* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) No. 2117/2015 & CM No. 3816/2015

% **4th March, 2015**

SAHKARMI WELFARE ASSOCIATION OF RETIRED EMPLOYEES OF NATIONAL COUNCIL FOR COOPERATIVE TRAINING

..... Petitioner

Through: Ms. Prabhasahay Kaur, Adv.

Versus

UNION OF INDIA & ORS. ..... Respondents

Through: Mr. Rajesh Gogna, Advocate for respondent no.1.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not? **Yes**

VALMIKI J. MEHTA, J (ORAL)

1. After arguments, this petition is not pressed with liberty to the individually affected persons to file writ petitions as individuals or as a group provided there are common questions of facts and law which arise qua the common petitioners.

2. Petition is allowed to be withdrawn with aforesaid liberty.

VALMIKI J. MEHTA, J

MARCH 04, 2015

Ne

3. After the above order was passed at around 11 AM, the matter was mentioned at the stroke of lunch, and the counsel for the petitioner states that petitioner has instructed her not to withdraw the petition. This is indeed a strange position, however therefore, I am passing the following detailed order.

4. In this writ petition, the petitioner is a body/entity i.e a legal person and not a natural person. By the writ petition, benefit is sought for the members of the petitioner with respect to the claim of D.A. and also interest.

5. In my opinion, the writ petition is not maintainable by a body and which body does not get any benefits but the benefits are prayed for and granted only to individual persons. Facts and causes of action of each individual person have to be pleaded separately in a separate petition unless

a petition can be filed by a group of individual persons on there existing common questions both of law and facts. It is settled law that in service matters, a PIL is not permissible i.e a service matter has to be filed by a person who has *locus standi* and seeks reliefs. This petition effectively is barred on the same principle because petitioner as a body does not get any benefits but the benefits are sought for with respect to individuals who can surely come before this Court. Just because many petitioners find it convenient to file a case through a body does not mean that this Court should entertain such a petition inasmuch as rights are with respect to an individual and it is not the case that such an individual on account of suffering from a disability could not approach this Court and therefore effectively the PIL on his behalf is sought to be filed.

6. In service matters where *vires* of a statutory provision are challenged, may be a body can file a petition, but, where individuals claim individual monetary benefits as per the facts of such individuals, and facts of each individual are not necessarily identical for raising common questions of law and facts, then a body/legal entity ought not to be allowed to file a case and cases must be filed by the individuals as per their own *locus*.

7. In view of the above, the petitioner lacks *locus standi,* and therefore the petition is not maintainable and is dismissed.

VALMIKI J. MEHTA, J

MARCH 04, 2015

Ne