
(2010) 01 AHC CK 0259
In the Allahabad High Court

Punit Kumar

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 12-01-2010

Acts Referred:

Constitution of India, 1950 — Article 12
Constitution of India, 1950 — Article 12
Constitution of India, 1950 — Article 12

Citation : (2010) 3 AWC 2578 : (2010) 124 FLR 971

Hon'ble Judges : Satya Poot Mehrotra, J;Kashi Nath Pandey, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Satya Poot Mehrotra and Kashi Nath Pandey, JJ.—We have heard Shri Neeraj Agrawal, learned Counsel for the petitioner and the learned standing counsel appearing for the respondent No. 1.

2. It appears that the petitioner was appointed on the post of Area Sales Manager by Dr. Reddy's Laboratories Limited by the Offer-cum-Appointment Letter dated 16.2.2009 (Annexure-1 to the writ petition). A domestic enquiry was conducted against the petitioner for having committed misconduct. By the communication dated 24.8.2009 (Annexure-7 to the writ petition), the explanation submitted by the petitioner was rejected. After conclusion of the domestic enquiry, the petitioner's services on probation have been discontinued by the order dated 25.8.2009 (Annexure-8 to the writ petition) by Dr. Reddy's Laboratories Limited.

3. The present writ petition has been filed, inter alia, praying for quashing the aforesaid order dated 25.8.2009, passed by Dr. Reddy's Laboratories Limited.

4. From the above narration of facts, it is evident that the present writ petition has been filed praying for quashing the order passed by Dr. Reddy's Laboratories Limited in regard to discontinuance of the services of the petitioner.

5. From a perusal of the record, it is evident that Dr. Reddy's Laboratories Limited is a company incorporated under the Companies Act, 1956 having its registered office in Hyderabad. The said company is not a Government company and is not covered within the definition of the "State" under Article 12 of the Constitution of India. No statutory duty on the part of the said company has been shown to have been violated. In the circumstances, the writ petition filed by the petitioner is not maintainable, and is liable to be dismissed as such.

6. The writ petition is accordingly dismissed as not maintainable. However, this order will not come in the way of the petitioner to seek appropriate reliefs before the appropriate forum.