

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/ORIGINAL JURISDICTION

Writ Petition(s)(Civil) No(s). 643/2015

ALL INDIA JUDGES ASSOCIATION

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

SLP(C) No. 31461/2017

T.C.(C) No. 3/2018

O R D E R

WP(C) No. 643/2015

The Committee appointed by this Court by the Orders of this Court dated 9.5.2017, submitted a report dated 9.3.2018 on Interim Relief(Pay) to the Judicial Officers. The gist of the Report is summarised in paragraph 15 of the Report. It reads:-

Summary of recommendations:-

1. Interim relief to the extent of 30% of increase in basic pay with accrued increments shall be paid to all categories/ranks of Judicial Officers.

2. The said increased in Pay shall be treated as a separate

component and no D.A. is payable thereon.

3. Arrears shall be worked out with effect from 01.01.2016 on the above basis. The details of calculations are set out in Annexure-I.

4. On the same basis, the interim relief shall be provided to the pensioners and family pensioners with effect from 01.01.2016 and the arrears to be paid accordingly.

5. Wherever the benefit of interim relief has already been granted, the Judicial Officers in those States/UTs can exercise their option to continue to be governed by such Orders.

6. The amounts payable by way of interim relief now proposed are liable to be adjusted against the future determination pursuant to the final report submitted by the Commission.

Heard Mr. A.N.S. Nadkarni, ASG, Mr. Tushar Mehta, ASG, Mr. Gourab Banerji, learned senior counsel for the petitioner Association and various learned counsel representing some of the States and the Union Territories. None of the respondents raised any objection with respect to the recommendations made by the above-mentioned Committee regarding the interim relief(pay). In the circumstances, we deem it appropriate to direct all the respondents to implement the recommendations of the Commission, the summary of which is already extracted above.

It is also brought to our notice that the Committee faced certain difficulties in the process of executing the task entrusted to them. The Chairman of the Committee addressed a letter to Mr. P.S. Narasimha, who is assisting the Committee. Mr. Narasimha placed a note before this Court pointing out the salient features of the above-mentioned letter. Having regard to the content of the letter mentioned above, we deem it appropriate to direct the Union of India as follows:-

(i) The Chairman and Members of the Commission should receive emoluments/pay and allowances from 01.06.2017 as they had commenced work in the first week of June, 2017.

(ii) The Secretary should receive emoluments w.e.f. 01.09.2017, as he had commenced work on 16.08.2017.

We also deem it appropriate to direct (i) the State of Telangana to provide the assistance of one of its Officers, not below the rank of a Joint Secretary in the Finance Department, to the Commission (ii) that the interim relief regarding the pay of the Judicial Officers as recommended by the Commission be implemented by all the concerned States and Union Territories w.e.f. 1st of May, 2018. The arrears payable pursuant to the above-mentioned recommendations shall be paid on or before 30th June, 2018.

List this matter in the first week of August, 2018.

SLP(C) No. 31461/2017

T.C.(C)No. 3/2018

These two matters are inter-connected. The special leave petition arises out of an interlocutory order passed by the Bombay High Court on 11.8.2017 in PIL No. 188 of 2015, which is the subject matter of Transferred Case No. 3/2018.

It appears that the above-mentioned writ petition came to be filed as a Public Interest Litigation projecting various perceived inadequacies in the service conditions of the Officers of the Subordinate Judiciary of the State of Maharashtra and seeking appropriate reliefs. One of the grievances in the Public Interest Litigation is regarding the pay and other allowances including the pension of the Subordinate Judicial Officers in the State of Maharashtra.

Admittedly, till 1st January, 2016, payment of salaries and pension and other allowances were made in accordance with the recommendations made earlier by the two Committees appointed by this Court otherwise known as Shetty Commission and Padmanabhan Commission. It appears, subsequent to 1.1.2016, the State of Maharashtra took a different stand, the details of which we do not want to go at this stage, in view of the statement made by Mr. Tushar Mehta, learned ASG representing State of Maharashtra.

It is expressly stated that the report regarding the interim relief(pay) and the orders passed by this Court in WP(C) No. 643/2015 would be implemented by the State of Maharashtra and would be bound by the final order of this Court in All India Judges Association Vs. Union of India & Ors.(W.P.(C) No. 643/2015) proceedings, to be passed after a final report of the Commission is received.

By an Order dated 1.12.2017, this Court called upon the High Court of Bombay to transfer the writ petition no. 188 of 2015 to this Court. It is stated by Mr. B.H. Marlapalle, learned senior counsel and Mr. Tushar Mehta, ASG appearing for the State of Maharashtra that the grievances projected in the writ petition are not only confined to the payment of salaries, allowances and pension and various other issues like inadequacy of infrastructural facilities in the State of Maharashtra etc. and those questions could more conveniently be dealt with by the High Court.

