
(2016) 06 MP CK 0009
In the Madhya Pradesh High Court
Case No : W.P. No. 14649 of 2015

Keshar Singh and others

APPELLANT

Vs

Union of India and ors.

RESPONDENT

Date of Decision : 14-06-2016

Acts Referred:

Administrative Tribunals Act, 1985 — Section 14, 27
Constitution of India, 1950 — Article 226

Citation : (2016) 3 MPLJ 109 : (2016) 6 SLR 90

Hon'ble Judges : Shri Rajendra Menon, Acting C.J. and Shri Anurag Shrivastava, J.

Bench : Division Bench

Advocate : Shri P.N. Dubey, learned Counsel, for the Appellant; Shri Sandeep Kumar Shukla, learned counsel union of India, for the Respondent

Final Decision : Allowed

Judgement

1. Petitioners were working in the respondents department as a daily wages employee and sought regularisation in service after grant of age relaxation or permission to participate in the process of direct recruitment after grant of appropriate age relaxation in view of the fact that they have been working for more than 10 years as Class IV employees. Petitioners also claim certain benefit in view of the law laid by the Constitution Bench of the Supreme Court in the case of Secretary, State of Karnataka and ors. v. Uma Devi and ors., (2006)4 SCC 1. However, in the matter of granting relaxation without advertent to consider the grievance of the petitioners on merit and without taking note of the prayer made, by holding that the Central Administrative Tribunal is not entitled to enter into a litigation in the form of Public Interest Litigation and by referring to Section 27 of the Administrative Tribunal's Act and holding that Tribunal has no jurisdiction in the matter, the application has been rejected.

2. In our considered view, this approach of the Tribunal was not at all correct. The dispute raised in the application pertains to service dispute and it was the

petitioners" case that they are entitled to participate in the process of selection/regularization or participate in the process of appointment as per Recruitment Rules and for the said purpose, they claim age relaxation on account of the fact that they worked for more than 10 years as daily wagers. The relief claimed in the application was personal to them, they were the aggrieved persons and they wanted appointment or regularisation in service in an establishment controlled by Central Government. That being so, it was the service dispute pertaining to selection/regularization or appointed to a Central Government Department, the Tribunal by holding it to be a Public Interest Litigation committed an error in dismissing the application.

3. Keeping in view the aforesaid, this petition is allowed. Order impugned passed by the Central Administrative Tribunal in O.A. No. 517/2012 is quashed and the matter is remanded back to the Tribunal to decide the grievance of the petitioners on merit in accordance with law after hearing all concern.

4. With the aforesaid, this petition stands allowed and disposed of.