

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14074 of 2008

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Ranjan Kumar, Son of Dr. Braj Kumar Prasad Singh, R/O Lane No. 4, Ram Dayalu Path, Ram Dayalu Nagar, P.S. – Kaji Mohammadpur, District – Muzaffarpur.

.... Petitioner

Versus

1. Indian Farmers Fertilisers Co-operative Ltd. (IFFCO), through its Chairman-cum-Managing Director.
2. Director, Marketing, IFFCO
3. General Manager, Personnel and Administration, IFFCO, all residents of C-1, IFFCO, SADAN, District Centre, Saket New Delhi-110017.
4. Zonal Manager, North Central Zone IFFCO. 8, Gokhale Marg, Lucknow-226001.
5. State Marketing Manger IFFCO State Office 602/603 Lok Nayak Bhawan, Fraser Road, Patna-800001.
6. Area Manager, Area Office Bhagalpur, Hatiya Road, Tilaka Majhi, Bhagalpur-812001.

.... Respondents

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Appearance :

For the Petitioner	: Mr. Chitaranjan Sinha, Sr. Advocate. Mr. Manoj Kumar Ambastha, Advocate. Ms. Surya Nilambari, Advocate.
For the Respondents	: Mr. Sharvan Kumar, Sr. Advocate. Mr. Dinesh Maharaj, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 14-02-2017

Heard Mr. Chitrnanjan Sinha, learned senior counsel for the petitioner duly assisted by Mr. Manoj Kumar Ambashtha and Mr. Sravan Kumar, learned senior counsel for the respondents.

2. The petitioner by filing this writ petition prayed to quash the order passed by the disciplinary authority on 01.10.2007 by which the petitioner was reverted from Grade-G to Grade G-1 and the order of the disciplinary authority has been confirmed by the General Manager (P & A) IFFCO, New Delhi.



3. The preliminary question about the maintainability of this writ petition is raised. At the outset it has been submitted that IFFCO is not State within Article 12 of the Constitution of India and therefore no writ can be issued against the order passed by any IFFCO authority with regard to its employees.

4. Sri Manoj Kumar Ambashtha, learned counsel for the petitioner placed his reliance on a Single Bench judgment passed in CWJC Nos. 13840, 7847, 9531, 12054 of 2004 by which it has been held that the functions of the society is of public nature, therefore, the same is amenable to Article 226 of the Constitution of India and the writ can be issued.

5. On the other hand, Shri Shravan Kumar, learned senior counsel appearing on behalf of the respondents submits that same and similar matter came before a Division Bench of this Court in LPA No. 664 of 2011 and vide judgment and order dated 02.08.2012 it is held that the IFFCO is not a State within the meaning of Article 12 of the Constitution of India and is not amenable to the writ jurisdictions of the High Court. Accordingly, the order of the Single Bench was set aside. The Division Bench of this Court in CWJC No. 7303 of 1993 has also held that IFFCO is a registered society and, therefore, the same is not amenable to writ jurisdiction under Article 226 of the Constitution of India, as function of the



IFFCO is not of public importance and public function and it is purely a private body with no public duty.

6. Considering the facts that the question has already been decided by a Division Bench of this Court that IFFCO is not a state and the same is not amenable to writ jurisdiction, this writ petition is dismissed as not maintainable.

7. The petitioner may move before appropriate authority against the order impugned and the authority shall consider the limitation petition filed, if any, favourably on the ground that the petitioner has filed this writ petition under wrong notion of law and the same remained pending in this Court for about nine years.

(Prabhat Kumar Jha, J.)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.02.2017
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