complaint.

6. The petitioners are also permitted to authorize their representatives, who shall appear before the concerned Commission.

7. The petitioners shall also produce the documents which are required



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by the Commission, if they are in the possession of the petitioners.

8. With the aforesaid observations and liberty, the instant petition stands disposed of along with the pending application.

PURUSHAINDR KUMAR KAURAV, J

FEBRUARY 19, 2026

Nc/amg