



HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA, C.J.

AND

HON'BLE SRI JUSTICE SUBHASH UPADHYAY, J.

12 February, 2026

Special Appeal No. 29 of 2026

Belrise Industries Limited -----Appellant

Versus

Badve engineering Workers Union and others
-----Respondents

Presence:-

Shri Gopal Narayan, Shri Amar Murti Shukla, Shri Rohit Kumar Gaur, Advocates for the appellant.

Shri D.S.Mehta, learned counsel for the respondent nos. 1 to 7 (petitioners in writ petition).

Shri S.M.S. Mehta, Brief Holder for the State/respondent nos. 8 & 9.

JUDGMENT: (per Manoj Kumar Gupta, C.J.)

1. Heard Shri Gopal Narain, learned counsel for the appellant, Shri D. S. Mehta, learned counsel for the respondent nos. 1 to 7 (petitioners in writ petition) and Shri S.M.S.Mehta, Brief Holder for the State/respondent nos. 8 & 9.

2. The appellant in the present intra-court appeal has assailed an interim order dated 13.01.2026 passed in Writ Petition (M/S) No. 198 of 2026, whereby the writ court has stayed the transfer order dated 02.01.2026 transferring



petitioners no.1 to 7 from Pant Nagar Unit, Udham Singh Nagar to Belrise Industries Ltd. (Plant No.1141), Haridwar.

3. Learned counsel for the appellant contends that the appellant is a private company and is not State within the meaning of Article 12 of the Constitution. He submits that the appellant also is not entrusted with any public duty and the transfer of the workmen (petitioner nos. 2 to 7) was a decision taken in course of management of the Company and as there was no public element involved nor any fault or inaction in discharge of any positive statutory obligation, therefore, the writ petition itself was not maintainable. In support of the contention, he has placed reliance on the judgment of Hon'ble Supreme Court in "**S. Shobha vs. Muthoot Finance Ltd.**" (2025) 0 Supreme (SC) 240 and "**Mr. R.S. Madireddy and another vs. Union of India & other**", AIR (2024) Supreme Court 2578.

4. On the other hand, learned counsel for the petitioners submits that the petitioners no. 2 to 7 were transferred during the pendency of the conciliation proceedings. He further submits that the appellant-Company despite repeated notices is not appearing before the Conciliation Officer.



5. From the facts stated in the writ petition, it appears that certain conciliation proceedings at the behest of the petitioner-Union and workmen are pending before the Assistant Labour Commissioner. The Union has claimed higher wages and other service benefits for the workmen, however it is not in dispute that the question relating to transfer is not subject matter of the conciliation proceedings.

6. Learned counsel for the petitioner is also not in a position to dispute that the appellant-Company does not fall within the definition of “State” under Article 12 of Constitution. He also could not show to us any statutory obligation on part of the appellant-Company which has been violated and on basis of which the petitioners can claim enforcement of any right in the writ proceedings.

7. The dispute is essentially a employer-workman dispute, for which remedies are available under Labour laws. It is always open to the petitioners to avail the remedies provided thereunder.

8. We are of the opinion that the writ petition directed against the order of transfer of workmen from one unit to another unit of the appellant-Company would not



be maintainable. Consequently, the order passed by learned Single Judge, staying the operation of the transfer orders, without examining the issue relating to maintainability of the writ petition, cannot be sustained and is accordingly quashed.

9. As the writ petition itself is not maintainable, therefore, the same shall also stand dismissed. The appeal stands disposed of accordingly.

10. A copy of the order be placed on the file of WP (M/S) No. 198 of 2026.

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 12.02.2026

Kaushal