

27 25.07.2022

PA(SS)

WPA(P) 218 of 2022
The Employees Association of The Indian Science
Congress Association and Another
vs.
Union of India and Others
(Through Video Conference)

Mr. Raghunath Chakraborty,
Ms. Ira Ghosh,
Mr. Md. Apzal Ansari, Advocates
... for the petitioners

Mr. Falguni Bandyopadhyay,
Ms. Riya Ballav, Advocates
... for the respondent Nos. 2 to 6

By this petition the petitioner which is an employees association has challenged the memorandum dated 02.11.2021 issued by the respondent No. 2 the Indian Society Congress Association (ISCA) finding the alleged violation of the CCS (Conduct) Rules and other GOI by one Shri Santu Kumar Ghosh and calling upon him to explain as to why disciplinary action be not initiated against him for the lapses mentioned in the said memorandum. The petitioner has also challenged the circular of the respondent No. 2 dated 03.12.2021 wherein a lenient view has been taken and it has been mentioned that the request of the several members of the ISCA will be considered amicably provided individual request/redress is received with specific issue to be discussed with whom the discussion is required to be

held.

A perusal of the petition reveals that the petitioners' employees association has several grievances against the employer respondent No. 2 such as non-payment of salary for the month of April, 2021, non-implementation of various rules, allegation of using abusive language during the meeting, issuance of show cause notices to the members and the staff and non-cooperation in organizing the blood donation camp, etc. A perusal of the petition reveals that the petitioners are raising service dispute in the public interest petition which is not permissible in view of the judgments of the Hon'ble Supreme Court in the matter of **Hari Bansh Lal vs. Sahodar Prasad Mahto and Others** reported in **(2010) 9 SCC 655**, in the matter of **Ayaaubkhan Noorkhan Pathan vs. State of Maharashtra and Others** reported in **(2013) 4 SCC 465** and in the matter of **Vishal Ashok Thorat and Others vs. Rajesh Shrirambapu Fate and Others** reported in **2019 SCC OnLine SC 886**.

Hence, the petitioners cannot be permitted to raise the issue relating to service matter in a public interest petition, therefore, the petition is dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)