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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) NO. 6616/2012**

PRADEEP SHUKLA

..... Petitioner

Through: **Mr. D.K. Singla, Mr. Sanjay Kumar,**
Advocates

versus

K.K.PRASAD AND ORS

..... Respondents

Through: **Mr. Ankur Chhibber, Adv. for R2&3**

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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17.10.2012

1. This petition, filed in public interest, seeks issuance of a "writ, order or direction in the nature of 'quo warranto' against the respondent No.1 for initiating the investigation as to by what authority the respondent No.1 is continuing on the post of General Manager, India Security Press, Nashik Road, Maharashtra". The case brought before this Court by the petitioner, who is an advocate, is that the respondent No.1 is employed with respondent No.3 [Director General of Naval Armament, Integrated Headquarters, Ministry of Defence (Navy)] and was on 30th December, 2008 sent on deputation with the Respondent No.2 (Security Printing and Minting Corporation Ltd.) for a period of three years; that though the period of his deputation has expired, but he is continuing as the General Manager, India Security Press, Nashik Road of the respondent No.2; that though the respondent No.2 has expressed desire to permanently absorb the respondent No.1, but consent therefor has not been given by the respondent No.3 till now.

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2. We fail to see as to how in the aforesaid facts the petition is maintainable in public interest or as to how a case for seeking a writ of quo warranto is made out. It is not the case of the petitioner that the respondent No.1 is not qualified for the post of General Manager of the India Security Press of the respondent No.2 or that he is occupying the same without authority of the respondent No.2. The only case is that the Ministry of Defence in which the respondent No.1 is employed has refused to extend the deputation or to allow absorption of the respondent No.1 in the respondent No.2. This is a purely service matter. The Supreme Court recently in *Girjesh Shrivastava Vs. State of Madhya Pradesh*, (2010) 10 SCC 707 has reiterated that public interest litigation is not maintainable in service matters.

3. Moreover, we suspect the petition to be motivated. Though two officers of the Ministry of Defence, i.e., the respondent No.1 and another were sent on deputation to the respondent No.2 and the said other person is also similarly situated as the respondent No.1, but the petitioner has chosen to make grievance as to the continuation of the respondent No. 1 only.

4. We therefore are not inclined to entertain this petition filed in public interest and dismiss the same. We refrain from imposing costs on the petitioner who claims to be an advocate.


CHIEF JUSTICE

RAJIV SAHAI ENDLAW, J

OCTOBER 17, 2012
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