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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 985/2022, CM APPL. 2788/2022**
INSTITUTE OF COST ACCOUNTS OF INDIA Petitioner
Through : Mr.G.S.Chaturvedi, Advocate.
versus
NATIONAL COMMISSION FOR SCHEDULE
CASTES AND ANR Respondents
Through : None.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **17.01.2022**

1. The hearing has been conducted through Video Conferencing.
2. This Writ petition is filed with the following prayers:
“(a) issue writ of certiorari or any other writ, order or direction quashing the order dated 22.12.2021 passed pursuant to meeting held on 17.12.2021 by Ld.National Commission for Schedule Castes, New Delhi with costs throughout;”
3. It is submission of the learned counsel for the petitioner vide the impugned order dated 22.12.2021 the respondent had directed the petitioner herein to re-instate the petitioner, a contractual employee and make him a permanent employee of the organisation and also to pay the arrears remaining from the date of removal from services till date.
4. It is submitted by the learned counsel for the petitioner that the respondent has gone beyond his jurisdiction and has given the directions beyond its powers prescribed under Article 338 of Constitution of India.
5. The learned counsel for the petitioner referred to *National Seed Corporation Ltd. vs. National Commission for SC and ST MANU/DE/4850/2013* wherein the Court held as under:

“35. The powers vested with the Commission of enquiry and submission of report cannot be extended to

adjudication of disputes between an individual and a corporation or a statutory authority. The powers conferred do not contemplate that the Commission can examine the matter like a Civil Court and adjudicate the dispute and pronounce a judgment either interim or final.

36. The Commission is not a Tribunal or a forum discharging the functions of a judicial character or a Court. Article 338 does not entrust the said Commission with the powers to take up the role of a Court or an adjudicatory tribunal and to determine the rights inter-se the parties.

37. No doubt, under clause 8 of Article 338, the Commission has been given all the powers of the Civil Court trying a suit but the said powers are to be exercised while investigating any matter referred to in sub-clause 'a' or enquiry into any complaint referred to under sub-clause 'b' of Clause 5.

38. The powers given to the Commission are procedural powers of a Civil Court for the purposes of investigating and enquiring into these matters and are limited for that purposes. The power conferred under Clause 8 of Article 338 do not confer the powers of a Civil Court of granting injunctions of temporary or permanent nature and for adjudicating and deciding disputes between parties like a court.”

6. Issue notice to the respondents through all modes including email/whatsapp returnable on 06.05.2022 and in the meanwhile the impugned order dated 22.12.2021 shall remain stayed.

YOGESH KHANNA, J.

JANUARY 17, 2022

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