

Topic: Whether Office Of Governor Is An Employment Under The Government Of India

Name of the case: Hargovind Pant v. Raghukul Tilak, AIR 1979 SC 1109

Bench Chief Justice Y.V. Chandrachud, Justice P.N. Bhagwati, Justice N.L. Untwalia, Justice Syed Murtuza Faizalai, Justice R.S. Pathak

Fact of the Case: The first respondent, who was a member of Rajasthan State Public Service Commission during the years 1958 to 1959, was later appointed as Governor of the State of Rajasthan. The petitioner contended that by the virtue of Article 319 (d) of the Constitution the respondent was ineligible to be appointed as Governor of State because he was a member of the State Public Service Commission.

Issue: Whether, by reason of Article 319(d) the respondent was ineligible for employment either under the Government of India or under the Government of State and whether the office of governor was an employment under the Government of India?

Judgment: The Supreme Court has ruled that the office of governor is not an employment under the Government of India, and so it does not fall within the provision of Article 319(d). Therefore, a member of the State Public Service Commission can be appointed as Governor. The court adduced the following reason for this view: unemployment can be said to be under the Central Government if the holder or the incumbent is under the control of Central Government vis-a-vis such employment. The office of Governor does not fall under this description. The office of Governor is not an employment under the Government of India; The Governor occupies a high constitutional office with important constitutional function and duties; he is not an employee of the Government of India; he is not subordinate or subservient or under the control of Government of India, nor is he amenable to its directions, nor is he accountable to it for the manner in which he carries his functions and duties. Governor is an independent constitutional office which is not subject to control of Government of India.
