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

+ **W.P.(C) 8725/2019**

COAL INDIA LIMITED & ANR.

..... Petitioners

Through: Ms Maninder Acharya, ASG with Mr
Harish Pathak, Mr Harshul
Choudhary, Mr Viplav Acharya, Mr
Siddharth Shukla and Ms Ikshita
Singh, Advocates.

versus

**NATIONAL COMMISSION FOR SCHEDULED
CASTES & ORS.**

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.08.2019

CM No.36061/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 8725/2019

2. The petitioners have filed the present petition impugning the order dated 27.05.2019 passed by the respondent (National Commission for Scheduled Castes – hereafter ‘the Commission’). Although the said order has been couched as a recommendation, it is pointed out that the Commission has also called upon petitioner no.1 to submit an action taken report. Further, the language used in the said order also indicates that directions have been issued to the petitioners for considering respondent

nos.2 to 5 for promotion with retrospective effect from 2007.

1. Ms Acharya, learned ASG submits that this Court has, in number of decisions, have pointed out that the Commission has no jurisdiction to enter and adjudicate controversy relating to service matters. She also relied upon the decision of the Supreme Court in ***All India Indian Overseas Bank SC and ST Employees' Welfare Association v. Union of India: 1996 (6) SCC 606.***

3. Issue *dasti* notice, returnable on 18.09.2019.

4. *Prima facie*, the contentions advanced on behalf of the petitioners are merited. Accordingly, all proceedings before the Commission in relation to the complaints preferred by respondent nos.2 to 5, are stayed. This includes all summons issued by the Commission.

5. Order *dasti* under signatures of the Court Master.

AUGUST 13, 2019
MK

VIBHU BAKHRU, J