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SC/ST commission cannot adjudicate disputes: HC

'It is neither a tribunal nor a court'

SPECIAL CORRESPONDENT
BENGALURU

The State Commission for Scheduled Castes (SC) and Scheduled Tribes (ST) is not empowered in law to adjudicate and decide disputes between the parties and pronounce its orders either interim or final as it is neither a tribunal nor a court, the High Court of Karnataka has said.

"The commission cannot be construed to be a tribunal or a forum discharging the functions of a judicial character or court. Article 338 of the Constitution itself does not entrust the commission with the power to take up the role of a court or an adjudicatory tribunal and determine the rights of parties *inter se*," the High Court has observed.



Justice M. Nagaprasanna passed the order while setting aside a 2016 direction of the commission asking the government to promote to a government employee in a dispute over seniority and date of promotion between two employees belonging to the Scheduled Caste

M.B. Siddalingaswamy, a superintendent working in the Office of the Director, Department of Pre-University Education, had questioned the 2016 order of the commission on a plea filed by another employee, K.R. Muralidhar, also a superintendent in the same office.

"...the powers bestowed upon the commission by the Constitution

are procedural powers of the civil court for the purpose of investigating and enquiring into matters and are limited only for that purpose. The procedure that is conferred under Article 338 cannot be confused to be conferring a substantive power akin to that of a civil court or a tribunal which are adjudicating bodies of disputes of citizens," the court held.

As per the provisions of the Article 338 and its interpretation by the apex court, it is "unmistakably clear" that the commission does not have the power to adjudicate such disputes, the High Court said while noticing that the commission, without authority in law, had directed the government to grant retrospective promotion, correct seniority with consequential benefits, etc. while entertaining the plea of one of the employees.