



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 PUBLIC INTEREST LITIGATION NO.65 OF 2019

Mukund s/o Shankarlal Dayma
Age: 68 years, Occu.: Pensioner,
R/o. Prachi Residency, Plot No.52,
Flat No.2, Near Kasliwal Park
CIDCO, N-2, Aurangabad.

.. Petitioner

Versus

1. The State of Maharashtra
Through the Additional Chief
Secretary, Home Department,
Mantralaya, Mumbai-32.
2. The Principal Secretary
Finance Department
Maharashtra State,
Mantralaya, Mumbai-32.
3. The Additional Chief Secretary to the
General Administration Department (GAD)
Mantralaya, Mumbai-32.
4. The Director General of Police
Maharashtra State,
Mumbai-32.

.. Respondents

...

WITH

CIVIL APPLICATION NO.111 OF 2025

Police Karmachari Kutumbiya
V Sevanivrutt Police Bintari
Samajsevi Sanstha, Aurangabad,
Through its Members namely
Kisan s/o Dyanashor Gavali
Age: 73 years, Occu.: Retired,
R/o. Valuse Mahanagar-1,
Groth Plot No.183, Dist. Aurangabad.

.. Applicant/
Intervener

Versus

1. The State of Maharashtra
Through the Additional Chief
Secretary, Home Department,
Mantralaya, Mumbai-32.
2. The Principal Secretary
Finance Department
Maharashtra State,
Mantralaya, Mumbai-32.
3. The Additional Chief Secretary to the
General Administration Department (GAD)
Mantralaya, Mumbai-32.
4. The Director General of Police
Maharashtra State,
Mumbai-32.
5. Mukund s/o Shankarlal Dayma
Age: 70 years, Occu.: Pensioner,
R/o. Prachi Residency, Plot No.52,
Flat No.2, Near Kasliwal Park
CIDCO, N-2, Aurangabad.

.. Respondents

...
Mr. R. B. Wankhede h/f Mr. N. L. Jadhav, Advocate for the Petitioner
Ms. R. P. Gour, AGP for Respondent Nos.1 to 4/State.
Mr. R. P. Bhumkar, Advocate for applicant in CA/111/2025.

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 09 MARCH 2026

ORDER (Per Hiten S. Venegavkar, J.) :

. Learned Advocate holding for learned Advocate Mr. N. L. Jadhav submits that the learned Advocate on record has already given his no objection to the petitioner. At the same time, it is fairly accepted that the Advocate on record has not submitted any application before the Registry

of this Court seeking discharge from the matter. From the record it further appears that Civil Application No.111 of 2025 was in fact filed on 24.03.2022, though it came to be numbered in the year 2025. The said application has been filed seeking intervention and it is stated that a copy thereof had been served upon the Advocate on record. Such statement has been made in the presentation form by the Advocate appearing for the applicant.

2. The present petition has been filed in the nature of a Public Interest Litigation by the petitioner, who claims to be a retired Assistant Police Sub-Inspector (Radio Mechanic). By way of this petition the petitioner seeks several directions against the respondents. The principal relief sought is to direct the respondents to extend the benefit of higher pay scales arising out of time-bound promotions to employees serving in the police department, particularly to the posts of Police Naik, Police Havaldar and Assistant Police Sub-Inspector, in accordance with the Government Resolutions and circulars issued by the respondents, within a stipulated period.

3. The petitioner has further challenged the notification dated 19.05.2017 as being arbitrary and illegal. By the said notification, the grade pay of Police Havaldar was increased from Rs.2400/- to Rs.2500/-.

