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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ LPA 930/2011 & CM No.20513/2011 (for stay)

POORAN CHAND

..... Appellant

Through: Dr. K.S. Chauhan with Mr. Tej Singh
Varun, Mr. Ajit Kumar Ekka & Mr.
Chand Kiran, Advs.

Versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Ravinder Agarwal, Adv. for UOI.
Mr. Rishi Agrawala & Mr. Akshay
Ringe, Advs. For R-2 to R-6.

AND

+ LPA 931/2011 & CM No.20514/2011 (for stay)

M.P. SINGH & ORS

..... Appellants

Through: Dr. K.S. Chauhan with Mr. Tej Singh
Varun, Mr. Ajit Kumar Ekka & Mr.
Chand Kiran, Advs.

Versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Ravinder Agarwal, Adv. for UOI.
Mr. Rishi Agrawala & Mr. Akshay
Ringe, Advs. For R-5 to R-8.

CORAM:

HON'BLE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

15.11.2011

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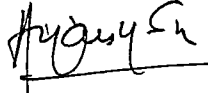
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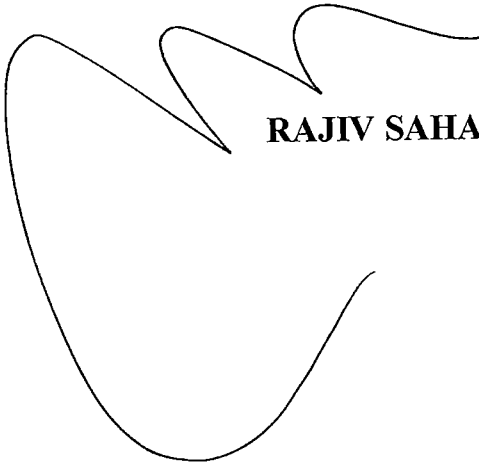
1. The appellants were the employees of Videsh Sanchar Nigam Ltd. (VSNL), which was a Public Sector Undertaking. However, upon disinvestment, VSNL is now known as Tata Communications Ltd. (Respondents No.2 to 6 in LPA No.930/2011 & Respondents No.5 to 8 in LPA No.931/2011) and appellants have become the employees of Tata Communications Ltd. Tata Communications Ltd. is admittedly a private sector company registered under the Indian Companies Act. There is no control of any kind thereover of Government or any governmental authorities. The appellants are aggrieved from the performance ratings given to them, after such disinvestment. To address this grievance, the appellants filed writ petitions under Article 226 of the Constitution of India in this Court which have been dismissed by the learned Single Judge vide decision dated 29.08.2011 holding that the Tata Communications Ltd. is not an authority under Article 12 of the Constitution of India and writ petitions thereagainst do not lie. A detailed judgment in this regard is rendered after taking note of various judgments of the Supreme Court. We are in agreement with the view taken by the learned Single Judge.

2. It is a service dispute which is raised by the Appellants against their employer and such a dispute is now governed by the contractual conditions with no trace of any public element. It would be open to the appellants to raise the dispute by filing a suit.

With the aforesaid observations, the appeals are dismissed.


ACTING CHIEF JUSTICE

NOVEMBER 15, 2011
'gsr'


RAJIV SAHAI ENDLAW, J