

Ravindra Kumar Dutta

Vs

Union of India and Another

Yadram Agarwal

Vs

Union of India and Another

Ramchandra Singh and Others

Vs

Union of India and Others

Writ Petitions Nos. 393, 394 and 442 of 1972, With Writ Petitions Nos. 8212, 4478 and 7646 of 1982, 2359-60, 8260, and 1401 of 1981 and 17056 and 14107 of 1984

(O. Chinnappa Reddy, M. M. Dutt JJ)

22.07.1986

ORDER

1. Dr Chitale has squarely raised the question of vires of Rule 5 of Central Civil Services (Conduct) Rules, 1964 the effect of which is to ban government employees from participation in any form of political activity. He contends that the ban offends Article 19(1)(a) and (c) and that it is not protected by clauses (2) and (4) of Article 19 as it cannot be said to have been imposed in the interest of the sovereignty and integrity of India or public order or morality. Dr Chitale relies upon the decisions of this Court in Acharya Jagdishwaranand Avadhuta v. Commissioner of Police ((1983) 4 SCC 522 : 1984 SCC (Cri) 1) and State of M.P. v. Ranashanker Raghuvanshi, ((1983) 2 SCC 145 : 1983 SCC (Cri) 371 : 1983 SCC (L & S) 263) which to the extent that they go, appear to support his contention. The question raised is of great importance and the acceptance of the contention may lead to complete revision of the accepted Civil Service Philosophy. We think it is desirable that these matters should be heard by a Constitution Bench. The Registry will seek appropriate directions from the Hon'ble Chief Justice.

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