

ITEM NO.118

COURT NO.7

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 6958 OF 2004

UNION OF INDIA & ORS.

Appellant (s)

VERSUS

J.C. JAIN

Respondent(s)

(With prayer for interim relief)
WITH Civil Appeal NO. 6960 of 2004
(With prayer for interim relief)

Date: 09/03/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s) Mr.T.S.Doabia, Sr. Adv.
Ms. Kiran Bhardwaj, Adv.
Mr. Shailender Saini, Adv.for
Mr. P. Parmeswaran,Adv.

Ms. Kamlesh Jain, Adv.
Mr. M.A.Chinnasamy, Adv.

For Respondent(s) Mr. V.K.Rao, Sr. Adv.
Ms. Nidhi, Adv.
Ms. Madhu Sikri,Adv.

UPON hearing counsel the Court made the following
O R D E R

The Appeals are allowed in terms of the signed
order. No costs.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[signed Order is placed on the File]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6958 OF 2004

Union of India & Others

..Appellants

versus

J.C. Jain

..Respondent

WITH

CIVIL APPEAL NO. 6960 OF 2004

O R D E R

Delay of 27 days in Civil Appeal No.6960/2004 is condoned.

These Two Appeals have been filed against the impugned judgment of the High Court of Delhi at New Delhi dated 03rd December, 2003 passed in writ petition No. 8047 of 2002.

Heard learned counsel for the parties and perused the impugned judgment.

The facts have been set out in the impugned judgment and hence we are not repeating the same here in detail. The respondent(the writ petitioner) filed a writ petition in the High court praying for a direction that the Union of India should consider his case for induction into the Indian Information Service(IIS). That Writ Petition was allowed.

Admittedly,the respondent was not working in IIS and was working as Director(Publicity)in the Department of Small Scale Industries. The Indian Information Service is one of the Central Government Allied Services like the Indian CIVIL APPEAL NO(s). 6958 OF 2004

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Revenue Service, Indian Police Service, etc. and it has a separate cadre.

In our opinion, whether to include the post of Director(Publicity) into the Indian Information Service or not is entirely an executive function and the judiciary cannot encroach upon the domain of the executive or legislature as held by this Court in the case of Union of India & Others vs. Hiranmoy Sen & Others reported in (2008) 1 SCC 630, Divisional manager, Aravali Golf Club vs. Chander Hass, JT 2008 (3) SC 221 = (2008) 1 SCC 683 etc. The judiciary must maintain self-restraint in these matters.

Accordingly, these appeals are allowed and the impugned judgment of the High Court is set aside. No costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI ;
MARCH 09, 2010

.....J.
[A.K. PATNAIK]