

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

+ **W.P.(C) No. 1698/2017**

% **27th February, 2017**

FORUM OF SC AND ST LEGISLATORS AND PARLIAMENTARIANS

..... Petitioners

Through: Mr. Rajendra Singhvi, Advocate.

versus

OIL AND NATURAL GAS CORPORATION LTD. AND ANR.

..... Respondents

Through: Mr. V.M. Koura, Advocate for R-1.
Mr. Kirtiman Singh, CGSC with Mr.
W.A. Noor, Advocate for R-2/UOI.

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 is filed by a non-legal person and which is Forum of Schedule Caste and Schedule Tribes Legislators and Parliamentarians. Petitioner pleads that E-8 Level officers of the respondent no. 1/Oil and Natural Gas Corporation (ONGC) are illegally not being considered for promotion by the respondent no. 1.

2. In case certain employees are illegally not being considered for promotion, then only such persons have *locus standi* to approach the Court

and not a non-legal person/entity being the petitioner, inasmuch as, individual persons of a non-legal entity such as the petitioner can claim that they would not be bound by a judgment in this case and nor can this Court issue directions to individual members of the petitioner to file affidavits or compliance affidavits, etc etc.

3. It is a person who has a *locus standi* who can approach the Court and not someone else on his behalf, more so in service matters law where it is the law that Public Interest Litigation cannot be filed. In similar circumstances, this Court vide judgment dated 10.1.2017 dismissed W.P. (C) No. 9041/2016 titled as ***Central Bank Retirees Grievances Cell “Kasht-Haran” Vs. Union of India and Another***, and which judgment reads as under:-

“C.M. Appl. No. 36583/2016 (for exemption)”

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) No. 9041/2016

1. This writ petition is filed under Article 226 of the Constitution of India by the petitioner which is said to be an NGO being a trust registered under the Indian Trust Act, 1882. The petitioner is “Central Bank Retirees Grievances Cell”.

2. In this writ petition the petitioner claims the relief of directions to be issued to all public sector banks that in case of a penalty of removal/dismissal from services is imposed then the outstanding leave should be allowed to be encashed and be paid along with interest.

3. It is a well settled law in view of a catena of judgments of the Supreme Court that in service matters a Public Interest Litigation petition does not lie. One such recent judgment of the Supreme Court is in the case of ***Bholanath Mukherjee and Others Vs. Ramakrishna Mission Vivekananda Centenary College and Others***, (2011) 5 SCC 464.

4. There is a reason why in service matters a writ petition cannot be filed on behalf of an association for various individual persons because if

any action for contempt has to be taken against individual persons such action cannot be taken by the Court against individual persons who are not before the Court and are only being represented by a body/association, such as in the present case.

5. Since the petitioner is not a living person and is only an NGO, rights of such an NGO are different from the rights of an individual person, and rights of an individual person as per service matters law can only be enforced by such individual persons by seeking appropriate writs of certiorari, mandamus and/or any other appropriate order. Petitioner can only have *locus standi* if any personal rights of the petitioner were involved as an NGO but not on account of petitioners pleadings to be representing thousands and lakhs of employees of public sector banks.

6. After arguments I have put it to the counsel for the petitioner that the aforesaid legal position is an settled legal position and therefore the present writ petition, since is not maintainable, can be withdrawn with liberty to each individual employee of the Bank who seeks rights to file appropriate independent proceedings, but the counsel for the petitioner after instructions says that a judgment be passed.

7. In view of the above discussion the present writ petition filed by the petitioner is one where petitioner clearly has no *locus standi*, in service matters a Public Interest Litigation is not maintainable, individual employees of the banks are not before this Court and nor can be because thousands and lakhs of persons cannot come together as petitioners in one case.

8. Accordingly, this writ petition being wholly misconceived is accordingly dismissed with costs of Rs. 20,000/- to be deposited with Friendicoes, No.271 & 273, Defence Colony, Flyover Market, Jangpura Side, New Delhi-110024, within ten days from today.”

4. In view of the above, the petitioner has no *locus standi* because the persons who would be affected adversely are the only persons who have *locus standi* to approach this Court and which individuals are not petitioners in this writ petition. I may note that under Section 41 (j) of the Specific Relief Act, 1963 injunction cannot be granted to a person who has no personal interest in the matter. Petitioner being only a non-legal person does not have any personal interest, and the personal interest would be of individuals who are employees of respondent no. 1.

5. In view of the above, this writ petition is dismissed as petitioner is found not to have *locus standi*. Liberty is granted, however, for those persons who would be directly affected to approach this Court by filing an appropriate writ petition or such persons may file appropriate independent proceedings.

FEBRUARY 27, 2017/^{AK}

VALMIKI J. MEHTA, J

