

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5605 of 2020

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Lalan Tiwari Son of Late Ramanand Tiwari, Resident of Mohalla Jai Prakash
Nagar, P.S. Jakkanpur, P.O. GPO, District Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Department of Petroleum And Natural Gas, Government of India.
2. The General Manager, Human Resources Department (Pipe lines Division), Indian Oil Corporation Limited, Head Office Noida.
3. The Chief General Manager, Pipe Line Division, Indian Oil Corporation Limited, Mohalla kaliket Nagar, Hira Niketan, beside Maharaja Garden, Bailey Road, Patna.
4. The General Manager, Pipe Line Division, Indian Oil Corporation Limited, Mohalla Kaliket Nagar, Hira Niketan, beside Maharaja Garden, Bailey Road, patna.
5. The Chief Construction Manager, Pipe Line Division, Indian Oil Corporation Limited, Mohalla Kaliket Nagar, Hira Niketan, beside Maharaja Garden, Bailey Road, patna.
6. M/S H.R. Mahato Contractor through Amar Kumar, Power Holder, At Bakhatpur, P.O. District Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Vardhan Narayan, Advocate
For the Respondent/s : Mr. S.D.Sanjay, (Adsg)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 09-12-2021

Heard learned counsels for the respective parties.

In the instant petition, petitioner has prayed for
the following reliefs:

*“(I) Issuance of directions
orders or writs in the nature
of mandamus directing the
respondents to forthwith
reinstate the petitioners on
the post of Revenue Inspector*



who has been illegally and arbitrarily removed without given any opportunity of hearing or without any proper notice being served upon the petitioner for his removal from the post of Revenue Inspector.

(II) Issuance of directions orders or writs in the nature of mandamus directing the respondents to forthwith pay the admissible dues to the petitioner in the head of salary, D.A. amounting to Rs. 1,07,268, leave encashment of 27 days amounting to Rs. 14,310, provident fund for the period of eighteen months amounting to Rs. 44,082 during tenure of his service before illegal order of termination.

(III) Issuance of directions orders or writs in the nature of mandamus directing the respondents to grant suitable amount of interest payable on the above dues which is to be paid to the petitioner.

(IV) Any other relief or reliefs for which the petitioner may be deemed entitled to."

Petitioner counsel on instruction seeks permission to withdraw the first prayer. Accordingly, he is permitted to withdraw insofar as the second prayer is concerned, it is against the 6th respondent who is private entity. Apex Court in the case of ***Radhey Shyam Vs. Chhabi Nath*** reported in



(2015) 5 SCC 423 held writ cannot entertain petition against private entity.

In the result, writ petition is not maintainable against a private respondent under Article 226 of the Constitution.

Thus, the writ petition stands dismissed reserving liberty to the petitioner to approach appropriate forum.

(P. B. Bajanthri, J)

Gaurav Kumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

