

(2023) 02 DEL CK 0158

In the Delhi High Court

Case No : Civil Writ Petition No. 376 Of 2023

Jatin Sharma

APPELLANT

Vs

Army Group Insurance Fund

RESPONDENT

Date of Decision : 23-02-2023

Acts Referred:

Constitution Of India, 1950 — Article 12

Citation : (2023) 02 DEL CK 0158

Hon'ble Judges : Suresh Kumar Kait, J;Neena Bansal Krishna, J

Bench : Division Bench

Advocate : Anjali Vohra

Final Decision : Disposed Of

Judgement

1. A similar petition came before this Court in W.P.(C) 5024/2017 and batch petitions and same was decided vide Order dated 01.02.2023 whereby this Court held as under:

In the aforesaid view of the matter, we draw the conclusion that the Societies under which petitioners are employed are self-funded societies, which are formed and running for the benefit of those employees of Air Force who are its members. The petitioners have not placed any document on record to establish that these Societies are financially run by the Central Government. Even though petitioners have claimed that deduction of amount of their contribution to the Society is permitted by the Ministry of Finance and also that the land to run the Society is allocated by the Government, we find that purpose to provide aid in the form of sanction and land to the Society is to enable it to function smoothly to the benefit of its members. However, this does not establish that these functionaries are being run by Air Force or the Central Government. These societies are running only to the benefit of its members and their functioning does not in any way affect the Air Force. These Societies are not financially, functionally and administratively dominated by or under the control of Central Government. Such control must be particular to the body in question and must be pervasive in order

to establish it to fall within the ambit of "State" as mentioned in Article 12 of the Constitution of India.

2. In the case in hand, the respondent is a society registered under the Societies Registration Act, 1860. The said Society is not under the financial control of the Government or having the pervasive control over it.

3. Accordingly, the petition is fully covered by the Judgment dated 01.02.2023. Consequently, the present petition is disposed of and liberty is granted to the petitioner to approach the appropriate forum as per law.