

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1461 OF 2016
WITH
WRIT PETITION NO. 1185 OF 2008
WITH
INTERIM APPLICATION NO. 116 OF 2025
IN
WRIT PETITION NO. 1185 OF 2008

UTI Retired And VSS Employees Social Association ...Petitioner
Versus

UTI Asset Management Company Ltd. & Anr. ...Respondents

WITH
WRIT PETITION NO. 227 OF 2021
WITH
INTERIM APPLICATION NO. 6948 OF 2025
IN
WRIT PETITION NO. 227 OF 2021

All India UTI AMC Officers Association ...Petitioner
Vs

Union of India ...Respondent

Mr. Rajaram Bansode a/w Sheetal Ubale for Petitioner in WP/1185/2008 and WP 1461/2016

Adv. C. S. Zende for the Petitioner in WP/227/2021 and for the Applicant in IA/6948/25.

Mr. Sudhir Talsania, Senior Advocate a/w Vishal Talsania, Heena Shaikh i/b. M. V. Kini & Co. for Respondent No.1 in WP/1461/2015.

Mr. Sudhir Tasania, Senior Advocate a/w Vishal Talsania i/b. Jigar Kamdar for Respondent No.1. in WP/227/2021 and WP/1185/2021.

Mr. Vishal Talsania i/b. V. M. Parker for the proposed Respondent in IA/116/2025 & IA/6948/2025.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 17th JANUARY 2026

P.C.

WRIT PETITION NO. 1461 OF 2016

1. This Petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs:-

“a) This Hon'ble Court may be pleased to declare that the action of the management of the erstwhile UTI and of the management of the Respondent Company of not providing fresh opportunity to exercise the option for pension to the employees including the members of the Petitioner since 2001 on revision of their pay scales and allowances, is illegal and bad in law.

b) This Hon'ble Court may be pleased to issue a writ of mandamus under Article 226 of The Constitution of India or any other order or writ in the nature of writ of mandamus directing the management of the Respondent Company to forthwith provide fresh opportunity to exercise the option for pension under the Pension Regulations, 1994 to the all the members of the Petitioner who have become members of the Petitioner subsequent to the filing of the Writ Petition No. 1185 of 2008.

c) This Hon'ble Court may be pleased to issue a writ of mandamus under Article 226 of The Constitution of India or any other order or writ in the nature of writ of mandamus directing the management of the Respondent Company to release forthwith the arrears of pension due to all the members of the Petitioner who have become members of the Petitioner subsequent to the filing of the Writ Petition No. 1185 of 2008 from their respective date of voluntary separation / retirement with 12% interest p.a. or at an appropriate lower rate of interest in

view of the current interest rate scenario and to continue to pay the monthly pension to all the members of the Petitioner on exercising the option of pension by the members.”

2. At the outset, learned Senior Counsel appearing for Respondent No.1 UTI Asset Management Company Ltd. would submit that the Petition itself is not maintainable against Respondent No.1-UTI Asset Management Company Ltd. as Respondent No.1 UTI Asset Management Company Ltd. is not a ‘State’ under Article 12 of the Constitution of India. To support his submission, our attention is drawn to the decision in the case of ***Mukesh Kapoor and Others Vs. Union of India and Another*** (in Writ Petition No. 6512 of 2021) dated 20th June 2022.

3. The basic issue which was considered by the Court in the said decision was as to whether Respondent No.1 UTI Asset Management Company Ltd. falls within the meaning of ‘State’ under Article 12 of the Constitution of India. After examining all the relevant parameters applicable for such determination, the Court concluded that Respondent No. 1 does not qualify as “State” or “other authority” under Article 12 of the Constitution. Consequently, the objection raised by the Respondents regarding the maintainability of the Petition was required to be upheld.

4. In view of the above, no writ under Article 226 of the Constitution of India could be issued against an entity that does not fall within the definition of “State.” However, considering that the present Petitions have been pending for a considerable period of time and that there has been an intervening development in the law, the Petitioners are permitted to pursue such other appropriate remedy as

may be available in law, if so advised.

5. Any such proceedings shall be initiated within a period of two months from today. The Petitioners shall be entitled to the benefit of Section 14 of the Limitation Act. All contentions of the parties in any future proceedings are expressly kept open.

6. Accordingly, the Petitions stand disposed of in the aforesaid terms.

7. In view of the disposal of the Petitions, nothing survives in the above Interim Applications, and the same are also disposed of, keeping open all contentions of the parties.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)