The petitioner seeks quashing of the said notification and further prays for issuance of directions to revise the grade pay of Police Havaldar from Rs.2400/- to Rs.2800/- and the pay scale of Assistant Sub-Inspector to Rs.9300/- to Rs.34800/- with grade pay of Rs.4200/-. The petitioner has also prayed for issuance of directions to exempt employees of the police department who have completed the age of 45 years from appearing in the qualifying examination for regular promotion, particularly in respect of the post of Assistant Sub-Inspector, as contemplated by the relevant Government Resolutions and circulars. It is further prayed that such employees be granted due promotions whenever they otherwise become eligible on the basis of seniority, including those who have retired from service, along with consequential benefits such as arrears of pay and pension and not merely notional benefits.

4. The petitioner is present before this Court in person. However, upon inquiry it is noticed that although the petitioner orally submits that he has been granted permission by the Registry of this Court to appear and address the Court in accordance with the High Court Appellate Side Rules, on perusal of the entire record placed before us we do not find any order granting such permission. We also requested the petitioner to produce a copy of the order granting such permission. The petitioner stated that the said order is not presently with him.

5. We have carefully gone through the entire petition memo along with the documents annexed thereto with the Advocate for intervenor. On perusal of the prayer clause and the description of the petitioner's status in the memo of the petition, it is evident that the petitioner himself is a former employee of the police department. The issues raised by the petitioner pertain to pay scales, service benefits and the manner in which promotions are granted to police personnel. We heard the Advocate for intervenor on the issue of maintainability, as he is appearing for institution of which petitioner himself is the Chairman. The learned Advocate submits that the issues in PIL caused hardship to the employees of police department and therefore, they are deprived of their rights from time to time. He submits that intervenor Sanstha of whom he is Chairman has raised the issue in the interest of all the police employees as their representative.

6. In our considered view, such issues cannot be entertained in a Public Interest Litigation filed at the instance of a retired employee. The law in this regard is well settled. The Hon'ble Supreme Court in **Duryodhan Sahu (Dr.) vs. Jitendra Kumar Mishra, (1998) 7 SCC 273**, has categorically held that Public Interest Litigation is not maintainable in service matters. The Court observed that disputes relating to service

conditions such as appointments, promotions and seniority must be agitated by the persons aggrieved and cannot ordinarily be the subject matter of a Public Interest Litigation. This principle has consistently been reiterated in subsequent decisions of the Supreme Court.

7. Furthermore, in **Ashok Kumar Pandey v. State of West Bengal, (2004) 3 SCC 349**, and **Gurpal Singh v. State of Punjab, (2005) 5 SCC 136**, the Supreme Court cautioned that Public Interest Litigation should not be permitted to be used for pursuing personal or service-related grievances under the guise of public interest.

8. In the present case, it is evident that the petitioner himself was an employee of the police department and has already retired from service. The reliefs sought in the petition, if granted, would incidentally enure to his own benefit. Once it is demonstrated that the petitioner himself stands to derive personal benefit from the reliefs sought, the element of genuine public interest stands diluted. Public Interest Litigation cannot be permitted to become an instrument for advancement of personal causes. The Supreme Court in **State of Uttaranchal vs. Balwant Singh Chaufal, (2010) 3 SCC 402**, has observed that :-

“181. We have carefully considered the facts of the present case. We have also examined the law declared by this

Court and other Courts in a number of judgments. In order to preserve the purity and sanctity of the PIL, it has become imperative to issue the following directions :-

- (1) The courts must encourage genuine and bona fide PIL and effectively discourage and curb the PIL filed for extraneous considerations.
- (2) Instead of every individual judge devising his own procedure for dealing with the public interest litigation, it would be appropriate for each High Court to properly formulate rules for encouraging the genuine PIL and discouraging the PIL filed with oblique motives. Consequently, we request that the High Courts who have not yet framed the rules, should frame the rules within three months. The Registrar General of each High Court is directed to ensure that a copy of the Rules prepared by the High Court is sent to the Secretary General of this court immediately thereafter.
- (3) The courts should prima facie verify the credentials of the petitioner before entertaining a P.I.L.
- (4) The court should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a PIL.
- (5) The court should be fully satisfied that substantial public interest is involved before entertaining the petition.
- (6) The court should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.
- (7) The courts before entertaining the PIL should

ensure that the PIL is aimed at redressal of genuine public harm or public injury. The court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.

