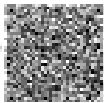


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

2024.PHHC:158722-DB



CWP-PIL-47-2023
Date of decision: 29.11.2024

MEENA TRIBAL WELFARE ASSOCIATION, CHD.
..Petitioner

Versus

UNION OF INDIA AND ORS.
..Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Shalini Singh, Advocate
for the petitioner.

Mr. Shobit Phutela, Advocate
Ms. Sanya Kapoor, Advocate
Mr. L.S. Virk, Advocate
for respondent No.1, 5 to 9, 11 and 12.

Mr. Satya Pal Jain, Addl. Solicitor General of India
with Mr. Himanshu Malik, Sr. Panel Counsel
for respondent No.2 to 4.

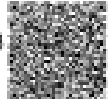
Mr. Manish Bansal, Public Prosecutor (U.T., Chandigarh)
with Ms. Vasundhara Dalal Anand, Addl. Public Prosecutor,
Mr. T.P.S. Bawa, Advocate
for respondent No.7.

* * * *

SHEEL NAGU, C.J. (Oral)

1. The present petition that has been filed in shape of Public Interest Litigation (PIL) essentially raises service dispute where the prayer made is in the following terms:-

“1. Issue a writ in the nature of mandamus/ certiorari or any other appropriate writ for quashing the letter no 28/17/94-IH dated 05.08.2022 (Annexure P-3) which had been passed in the contravention to the notification no GSR 230 (E) dated 29.03.2022 (Annexure P-1) and also the letter no 28/17/94- IH (7)/ 2022 / 5169 dated 30.03.2022 (Annexure P-2) wherein the respondent administration had acknowledged the implementation of



Condition of Service of UT Employees rules, 2022. The further issuance of said 28/17/94-IH(7)-2022/12577 dated 05.08.2022 (Annexure P-3), standing order no 39/2022 and recruitment notice dated 30.05.2022 (Annexure P-4), advertisement of National Health Mission, Health & Family Welfare Department Chandigarh dated 30.05.2022, 25.06.2022, 29.06.2022 (Annexure P-5), advertisement of Punjab Engineering College dated 11.06.2022 (Annexure P-6), advertisement of Samagra Shiksha Chandigarh dated 08.09.2022 (Annexure P-7), advertisement of Superintending Engineer, Electricity "OP" circle dated 09.01.2023 (Annexure P-8), recruitment notice issued by Local Audit Department, Chandigarh Administration in force from 13.03.2023 (Annexure P-9), and all other advertainments/ notification contrary to the notification no GSR 230 (E) dated 29.03.2022 being totally illegal, arbitrary, unreasonable, unconstitutional ab-initio. OR/AND;

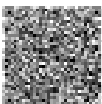
2. Issue writ of mandamus for directing the respondents to implement the Service rule of UT Employees rules, 2022 which came in force by Gazette notification no GSR 230 (E) dated 29.03.2022 (Annexure P-1) and also the letter no 28/17/94-IH (7) / 2022 / 5169 dated 30.03.2022 issued by respondent administration (Annexure P-2) which is being issued in the view of notification no GSR 230 (E) dated 29.03.2022 (Annexure P-1). OR/AND;

3. With further prayer for the staying the consequential operations/ implementation of all the impugned notices/ advertisements which had been implemented in view of the impugned.

4. Pass appropriate writ, order or direction in the nature of mandamus directing respondents to stay the recruitment process of advertisement vacancies based on the old rules in spite of having new rule of 2022 in force."

2. From the above, it is obvious that grievance herein relates to service conditions of Union Territory employees.

3. It is settled in law that service dispute cannot be raised by way of Public Interest Litigation (PIL) for the simple reason that such a dispute is essentially personal in nature.



4. Accordingly, the petition being not maintainable is dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

November 29th, 2024
Ayub

(ANIL KSHETARPAL)
JUDGE