In the circumstances, we deem it appropriate to direct the Registry to return the Writ Petition No. 188 of 2015 to the Bombay High Court for disposal in accordance with law. The High Court would obviously not deal with the questions which are being considered by this Court for the resolution, of which Justice Venkatarama Reddi Commission had been appointed.

The writ petition no. 188 of 2015 is remitted back to the Bombay High Court. The transferred case is accordingly disposed of.

The special leave petition is also disposed of accordingly.

.....J.
(J. CHELAMESWAR)

.....J.
(SANJAY KISHAN KAUL)

NEW DELHI
March 27, 2018

ITEM NO.2+5

COURT NO.2

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 643/2015

ALL INDIA JUDGES ASSOCIATION

Petitioner(s)

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WITH SLP(C) No. 31461/2017

T.C. (C) No. 3/2018

Date : 27-03-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

Mr. P.S. Narsimha, ASG

For Petitioner(s) Mr. Gourab Banerji, Sr. Adv.
Ms. Mayuri Raghuvanshi, AOR
Mr. Vyom Raghuvanshi, Adv.
Ms. Sangya Negi, Adv.
Ms. Manisha Singh, Adv.

SLP(C) 31461/2017 Mr. Tushar Mehta, ASG
Mr. Nishant Ramaikantrao Katneshwarkar, AOR

Mr. Rohit Kumar Singh, AOR
Mr. Anupam Kirti, Adv.

For Respondent(s) Mr. ANS Nadkarni, ASG
Ms. V. Mohana, Sr. Adv.
Mr. D.L. Chidanand, Adv.
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Ms. Sunita Rani Singh, Adv.
Ms. Rashmi Malhotra, Adv.
Mr. Pushkar Taimni, Adv.
Ms. Kashvi Dutta, Adv.
Mr. Umesh Babu Chaurasia, Adv.
Mr. M.K. Maroria, AOR
Mr. Raj Bahadur Yadav, AOR
Mr. B.V. Balramdas, AOR
Ms. Anil Katiyar, AOR
Mr. B.K. Prasad, AOR

Mr. B.H. Marlapalle, Sr. Adv.
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Ms. Prerna Singh, Adv.

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Mr. Rituraj Biswas, Adv.

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Mr. Chirag Jain, Adv.

Mr. Apoorv Kurup, AOR
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Ms. Maitrayee Banerjee, Adv.
Mr. Saurav Gupta, Adv.

HC of Delhi Mr. A.D.N. Rao, AOR
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Mr. Rahul Mishra, Adv.
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Mr. Santosh S. Rebello, Adv.
Ms. Niharika, Adv.
Ms. Kanika Kalaiyarasan, Adv.

For M/s.K.J. John & Co., AOR

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 Mr. Dileep Kumar Dubey, Adv.
 Mr. Pradeep Kumar, Adv.

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 Mr. Ashok Kr. Singh, AOR

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HC of Manipur Mr. Punya Garg, Adv.

HC of Meghalaya Mr. Sanjai Kumar Pathak, AOR
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 Mr. Akhilendra Singh, Adv.

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 Mr. Nishant R. Katneshwarkar, AOR

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 Mr. Daniel Stone Lyngdoh, Adv.

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 Ms. Nitya Madhusoodhanan, Adv.
 Mr. T.G.N. Nair, AOR

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 Mr. Edward Belho, Adv.
 Mr. Amit Kumar Singh, Adv.
 Mr. K. Luikang Michael, Adv.
 Mr. Z.H.Isaac Haiding, Adv.

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 Ms. Asiya Khan, Adv.
 Mr. Ankit Jain, Adv.

Mr. Sibho Sankar Mishra, AOR

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 Mr. S. Manuraj, Adv.
 Mr. Yashraj Singh Bundela, Adv.
 Mr. Praveen Vignesh, Adv.

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 Ms. Anuradha Arputham, Adv.
 Ms. Simran Jeet, Adv.
 M/s.Arputham Aruna & Co., AOR

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High Court of Uttarakhand Mr. Mukesh K. Giri, AOR

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Mr. Ashutosh Ghade, Adv.

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Mr. Devendra Singh, AOR

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Mr. Nikhil Nayyar, AOR
Mr. N. Sai Vinod, Adv.
Mr. Dhananjay Baijal, Adv.
Ms. Smriti Shah, Adv.
Mr. Divyanshu Rai, Adv.

UPON hearing the counsel the Court made the following
O R D E R

WP(C) No. 643/2015

List the matter in the first week of August, 2018.

SLP(C) No. 31461/2017
T.C.(C) No. 3/2018

The transferred case is disposed of.

The special leave petition is disposed of in terms of the signed order.

(DEEPAK MANSUKHANI)
AR CUM PS

(Signed order is placed on the file)

(RAJINDER KAUR)
COURT MASTER