

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

114

**CWP No.10600 of 2017 (O&M)
Date of Decision: July 31, 2017**

Dinesh Sharma

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Ms. Savita, Advocate for
for the petitioner.

TEJINDER SINGH DHINDSA, J. (Oral)

The instant writ petition is directed against a communication dated 08.06.2016 (Annexure P-6), issued by the Head-HR-Global Manufacturing of Sun Pharmaceutical Industries Limited, Mumbai and in terms of which, the resignation of the present petitioner, who was working as a Senior Manager-Plant Management, Dewas, Andhra Pradesh, has been accepted.

At the very outset, counsel was called upon to address submissions as regards maintainability of the instant writ petition. In response, rather than adverting to the averments made in the petition, reliance has been placed upon a single bench judgment of **Andhra Pradesh High Court** in **2001(5) ALT 494**, to contend that even **M/s Andhra Pradesh Paper Mills Limited**, which was

otherwise a Public Limited Company, was held amenable extraordinary jurisdiction under Article 226 of the Constitution of India.

In the considered view of this Court, the instant petition is completely bereft of any pleadings to show and demonstrate that Sun Pharmaceutical Industries Limited is a **State** or an **Instrumentality of the State** under Article 12 of the Constitution of India, so as to be amenable to the writ jurisdiction. There would also be an issue as regards the territorial jurisdiction to be exercised by this Court. Impugned communication at Annexure P-6, has been passed by Sun Pharmaceutical Industries Limited, located in Mumbai. Petitioner's resignation has been accepted while serving in the State of Andhra Pradesh.

As regards the judgment, that was relied upon by learned counsel, suffice it to observe that the Court while holding M/s Andhra Pradesh Paper Mills Limited (A Public Limited Company) to be amenable to the writ jurisdiction, had examined the facts threadbare and on the basis of the pleadings of that case, reached a conclusion that the functions of such company were closely related to Governmental functioning and also having examined the Constitution as also functions of the company opined that it was an instrumentality and Agency of the State on account of the deep and pervasive control. The judgment as such would have no applicability to the facts of the present case.

For the reasons recorded above, the writ petition is dismissed as not maintainable.

It is however made clear that this Court has not expressed any opinion on the merits of the case and it will be open for the petitioner to avail all his remedies as may be available in accordance with law.

(TEJINDER SINGH DHINDSA)
JUDGE

31.07.2017
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Whether speaking/reasoned : **Yes/No**
Whether reportable **:** **Yes/No**