**The Conversion of the Ordnance Factory Board Into Corporations Is in the National Interest: Delhi High Court Dismisses PIL**

Title: **Bharatiya Pratiraksha Mazdoor Sangh v. Union of India & Anr.**

Decided on: 3rdAugust, 2023

+ W.P.(C) 8056/2022 and C.M. Nos. 24455/2022, 24456/2022 & 13262/2023

CORAM: HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA &

 HON'BLE MR. JUSTICE SANJEEV NARULA

**Introduction**

The Delhi High Court recently dismissed a Public Interest Litigation (PIL) challenging the Centre's decision to convert the Ordnance Factory Board (OFB) into seven corporations. The Division Bench of Chief Justice Satish Chandra Sharma and Justice Sanjeev Narula opined that the move to corporatize the OFB is in the national interest and does not violate any constitutional rights guaranteed to citizens. The Court's decision came in response to a PIL filed by the Bharatiya Pratiraksha Mazdoor Sangh (BPMS), a federation of trade unions representing workers in defense installations, including the Ordnance Factory Board.

**Facts**

The BPMS filed a PIL against a Gazette notification issued by the Government of India on October 1, 2021, which proposed the conversion of the Ordnance Factory Board (OFB) into seven major corporations. The petitioner federation raised several grievances in the writ petition, claiming that the workers' views were ignored, there was an abuse of power by the government, arbitrariness, and a violation of Article 14 of the Constitution. The petitioner argued that the government's action suppressed the constitutional rights of government servants and silenced their voices. The petitioner sought to quash the Gazette notification, restrain the respondents from implementing it further, and seek appropriate orders in the interest of justice.

**Analysis**

The respondents, representing the Government of India, justified the policy decision, stating that it aimed to enhance functional autonomy, efficiency, and production in the interest of the nation. They assured that the service conditions and retiral benefits of existing OFB employees would be safeguarded as Central Government employees, and their pension liabilities would continue to be borne by the government. However, despite the government's efforts to explain the benefits and protect the interests of the employees, the BPMS expressed its intention to go on an indefinite strike. In response, the government enacted the Essential Defence Services Act to ensure an uninterrupted supply of ordnance items to the armed forces and maintain essential defence services.

**Held**

The Delhi High Court, after a thorough consideration of the arguments, held that the government's policy decision to convert OFB into seven corporate entities was in the national interest and aimed to enhance functional autonomy, efficiency, and innovation in Ordnance Factories. The Court emphasized that the power of policy-making lies solely with the executive, and the Courts cannot bind the government to its policy decisions taken in public and national interest. Moreover, the Court observed that the decision does not violate any constitutional rights guaranteed to citizens. It is well-established that Courts should not interfere with policy decisions made in the national interest. Therefore, the PIL was dismissed as the interests of the employees had been adequately protected by the government.

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**Written by- Ankit Kaushik**