

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

+ **W.P.(C) No.4217/2003**

% **20th March, 2017**

CENTRAL MINE PLANNING & DESIGN INSTITUTE LTD. AND
ANR. Petitioners

Through: None.

versus

VIJAY KUMAR CHOUDHARY AND ANR. Respondents

Through: None.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. This writ petition under Article 226 of the Constitution of India is filed impugning the order dated 28.1.2003 passed by the Commission for Scheduled Castes and Scheduled Tribes whereby there are directions with respect to promotion, handing over of file to CBI and withdrawing of a memo issued to Dr. B.C. Ruhidas.

2. I may note that petitioners in para 10 of the Grounds of the writ petition have stated that signature on behalf of the petitioner no. 1/company was obtained by coercion and force. I accept this stand of the petitioners.

3. The issue in the present case is not *res integra* and decided by the judgment of the Supreme Court in the case of ***All India Indian Overseas Bank SC and ST Employees' Welfare Association and Others Vs. Union of India and Others, (1996) 6 SCC 606***, wherein in paras 10 and 11 it has been held that the Scheduled Castes and Scheduled Tribes Commission is not a Court of law which can pass directions and injunctions and these paragraphs 10 and 11 read as under:-

“10. Interestingly, here, in clause (8) of Article 138, the words used are "the Commission shall... have all the powers of the civil court trying a suit." But the words "all the powers of a civil court" have to be exercised "while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause 5". All the procedural powers of a Civil Court are given to the Commission for the purpose of investigating and inquiring into these matters and that too for that limited purpose only. The powers of a civil court of granting injunctions, temporary or permanent, do not inhere in the Commission nor can such a power be inferred or derived from a reading of clause (8) of Article 338 of the Constitution.

11. The Commission having not been specifically granted any power to issue interim injunctions, lacks the authority to issue an order of the type found in the letter dated March 4, 1993. The order itself being bad for want of jurisdiction, all other questions and considerations raised in the appeal are redundant. The High Court was justified in taking the view it did. The appeal is dismissed. No costs.”

4. In view of the ratio of the judgment of the Supreme Court in the case of ***All India Indian Overseas Bank SC and ST Employees' Welfare Association (supra)***, this writ petition is allowed and the impugned order dated 28.1.2003 is set aside, leaving the parties to bear their own costs.

MARCH 20, 2017/ AK

VALMIKI J. MEHTA, J