

Court No. - 7

Case :- WRIT - A No. - 7028 of 2023

Petitioner :- U.P. Power Corporation Nivida/ Samvida Karmchari Sangh Thru. General Secy. Devendra Kumar Pandey

Respondent :- U.P. Power Corporation Ltd. Thru. Managing Director Lko. And 2 Others

Counsel for Petitioner :- Pradip Kumar Srivastava, Renu Misra

Counsel for Respondent :- Neerav Chitravanshi, Alok Saran

Hon'ble Abdul Moin, J.

Heard learned counsel for the petitioner and Shri Neerav Chitravanshi, learned counsel for the respondents.

The instant writ petition has been filed praying for quashing of order dated 06.06.2023, a copy of which is annexure 1 to the petition, whereby the U.P. Power Corporation Limited (hereinafter referred to as the Corporation) has taken a decision of engaging contractual employees only through an outsourcing agency namely through the U.P. Purva Sainik Kalyan Nigam Limited.

A preliminary objection has been taken by Shri Neerav Chitravanshi, learned counsel for the respondents that the petitioner association has already filed two writ petitions before this Court at Allahabad namely Writ C No. 27022 of 2023 in re: Vidyut Samvida Karmchari Sangh Uttar Pradesh vs State of U.P. and others and Writ A No. 11700 of 2023 in re: Uttar Pradesh Vidyut Outsource Mazdoor and others vs State of U.P. and others and both the petitions have been dismissed vide the orders dated 11.08.2023 and 21.07.2023 respectively. Later another writ petition Writ A No. 5002 of 2023 in re: Vidyut Samvida Majdoor Sangathan vs State of U.P. and others has also been filed praying for same relief before this Court which has also been dismissed vide the order dated 21.08.2023 and as such there cannot be any occasion for the petitioner association to keep filing one petition after another.

Responding to that, Ms Renu Mishra, learned counsel for the petitioner, states that the ground which she is taking in the instant writ petition is a novel ground which has not been taken in the aforesaid three writ petitions and thus there cannot be any bar in another petition being filed by the petitioner association on a new ground. The ground is that the Corporation does not have the power to issue the order impugned.

The argument as raised by Ms Renu Mishra is indeed novel. Once three writ petitions have been filed by the association challenging the same order - two before this Court at Allahabad and one before this Court and all the three petitions having been dismissed consequently the novel ground being taken in the instant writ petition that the said ground has never engaged attention of this Court either at Allahabad or at Lucknow is indeed a novel ground.

Even if the said ground may not have been taken in the three writ petitions that have been filed by the association at earlier stretch of time yet it cannot be a case that the petitioner association can continue to file one petition after the other on various "novel grounds" which keep coming to fertile mind of the lawyer.

Keeping in view the aforesaid, no case for interference is made out. Accordingly, the writ petition is **dismissed**.

Order Date :- 17.10.2023

J.K. Dinkar