

Civil Writ Petition No. 22756 of 2015 (O&M)

Date of decision : December 09, 2015

G.S. Guleria

.....Petitioner

Versus

UT of Chandigarh and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Sanjeev Gupta, Advocate
for the petitioner.

LISA GILL, J.

This writ petition has been filed for quashing of orders dated 24.11.2014 (Annexures P-3 and P-8) as well as order dated 25.08.2015 (Annexure P-13) whereby respondents No. 3 and 4 have been reinstated in service. Petitioner, statedly a Life Associate Member of India Red Cross Society, UT Chandigarh claims that he is entitled to file present writ petition for maintaining the rule of law and in order to maintain the objectives of the Society.

On a pointed query regarding locus standi of the petitioner to file present writ petition in his personal capacity, learned counsel for the petitioner vehemently argues that petitioner is like a guardian of respondent No. 2, therefore, it is his bounden duty to point out irregularities/illegality committed in the respondent-Society. On an earlier occasion, CWP No. 18396 of 2007 titled Resurgence India versus Union of India and others had been filed

regarding malfunctioning of Red Cross Society. Number of irregularities had surfaced during the pendency of the said writ petition. Said writ petition stands disposed of. Thus, it is submitted that respondent-Society being riddled with ills is not in doubt. It is vociferously contended that a specific right accrues to the petitioner to prefer this writ petition for redressal of the grievance set forth.

Reliance is placed on a Division Bench decision of this Court in **Dr. Surya Parkash versus Punjab and Haryana High Court** 2002 (4) SCT 540 to submit that present writ petition is maintainable in the present form.

It is not denied that instant writ petition is not in the nature of a Public Interest litigation. Petitioner has no personal grievance insofar as reinstatement of respondents No. 3 to 5 is concerned. Decision of this Court in **Dr. Surya Parkash's case** (supra) relates to locus standi of an advocate to file a Public Interest litigation in a particular situation, thus, not relevant in the facts and circumstances of this case.

Learned counsel for the petitioner is unable to point out any ground whatsoever for interference by this Court in exercise of jurisdiction under Article 226 of the Constitution of India in this petition.

After failing to convince this Court on the maintainability of this petition, it is contended that option of the petitioner to file a petition in public interest be kept open. It is clarified that no opinion is being expressed on remedies, if any, available to the petitioner. He is

obviously at liberty to avail any remedy/remedies available to him in accordance with law.

Accordingly, this writ petition is dismissed as not maintainable.

December 09, 2015
rts

(Lisa Gill)
Judge