

**Court No. - 2**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 372 of 2022

**Petitioner :-** Vinod Kumar Garg

**Respondent :-** State Of U.P. Thru. Its Chief Secy. Govt. Of U.P Civil  
Secret. Lucknow And Another

**Counsel for Petitioner :-** Subhas Chandra Pandey

**Counsel for Respondent :-** C.S.C.

**Hon'ble Devendra Kumar Upadhyaya,J.**

**Hon'ble Rajnish Kumar,J.**

Heard learned counsel for the petitioner and learned counsel for the State.

By means of this writ petition filed under Article 226 of the Constitution of India ostensibly in Public Interest, a prayer has been made to issue direction to the State Government to enhance the age of superannuation of the employees of the State of U.P. from 60 years to 62 years.

It is strange that such a petition has been filed purportedly in public interest. The petitioner is a complete stranger so far as the conditions of service of the employees of the State Government are concerned. It is also noticeable that the Hon'ble Supreme Court in more than one cases has categorically held that in service matters, no public interest litigation will be maintainable. Reference may be had to the judgment in the case of ***Dr. Duryodhan Sahu and others versus Jitendra Kumar Mishra and others, reported in (1998) 7 SCC 273.***

In the case of ***Dattaraj Nathuji Thaware vs. State of Maharashtra and others, reported in (2005) 1 SCC 590,*** Hon'ble Supreme Court referring to the judgment in the case of Dr. Duryodhan Sahu and others (supra) has observed that despite the said judgment the inflow of so called PILs involving service matters continues unabated in the courts. The relevant observation in this regard has been made by Hon'ble Supreme Court in para 16 of the judgment in the case of ***Dattaraj Nathuji Thaware (supra),*** which is extracted herein below:

**"16. As noted supra, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that courts are flooded with a large number of so-called public interest litigations where even a minuscule percentage can legitimately be called as public interest litigations. Though the parameters of public interest litigation have been indicated by this Court in a large number of cases, yet unmindful of the real intentions and objectives, courts are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilised for disposal of genuine cases. Though in Duryodhan Sahu (Dr.) v. Jitendra**

Kumar Mishra [(1998) 7 SCC 273 : 1998 SCC (L&S) 1802 : AIR 1999 SC 114] this Court held that in service matters PILs should not be entertained, the inflow of so-called PILs involving service matters continues unabated in the courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision. The other interesting aspect is that in the PILs, official documents are being annexed without even indicating as to how the petitioner came to possess them. In one case, it was noticed that an interesting answer was given as to its possession. It was stated that a packet was lying on the road and when out of curiosity the petitioner opened it, he found copies of the official documents. Apart from the sinister manner, if any, of getting such copies, the real brain or force behind such cases would get exposed to find out the truth and motive behind the petition. Whenever such frivolous pleas, as noted, are taken to explain possession, the court should do well not only to dismiss the petitions but also to impose exemplary costs. It would be desirable for the courts to filter out the frivolous petitions and dismiss them with costs as aforesaid so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the courts"

When we closely examine the averments made in the writ petition, what we find is that the petitioner is a complete stranger and has in fact sought alteration in the conditions of service of the employees of the State Government, hence we are not inclined to entertain the instant writ petition.

In view of the aforesaid, the writ petition is **dismissed**.

**Order Date :- 5.7.2022**

Akanksha