(8) The court should also ensure that the petitions filed by busybodies for extraneous and ulterior motives must be discouraged by imposing exemplary costs or by adopting similar novel methods to curb frivolous petitions and the petitions filed for extraneous considerations.”

Thus, Supreme Court has emphasized that Courts must be cautious in entertaining Public Interest Litigations and must ensure that such jurisdiction is not misused for private or oblique purposes.

9. It is also pertinent to note that the issues raised in the present petition directly concern the service conditions of employees presently working in the police department. None of those employees has approached this Court with any grievance in that regard. In the exercise of jurisdiction under Article 226 of the Constitution of India, it would not be appropriate for this Court to adjudicate upon such issues in the absence of the persons who are directly affected by the Government Resolutions and circulars relating to their service conditions.

10. Even otherwise, disputes pertaining to service matters of employees of the State of Maharashtra fall within the jurisdiction of the

Maharashtra Administrative Tribunal constituted under the Administrative Tribunals Act, 1985. The constitutional position regarding the role of Administrative Tribunals has been authoritatively settled by the Constitution Bench of the Supreme Court in **L. Chandra Kumar v. Union of India, (1997) 3 SCC 261**, wherein it has been held that service matters falling within the jurisdiction of the Tribunal should ordinarily be first adjudicated by the Tribunal being the Court of first instance, subject to the power of judicial review of the High Courts under Articles 226 and 227 of the Constitution.

11. In the present case, the record further indicates that the petitioner himself had earlier approached the Maharashtra Administrative Tribunal by filing Original Application No.749 of 2008. The said Original Application was dismissed by the Tribunal by a reasoned order dated 26.02.2009. From the perusal of the order passed by the Tribunal it appears that the issues raised in the present petition had already been raised before and considered by the Tribunal in detail.

12. Aggrieved thereby, the petitioner had approached this Court by filing Writ Petition No.3643 of 2009. The learned Single Judge of this Court, after considering the entire case of the petitioner, allowed the petition in terms of prayer clauses 'B' and 'C' and observed as follows:

“...it would be appropriate that the petitioner employed in Wireless Section of Police department is given benefit of promotion to the next level post without insisting upon departmental or class I and II examination, on attaining age of 45 years by giving deemed date of promotion. Since it is stated that petitioner is no longer in service having retired on superannuation, as such, he shall be given deemed date of promotion from the date of promotion of his junior, along with all consequential benefits.”

13. Thus, the grievance of the present petitioner with regard to his own service conditions has already been adjudicated and appropriate relief has been granted to him by this Court.

14. Once these issues have already been adjudicated in the petitioner's own case and the relief has been granted to him, we find that the present Public Interest Litigation seeks to expand the same grievance in the form of a generalized challenge purportedly on behalf of all employees of the police department. In the absence of any aggrieved employee approaching this Court and in view of the settled legal position that service matters cannot be the subject matter of Public Interest Litigation, we are of the clear opinion that the present petition is not maintainable.

15. In the aforesaid circumstances, the Public Interest Litigation

deserves to be dismissed, firstly on the ground that Public Interest Litigation is not maintainable in service matters, and secondly because the persons who are directly aggrieved have not approached this Court and the petition cannot be entertained at the instance of a retired employee who himself has already obtained relief.

16. Civil Application No.111 of 2025 has been filed by Police Karmachari Kutumbiya V Seva Nivrutta Police Bintari Samajsevi Sanstha, Aurangabad seeking intervention. The record shows that the present petitioner himself is the Chairman of the said Sanstha and the intervention application has been filed in support of the present petition. Since we have already expressed our disinclination to entertain the Public Interest Litigation, the application for intervention does not survive.

17. Accordingly, the Public Interest Litigation stands dismissed. Civil Application No.111 of 2025 stands disposed of.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm