



would equally apply to the appellant's case. He submitted that there was no necessity for the appellant to approach the Labour Court or to raise any industrial dispute with regard to his claims.

5. Mr Shrivastava pointed out that the learned single Judge, in paragraph no.6 of the impugned order, has quoted paragraph no.10 of the order dated 15<sup>th</sup> June, 2023, disposing of appellant's earlier W.P.(L) No.1616 of 2023, and, based thereon, denied relief to the appellant. He points out that there was nothing in paragraph no.10 based upon which relief could have been denied to the petitioner (appellant herein).
6. Mr Shrivastava submitted that the appellant was employed on a temporary basis with the 3<sup>rd</sup> respondent from 2007 to 2<sup>nd</sup> November, 2022. He further submitted that, although the appellant holds a law degree and obtained registration with the Jharkhand State Bar Council on 10<sup>th</sup> November, 2012, the appellant has not practised before any Court of Law, and the Vakalatnamas were filed only after November, 2022, when the appellant was not in the service of the 3<sup>rd</sup> respondent.
7. We have considered the contentions of Mr Shrivastava; however, we regret that we are unable to accept them.
8. In the first place, we cannot accept the argument that the appellant, after obtaining his law degree and registration with the Jharkhand State Bar Council, being registration no.268 of 2012 effective from 10<sup>th</sup> November, 2012, has not actually practised in the Courts and, therefore, should be held as a workman with the 3<sup>rd</sup> respondent during the overlapping period.

9. The learned single Judge in paragraph no.8 has referred to the Vakalatnamas signed by the appellant and filed in the Civil Court at Jamshedpur with regard to specific case numbers. These are factual findings and at least nothing is placed on record in this appeal to contradict them. In any event, in a Letters Patent Appeal against the dismissal of a writ petition, this Court would be very slow in interfering with such findings of fact.
10. Be that as it may, we refer to the appellant's earlier W.P.(L) No.1616 of 2023 in which the appellant had sought for a writ of mandamus inter alia against Tata Motors Limited to treat the appellant and other similarly situated workers in the category of temporary workmen for being recognized as permanent workmen and formally reinstate them from the respective dates of their completion of 240 days and to pay them all back wages with interest at the rate of 18% together with all consequential benefits.
11. Such relief was not granted by the learned single Judge of this Court in the order dated 15<sup>th</sup> June, 2023 by which the writ petition came to be disposed of. Paragraph nos. 15 and 16 of this order dated 15<sup>th</sup> June, 2023 are relevant and, therefore, the same are transcribed below for the convenience of reference: -

*"15. This Court is of the considered view that the argument of the petitioner that a mandamus can be issued upon the respondent no.3 on the basis of the judgment passed by the Hon'ble Bombay High Court is not sustainable in the eyes of law. The judgment passed by the Hon'ble Bombay High Court was arising out of adjudication done by the concerned Labour Court with regards to the establishments falling within the jurisdiction of Hon'ble Bombay High Court and in the present*

*case there has been no adjudication with regard to the claim of the petitioner which requires consideration /adjudication upon nature and conditions of employment of the petitioner and such issues cannot be straightaway decided under writ jurisdiction and no such mandamus can be issued upon respondent no.3 who is admittedly not a state within the meaning of Article 226 of the Constitution of India. This Court is of the considered view that the grievance of the petitioner requires adjudication on facts and law and upon consideration of the fact it is still to be seen as to the whether the establishment of respondent No.3 in the State of Jharkhand, in which, the petitioner claims to have been working is identically placed as that of the establishment which were subject matter of consideration before the Hon'ble Bombay High Court after the factual scrutiny was done by the labour courts. In the aforesaid circumstances, this court is not inclined to grant relief to the petitioner as has been prayed for in this writ petition. It further appears from the order passed in Special Leave Petitions arising out of the aforesaid judgement passed by Hon'ble Bombay High Court that certain questions of law was kept open.*

**16.** *In view of the aforesaid findings, this Court is of the view that the relief as sought for by the petitioner in this writ petition is not maintainable. Consequently, no such relief can be granted under Article 226 of the Constitution of India."*

12. One of the contentions raised by the appellant was that a writ of mandamus should be issued to the 3<sup>rd</sup> respondent, which, in fact, does not even meet the definition of the State under Article 12 of the Constitution of India, as laid down by the judgment of the Bombay High Court. This contention, now pressed in this appeal, was squarely raised and rejected by the learned single Judge in her order dated 15<sup>th</sup> June, 2023, disposing of W.P.(L) No.1616 of 2023. This is evident from paragraph no.15, which we have quoted above.

13. Mr Shrivastava, however, points out that in paragraph no.17 directions were issued to the Deputy Labour Commissioner, Sitaramdera, Sakchi, Jamshedpur to examine the appellant's grievance and dispose of the appellant's petition by taking it to its logical end and passing a reasoned order.
14. Though such a direction was issued, that does not mean that any of the contentions of the appellant were accepted by the learned single Judge in her order dated 15<sup>th</sup> June, 2023. In fact, in paragraph no.15 of the said order, the learned single Judge in no uncertain terms opined that she was of the considered view that the grievance of the appellant requires adjudication on facts and law and upon consideration of the fact it is still to be seen as to whether the establishment of the 3<sup>rd</sup> respondent in the State of Jharkhand, in which the appellant claims to have been working is identically placed as that of the establishment which was the subject matter of consideration before the Bombay High Court after the factual scrutiny was done by the Labour Courts.
15. Since the appellant has virtually raised the same contention this time in a different packaging, the learned single Judge rightly rejected it vide the impugned order. We do not think that any ground for interference is made out against the learned single Judge's order based on such a contention.
16. The Deputy Labour Commissioner has limited jurisdiction, and on perusing the order dated 30<sup>th</sup> September, 2023, we do not think that the Deputy Labour Commissioner has either exceeded jurisdiction or failed to exercise the jurisdiction that was vested

in him, given the provisions under which the appellant had approached the Deputy Labour Commissioner.

17. The learned single Judge has considered the matter from different perspectives and has found that no case was made out to interfere with the Deputy Labour Commissioner's order. We do not think that this conclusion or the reasoning by which it is reached is vitiated by any actual or legal error warranting interference in this appeal.
18. Accordingly, we dismiss this appeal without any order for costs.

**(M. S. Sonak, C.J.)**

**(Rajesh Shankar, J.)**

***15<sup>th</sup> July, 2026***  
***Sanjay/Rohit***  
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