



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.7552 of 2024

1) *All Odisha Bharati Infratel Contractual Technicians Union(AOBICTU) BBSR.*

.....

Petitioner

Represented By Adv. –
Mr. Sukanta Kumar Nayak (2)

-versus-

1) *Union Of India*

.....

Opposite Parties

2) Indus Tower Ltd.

Represented By Adv. –

3) Indus Towers Ltd.

Mr. P.K. Parhi, DSGI
along with

4) Human Resource, Head Odisha Circel

Mr. B.K. Padhi, CGC

5) Director, Innov Source Services Pvt. Ltd.

Mr. G. Mukherji, Sr. Advocate
along with

6) Branch Manager, Innov Source Services Pvt. Ltd.

Mr. S. Acharya, Advocate
(For O.P. No.2 & 3)

7) Director, Narula Infrastructure Pvt. Ltd.

Mr. Subir Palit, Sr. Advocate
along with

8) Pratab Technocrats Pvt. Ltd.

Mr. S.S. Mohanty, Advocate
(For O.P. No.5 & 6)

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
03.04.2024

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr. S.K. Nayak, learned counsel appearing for the Petitioner; Mr. P.K. Parhi, learned Deputy Solicitor General of India along with Mr. B.K. Padhi, learned Central Government Counsel, appearing for the Union of India- Opposite Party No.1; Mr. G. Mukherji, learned Senior Counsel along with Mr. S. Acharya, learned counsel, appearing for the Opposite Party No.2 & 3; Mr. Subir Palit, learned Senior



Counsel along with Mr. S.S. Mohanty, learned counsel, appearing for the Opposite Party No.5 & 6.

3. The present writ petition has been filed by a group of employees, who are employed by a private company, with a prayer to quash the order under Annexure-11 series and further issuance of a writ of mandamus to the Opposite Parties.

4. On perusal of the writ petition, it appears that the main relief claimed in the writ petition is against the private Opposite Parties No.2 to 8.

5. On careful analysis of the factual background of the present case, it appears that the Opposite Parties No.2 to 8 does not come within the purview of the State as defined under Article-12 of the Constitution of India. Therefore, the present writ petition cannot be maintainable against such Opposite Parties.

6. Therefore, the writ petition is being disposed of as not maintainable.

7. However, liberty is given to the Petitioner to approach any other appropriate forum by filing an appropriate application for redressal of his grievance. It is open to the Petitioner to make an interim application before such appropriate forum. In such eventuality the same shall be considered in accordance with law.

8. With the aforesaid observation and direction, the writ petition is disposed of.

(A.K. Mohapatra)
Judge