

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22642 of 2011

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Pijus Kanti Roy S/O Late Balaram Chandra Roy R/O Aurangabad, P.O.-
Aurangabad, P.S.- Suti, District- Murshidabad W.B., Presently Posted As
Accounts Assistant, National Agricultural Co-Operative Marketing Federation
Of India Ltd. Nafed, Patna

... .. Petitioner

Versus

1. National Agricultural Co Opera Nafed, New Delhi
2. Managing Director National Agricultural Co-Operative Marketing
Federation Of India, New Delhi
3. Manager Personnel, Nafed, New Delhi

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Surendra Mishra, Advocate
For the Respondent/s : Mr. Shambhu Nath Chaubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 16-03-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner is aggrieved by and dissatisfied with the
communication as contained in Letter No. 11908 dated
22.11.2010 issued under the signature of Manager (Personnel),
National Agriculture Co-operative Marketing Federation of
India Limited (hereinafter referred to as “the Federation”). By
the impugned communication, the petitioner has been informed
that his request for three advance increment on acquiring ICWA
(Final) degree as per rules cannot be acceded to.

Learned counsel submits that the petitioner had joined
the Federation on the post of Junior Accounts Assistant on or
about 14.09.1994 whereafter he passed the ICWA examination



in the year 1995 and as per scheme contained in Annexure '2', he would be entitled to get the three advance increments.

It is further submitted that the petitioner has already taken voluntary retirement from the Federation in the year 2012.

Learned counsel for the Federation submits that this writ application cannot be entertained as the Federation is neither the State nor any instrumentality of the State within the meaning of Article 12 of the Constitution of India.

This Court finds substance in the objection raised on behalf of the Federation as to entertainability of this writ application. This writ application cannot be entertained as the Federation is not the State or instrumentality of the State within the meaning of Article 12 of the Constitution of India. Remedy of the petitioner lies elsewhere. He is at liberty to pursue his remedy.

If any question of limitation comes, the same will be considered keeping in view that the writ application was pending in this Court since 16.12.2011.

This writ application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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