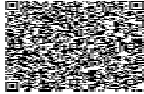


IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2024:PHHC:142337-DB



Civil Writ Petition-PIL No. 241 of 2024 (O&M)

Date of Decision: 29.10.2024

H.C.Arora

.....Petitioner

versus

Union of India and others

.....Respondents

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

Present : Mr. H.C.Arora, Advocate-petitioner in person.
Mr. Satya Pal Jain, Addl. Solicitor General of India with
Ms. Gurmeet Kaur, Senior Panel Counsel for
respondents No.1 to 3-UOI.
Mr. Amandeep S.Talwar, Advocate, for respondent No.4.

SHEEL NAGU, CHIEF JUSTICE (Oral)

The present petition filed as a Public Interest Litigation raises a service dispute referring to recovery of commutation amount of retired Judges of the High Court.

2. Looking to the facts raised and the relief sought, it is obvious that the issue raised in this PIL relates to service dispute. The Apex Court in the cases of *Dr. Duryodhan Sahu vs. Jitendra Kumar*, (1998) 7 SCC 273; *Neetu Vs. State of Punjab*, (2007) 10 SCC 614; *Dattaraj Nathuji Thaware vs. State of Maharashtra*, (2005) 1 SCC 590; and *Vishal Ashok Thorat and others vs. Rajesh Shripambapu and others*, (2020) 18 SCC 675, has been of consistent view that a service dispute cannot be raised by way of a Public Interest Litigation. The relevant extract of *Dattaraj Nathuji Thaware's* case (supra) is reproduced hereunder for ready reference:-

"11. As noted supra, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that Courts are flooded with large number of so-called public interest litigations where even a minuscule percentage can legitimately be called as public interest litigations. Though the parameters of public

interest litigation have been indicated by this Court in large number of cases, yet unmindful of the real intentions and objectives, Courts are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilized for disposal of genuine cases. Though in **Dr. Duryodhan Sahu and Ors. v. Jitendra Kumar Mishra and Ors. 1998 (4) SCT 213 (SC)** , this Court held that in service matters PILs should not be entertained, the inflow of so called PILs involving service matters continues unabated in the Courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision.”

3. In view of the above, the petition stands dismissed with liberty to raise individual grievances by the aggrieved person.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

29.10.2024

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√