

**HON'BLE SRI JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO**

WRIT APPEAL No. 337 OF 2007

JUDGMENT: (per the Hon'ble Sri Justice Dilip B. Bhosale)

This writ appeal was listed yesterday for final hearing and when it was called out, none appeared for the respondents. Hence, we kept it today.

This appeal is directed against the order dated 17-01-2007 passed in Writ Petition No.27035 of 1996 filed by respondent No.1 against the appellant and other respondents. In the writ petition, respondent No.1 prayed for writ of *mandamus* declaring para 2.1 of the Corporate Circular, dated 24-05-1996 issued by the appellants as arbitrary, illegal and unconstitutional and consequently prayed for direction to the appellant to pay the arrears forthwith arising from revised basic pay, dearness allowance and other benefits to him.

Sri C.R. Sridharan, learned Senior Counsel appearing for the appellant, at the outset, invited our attention to the judgment of the Division Bench of this Court dated 15-09-2000 in Writ Appeal No.529 of 2000 to submit that the writ petition filed by respondent No.1 against the appellant, itself is not maintainable since the appellant is not a State within the meaning of Article 12 of the Constitution of India.

It appears, in Writ Appeal No. 529 of 2000, wherein the appellant was respondent No.1, the very same question was considered by the Division Bench presided over by the Hon'ble the Chief Justice and it was held that the appellant company does not fall within the four corners of the definition of a State, local or other authority and it being a non-statutory body, ordinarily it is not subject to writ jurisdiction and that its commercial acts are not subject to judicial review. For taking this view, the Division Bench placed reliance upon

the following two judgments: *M.C. Mehta v. Union of India*^[1] and *Chander Mohan Khanna v. NCERT*^[2].

It is pertinent to note that in the writ petition, respondent No.1 sought relief only against the appellant declaring para 2.1 of the Corporate Circular dated 24-05-1996 issued by them arbitrary and illegal. Though respondent No.1 added respondent Nos.3, 4 and 5 as parties to the writ petition, it is clear that he did not seek any relief against them.

In this view of the matter, we have no option but to allow this writ appeal. Order accordingly. The order passed by the learned single Judge dated 17-01-2007 in Writ Petition No.27035 of 1996 is set aside. This, however, shall not preclude respondent No.1 from taking appropriate remedy for the reliefs/claims as made in the writ petition and if any such remedy is initiated by him, we hope and trust, the same shall be considered in accordance with law.

Miscellaneous petitions, if any, also stand disposed of. No costs.

DILIP B. BHOSALE, J

A. RAMALINGESWARA RAO, J

30-01-2015

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^[1] AIR 1987 SC 1086

^[2] AIR 1992 SC 76