
(2007) 10 AHC CK 0044
In the Allahabad High Court

Mrigendra Pandey

APPELLANT

Vs

Chairman, U.P. Rajkiya Nirman Nigam Ltd. and Others

RESPONDENT

Date of Decision : 31-10-2007

Acts Referred:

Citation : (2008) 116 FLR 803

Hon'ble Judges : Narayan Shukla, J;A.N. Varma, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

A.N. Varma and Narayan Shukla, JJ.—Heard Shri Hari Shanker Jain, learned Counsel for the petitioner and Shri Shishir Jain, learned Counsel, who has accepted notices on behalf of opposite parties 1 to 3.

This petition has been styled as Public Interest Litigation.

It appears that the opposite party No. 5 has been retained in the department beyond the period of deputation.

2. The petitioner has prayed for direction to be issued to the opposite parties to repatriate the opposite party No. 5 to his parent department i.e. opposite party No. 4. The said opposite party No. 5 was also said to be promoted by a forged order in his parent department.

3. The petitioner is not an employee of the department but an Advocate practising in Civil Court. No element of Public Interest Litigation appears to be involved in the writ petition. Illegal continuation on deputation or order of promotion can be brought to the notice of appropriate authority or the matter can be agitated before appropriate forum. It is not open for us to lift the veil of public interest and scrutinise as to what is working behind it, even otherwise matter regarding service jurisprudence cannot be agitated by way of Public Interest Litigation as per proposition laid down in Dr. B. Singh v. Union of India 2004 (101) FLR 576 : 2004 AC 27 , Dattaraj Nathuji Thaware Vs. State of

Maharashtra and Others, Gurpal Singh Vs. State of Punjab and Others, and Rajnit Prasad Vs. Union of India (UOI) and Others,

4. We are not satisfied with the alleged element of the Public Interest Litigation in the petition, as such, no interference is warranted in the matter.

In view of the aforesaid, the writ petition being devoid of merit, is hereby dismissed.