

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

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

% **10th January, 2017**

CENTRAL BANK RETIREES GRIEVANCES

CELL “KASHT-HARAN”

..... Petitioner

Through: Mr. N.C. Gupta, Advocate.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. Sanjeev Uniyal, Advocate for R-1

CORAM:

HON’BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

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.

JANUARY 10, 2017/AK.

VALMIKI J. MEHTA, J