

Landmark Judgement

Case Study: Chander Hass v. DM Aravali Golf Club (2007) | Separation of Powers

Judges must abstain from usurping the duties of other parts of government and abusing their power in the name of judicial activism. The Constitution outlines specific responsibilities for the Executive, Judiciary, and Legislature. Any intrusion into these areas runs the danger of disrupting the delicate constitutional balance and having negative repercussions.

Case Title: Divisional Manager, Aravali Golf Club & v. Chander Hass & Anr

Court: Supreme Court of India

Citation: Appeal (civil) 5732 of 2007

Petitioner: Divisional Manager, Aravali Golf Club & Anr.

Respondent: Chander Hass & Anr.

Judges: Justice A. K. Mathur & Justice Markandey Katju

Date of Judgment: 06/12/2007

Overview

People who have had their rights violated or infringed upon may ask the court for appropriate remedies. The Indian Constitution's Article 32 gives the Supreme Court writ jurisdiction to protect or uphold a person's basic rights. This clause allows any Indian citizen who feels that their fundamental rights have been infringed upon to petition the Supreme Court. Habeas

corpus, prohibition, mandamus, certiorari, and quo warranto are the five types of writs mentioned in Article 32.

A writ is a court-issued legal document or order that instructs a person, official, or authority to carry out a specific task or refrain from doing so.

An appeal is a legal request for a higher court to review and reevaluate a decision made by a lower court. It serves as a means of fixing errors and elucidating or interpreting the law. The right to file an appeal and ask for a formal modification to the judgment or order is limited to the parties involved in the original case before the lower court. The court that evaluates the decision of the lower court is known as the appellate court, and the individual who submits the appeal is known as the appellant. Only legally permitted appeals may be filed, and they must adhere to strict procedural guidelines.

The case's facts

The respondents were initially hired as gardeners (Mali) by the appellants, who represented a golf club run by the **Haryana Tourism Corporation between 1988 and 1989**.

Despite the lack of an official tractor driver position at the club, the responders started out as daily gardeners (Mali) before being promoted to tractor driver. The responders were compensated at the Mali salary rate in spite of this. They then insisted on having their pay adjusted to match the work they were doing as tractor drivers.

The appellants started paying the respondents the daily wages of a tractor driver as directed by the Deputy Commissioner after receiving a request from Head Office. They had been tractor drivers for about ten years, but in 1999, their services were regularized against the Mali position instead of being acknowledged as such.

The respondents chose to launch a civil complaint in order to regularize their employment as tractor drivers after their concerns were not resolved despite their submissions.

Because the company did not explicitly acknowledge the role of the tractor driver, the Trial Court initially rejected their lawsuit. The court found that operating a tractor was a necessary component of a gardener's (Mali's) job at a golf club due to the size of the course and the need for mechanical maintenance.

The trial court's ruling was appealed by the respondents to the Additional District Judge in Faridabad. The court recognized that the plaintiffs had been receiving tractor driver services from **the defendants from August 13, 1999**. Consequently, the court mandated that the defendants create the role of tractor driver and regularize the plaintiffs in that role.

Additionally, a major Aravali Golf Club manager filed a second appeal with the **Punjab and Haryana High Court**. Given the availability of tractors and the demand for their usage, the learned Single Judge in this appeal recognized the necessity of creating the position of tractor driver. The judge emphasized that people's legal rights should not be unilaterally denied by state officials on technological grounds. The First Appellate Court's decision was upheld when the second appeal was denied.

The appellants, dissatisfied with the outcome, appealed the aforementioned ruling to the Supreme Court.

Problems

Is it possible to start regularizing services for a post that has been authorized for creation?
Do courts have the authority to create a stance that the organization hasn't explicitly stated?

Evaluation

The court's decision focused on the respondent's inability to be regularized in such jobs due to the lack of an authorized post for tractor drivers. The first appellate court's and the learned single judge's decision to regularize the respondents' services and establish new tractor driver positions was judged to be outside of their jurisdiction. The court emphasized that the legislative or executive branches, not the judiciary, are in charge of creating new positions.

The verdict and order of the High Court and First Appellate Court were overturned as a result of the appeal being granted. Nonetheless, the Trial Court's decision was maintained.

Citing cases like **Indian Drugs & Pharmaceuticals Ltd. v. The Workman of Indian Drugs & Pharmaceuticals Ltd., (2007) 1 SCC 408** and **S.C. Chandra and Ors. v. State of Jharkhand and Ors., JT 2007 (10) 4 SC 272**, the judges emphasized the significance of judicial restraint. They emphasized the need of staying out of the legislative or executive branches' purview.

The court noted an increasing trend toward judicial restraint in administrative proceedings,
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citing **Tata Cellular v. Union of India, AIR 1996 SC 11**. Despite this, some courts nonetheless perform executive or legislative duties, which ought to be avoided. In comparison to administrative agencies, the court admitted that it lacked administrative skills.

Similarly, in **Ram Jawaya v. State of Punjab, AIR 1955 SC 549**, the court emphasized the need for each branch of government to operate within its assigned confines and the constitutional principle of separation of powers. In a similar vein, the court highlighted the distinct roles of the legislative, executive, and judicial branches as outlined in the Constitution in **Asif Hameed v. State of Jammu and Kashmir**.

The Honorable Supreme Court stressed how crucial it is to refrain from judicial activism that interferes with the operations of other state branches.

In conclusion

Judges frequently encounter situations where they run the risk of abusing their position by attempting to exercise legislative or executive authority, which is a flagrant violation of constitutional principles. It is not appropriate to use judicial activism as a justification for interfering with the duties delegated to other departments of government. Every branch needs to be aware of its limitations and refrain from taking on tasks that belong to other branches. They have to be humble and refrain from misusing their authority.

The legislative, judicial, and executive branches of government must continue to operate independently of one another. It would be unlawful for judges to expand their jurisdiction or challenge the authority of other branches. Each branch should refrain from encroaching on another's territory in order to maintain a delicate balance.

The concept of judicial restraint preserves the independence of the branches while ensuring parity between them. Preventing any branch of government from abusing its power or responsibilities is the main objective.