

16-11-2023
ct no. 13
Sl. 27
sp

WPA 19331 of 2023

Arunangsu Ghosh

-Versus-

Union of India & Ors.

Mr. Jagabandhu Roy,
Mr. Zia-ul-Haque

...for the petitioner

Mr. Arijit Bakshi

... for the respondent nos. 2 & 3

Mr. Alok Kr. Banerjee,
Mr. S.M. Obaidullah,
Mr. Nikhil Roy

...for the respondent nos. 4 & 5

1. The writ petitioner claims to be an employee of the 4th respondent, which is a Company Limited by guarantees and was registered under the Companies Act, 1956.
2. The petitioner is aggrieved by an order of suspension and departmental proceedings initiated against him.
3. The learned counsel for the respondents opposes the maintainability of the writ petition stating that the 4th respondent cannot be 'slate' within the meaning of 'Article 12' of the Constitution of India.
4. It is now well-settled as laid down in the case of ***Pradip Kumar Biswas vs. Indian Institute of Chemical Biology and others***

reported in **(2002) 5 SCC 111** and several decisions that to maintain a writ petition against a body, a degree of control by the Government must be demonstrated.

5. In the instant case, the petitioner has not been able to demonstrate the degree of control and/or share holding of the State in the 4th respondent. The petitioner has also not been able to demonstrate any quantum of control of administration or management or financial input of the State in the said 4th respondent.
6. Apart from mentioning certain facts and/or relationship with the respondent nos. 1, 2 and 3, there is no evidence or document indicating any control of the Central Government, inter alia, as indicated hereinabove, in the respondent no. 4.
7. In that view of the matter, this Court is of the view that the writ petition is not maintainable against the 4th respondent/employer. The petitioner may seek appropriate other civil remedies as may be available in accordance with law.
8. The writ petition is, therefore, dismissed as not maintainable.
9. There shall be no order as to costs.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)