

L Chandra Kumar Case - Important SC Judgements for UPSC

Many Supreme Court judgements have changed the face of Indian polity and law. These landmark SC judgements are very important segments of the [UPSC syllabus](#). In this series, we bring to you important SC judgments explained and dissected, for the benefit of IAS aspirants. In this article, you can read all about the L Chandra Kumar Case. Get a list of [landmark SC judgements for the UPSC exam](#) in the linked article.

L Chandra Kumar Case

The issues that were dealt with in this case emanated generally from the controversy that was generated by the constitutional amendments that inserted Articles 323A and 323B. These provisions essentially did away with the jurisdiction of High Courts in service matters. In various cases which included [Kesavananda Bharati](#) and Sampat Kumar, the Courts tried to put an end to various questions that arose in this respect. However, these judgements had the exact opposite effect because instead of answering these questions they gave rise to various other questions and controversies in this regard. The issue was finally laid to rest in the landmark case of L. Chandra Kumar v. Union of India.

After Articles 323A and 323B of the Constitution came into effect, the [Central Administrative Tribunal](#) was established with five different Benches with effect from November 1, 1985. However, even before the establishment of these benches, several petitions were filed before the Supreme Court challenging the constitutional validity of the articles in question. The petitioners raised various contentions in this regard but the main contention was that the provisions were unconstitutional because they exclude the jurisdiction of the high courts which went against the basic structure of the Constitution.

L Chandra Kumar Case Issues

Given below are the main issues before the court in the L Chandra Kumar case.

1. The first issue that was raised in this instant case was whether the exclusion of the jurisdiction of the High Court through Articles 323-A (2) (d) and 323-B (3) (d) was against the doctrine of [judicial review](#) that was a basic feature of the Constitution. The Court while delving upon this issue took recourse to various laws like the Administrative Tribunals Act, along with the Sampat Kumar Judgement and the Constitutional Assembly debates. The court, after careful consideration of the above-mentioned events, concluded that judicial review is indeed a basic feature of the Indian Constitution. Also, the court relied on the opinion of Dr Ambedkar, who was the Chairman of the Drafting Committee of the Constitution, on Article 25 (present Article 32) where he contended that this Article is the Indian Constitution's very soul.
2. The second issue was whether the Tribunals constituted either under Article 323B or Article 323A of the Indian Constitution, have the competence to test the constitutional validity of a statutory rule or provision. In this respect, the Court stated that in the face of an unprecedented rise in the number of litigations, it is important to provide for alternative forums for judicial review. This meant that the view taken in Sampat Kumar case was right as it propounded the theory of alternative institutional mechanism to deal with the massive pile-up of cases in various High Courts. More importantly, while dealing with such issues the Court held that the decisions of the Tribunals will be subject to judicial review by the High Courts under article 226.

This served two purposes, first, it retained the High Courts' power of judicial review and secondly, the Tribunals will filter out litigation if they were false or frivolous before the jurisdiction of High Court is invoked.

L Chandra Kumar Case Judgement

The central theme of the entire judgement was that the Tribunals cannot and will not be a substitute for the power of judicial review that the Constitution bestows upon the High Courts. The Tribunals will act as supplementary institutions to assist the High Court while they perform their function. Moreover, the Tribunals will remain under the supervision of the High Courts and can in no way be considered as institutions parallel to the High Courts.

Some of the important outcomes of the judgement were as follows:

- The power of judicial review vested in the Supreme Court and High Courts by Articles 32 and 226 respectively is a part of the [basic structure of the Constitution](#).
- That there is the supervision of the Supreme Court and High Court over these Tribunals was also part of the basic structure of the Constitution.
- Judicial review of legislative action in exercise of power by subordinate judiciary or Tribunals created under ordinary legislation cannot be to the exclusion of the High Courts and the Supreme Court. However, they can perform supplemental – as opposed to substitution – role in this respect.
- Tribunals constituted under Articles 323A and 323B have the authority to test vires of subordinate legislation, but they cannot test vires of their parent statutes. All the decisions of tribunals would be under scrutiny before a Division Bench of their respective High Courts under Articles 226/227. An appeal cannot lie directly to the SC under Article 136. This direction would be operative prospectively.
- Appointing administrative members to the Tribunals need not be ceased.
- Until a fully independent agency for the administration of all such Tribunals can be set-up, it is desirable that all such Tribunals should be, as far as possible, under a single nodal ministry which will be in a position to oversee the working of these Tribunals. For a number of reasons that ministry should appropriately be the Ministry of Law.

