

W.P. No.5493/2013**30.4.2013**

Shri Atul Jaiswal, learned counsel for the petitioner.

Shri Bhuvan Deshmukh, learned counsel for respondents no.1/
State.

Shri Rakesh Pal, learned counsel for the respondents no. 2 &
4.

Heard.

The grievance in the present petition filed by the petitioner is that the respondents no.2 and 3 were earlier elected as Secretary and Treasurer of the Employees State Insurance Corporation Employees Union and since they have committed irregularities, therefore, they should not be permitted to participate in the fresh election of the said Union in which respondent no.4 is the Chief Election Commissioner.

Counsel for the respondents have raised the preliminary objection in respect of the maintainability of the writ petition on the ground that the Employees Union is not a State.

Learned counsel appearing for the petitioner has failed to point out any material to show that the Employees State Insurance Corporation Employees Union is State within the meaning of Article 12 of the Constitution of India. It has been pointed out that it is a union of employees, therefore, writ as prayed can not be issued against the said union in exercise of the jurisdiction under Article 226 of the Constitution. Even otherwise the relief which the petitioner is seeking can not be granted in this writ petition.

Keeping in view the aforesaid aspect of the matter, the writ petition is dismissed.

(Prakash Shrivastava)
J U D G E