

19th August,2025
Item no. D/L 13
Court No. 14
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 14337 of 2024**

In the matter of :
Union of India & Ors. *.... Petitioners*

VS.

The National Commission for Scheduled Castes & Ors.
....Respondents

For the Petitioners :

Mr. Sanajit Ghosh
Ms. Amrita Panday
Ms. Bipasha Jaiswal

....Advocates

For the Respondent Nos. 1-5 :

Mr. Kumarjyoti Tewari, Sr. Adv.
Mr. Tarunjyoti Tewari

....Advocates

1. None appears on behalf of the private respondents.
Affidavit of service filed in Court today is taken on record.
2. The Union of India being the petitioners herein are aggrieved by the interference of the Vice Chairman of the National Commission for Scheduled Castes, Government of India by passing order on 19th September, 2023 for restructuring the benefits in favour of the private respondent and also directing the office to submit the action taken report upon compliance of the said order.
3. The private respondent was an employee of the railways. A disciplinary proceeding was initiated against him and an order of penalty was imposed. The employee

challenged the order of the disciplinary authority before the Administrative Tribunal. The Tribunal affirmed the order of the disciplinary authority.

4. Without challenging the same before the appellate forum, the employee applied before the National Commission for Scheduled Castes for revisiting and/or setting aside the order passed by the Tribunal.
5. Specific case of the writ petitioners is that the National Commission for Scheduled Castes does not have any adjudicatory power. The Commission could not have passed any order which is contrary to the order passed by the Tribunal.
6. Prayer has been made to set aside the directions passed by the Vice Chairman of the National Commission for Scheduled Castes.
7. Learned advocate representing the National Commission for Scheduled Castes has placed before this Court the Rules of Procedure of the National Commission for Scheduled Castes.
8. It appears therefrom that, cases pending in Court or cases in which the Court has given its final verdict may not be taken up afresh with the Commission.
9. In the instant case, it appears that the employee after being aggrieved by the order passed by the Tribunal, without challenging the same before the appellate forum, approached the National Commission for Scheduled Castes.

10. The Rules of Procedure of the National Commission for Scheduled Castes bars the Commission for taking up matters where orders are passed by the Court.
11. In the instant case, specific order was passed by the Court affirming the order of punishment imposed upon the employee. The Commission does not have any jurisdiction to set aside/review/modify/vary or interfere with any order passed by a competent judicial forum.
12. In view of the above, the order passed by the Vice Chairman of the National Commission for Scheduled Castes cannot be sustained in law. The same is set aside and quashed.
13. The writ petition stands disposed of.
14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)