

Punjab-Haryana High Court

The Food Corporation Of India ... vs Food Corporation Of India & Others on 3 November, 2008

CWP No.17633 of 2008

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: CWP No.17633 of 2008

DATE OF DECISION: November 3, 2008

THE FOOD CORPORATION OF INDIA SECURITY ...PETITIONERS  
GUARD UNION & ANOTHER

VERSUS

FOOD CORPORATION OF INDIA & OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.

HON'BLE MR. JUSTICE RAJAN GUPTA.

PRESENT: MR. SAPAN DHIR, ADVOCATE FOR THE PETITIONERS. ASHUTOSH MOHUNTA, J.(ORAL) The Food Corporation of India Security Guard Union alongwith another has filed this writ petition wherein it has been prayed that the Food Corporation of India be directed to employ the petitioners as Watchmen in accordance with the directions issued by the Supreme Court of India in a case titled as Steel Authority of India Limited & others Vs. National Union Waterfront Workers and others, reported as 2001(7) SCC 1 (CB).

The members of the petitioner-Union were employed by Delta Protective Systems, Ludhiana as Watchmen/Security Guards. The services of the petitioners were discontinued in the year 1999. They have approached this Court now after a lapse of 9 years. The petitioners had earlier served a legal notice which has been disposed of vide Annexure P-5, wherein it has been held that the petitioners were never issued any appointment letters by the Food Corporation of India and in fact were employed by Delta Protective Systems, Ludhiana. It has been averred that there is no privity of contract between the petitioners and Food Corporation of India, hence the petitioners can have no cause of action against the respondents.

After hearing counsel for the petitioners we are of the considered opinion that the petitioners have approached this Court highly belatedly, i.e. more than 9 years after termination of their services. Moreover, the petitioners were employed by Delta Protective Systems, Ludhiana which is a private contractual agency.

In view of the above, the writ petition is dismissed having been filed highly belatedly.

(ASHUTOSH MOHUNTA)  
JUDGE

November 3, 2008  
Gulati

(RAJAN GUPTA)  
JUDGE