

ITEM NO.1

COURT NO.3

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

IA 19/2016 in Writ Petition(s) (Civil) No(s). 801/1986

SUPREME COURT EMPLOYEES WELFARE ASSN.

Petitioner(s)

VERSUS

UNION OF INDIA . & ORS.

Respondent(s)

(IA No. 19/2016 FOR DIRECTIONS AND OFFICE REPORT)

Date : 13-07-2017 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s) Mr. P.P. Rao, Sr. Adv.
 Mr. Abhinav Agrawal, Adv.
 Mr. E. C. Agrawala, AOR

For Respondent(s) Mr. P.S. Narsimha, ASG
 Mr. K. Radhakrishnan, Adv.
 Mr. A.C. Pradhan, Sr. Adv.
 Mr. V.V.V. Pattabhiram, Adv.
 Mr. Santosh Kumar, Adv.
 Ms. Rashmi Malhotra, Adv.
 Mr. Pulkit Tare, Adv.
 Mr. Aditya Singh, Adv.
 Mr. M.K. Maroria, Adv.

Mr. R. Venkataramani, Sr. Adv.
Mr. Satya Mitra Garg, AOR
Mrs. Manju Aggarwal, Adv.
Mr. Yeshraj Bundela, Adv.

Mr. P. Parmeswaran, AOR

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

On 18th October, 2013. the Registrar of this Court under the instructions of then Chief Justice of India addressed a letter to the Joint Secretary, Ministry of Law and Justice, Department of

Justice, Government of India. The substance of the letter is that the employees of various categories of the High Court of Delhi specified in the said letter had been receiving the Washing Allowance/Dress Maintenance Allowance at the rate of Rs. 1250/- and certain other categories at the rate of Rs.750/- per month. Therefore, the Employees Welfare Association of this Court made a representation to the then Chief Justice of India praying that the benefit of Washing Allowance extended to the employees of the Delhi High Court also be given to the employees of this Court. On correspondence with the Delhi High Court, the Registrar of this Court was informed by the Delhi High Court that the employees of the Delhi High Court were, in fact, being paid the Washing Allowance mentioned in the representation of the employees of this Court. The letter dated 18.10.2013 called upon the Government of India to obtain the "sanction" of the President of India for providing Washing Allowance to the employees of this Court. Obviously, the "sanction" of the President of India is the "approval" required under the proviso to Article 146 (2) of the Constitution of India. In spite of the fact that almost a period of 4 years has elapsed from the date of the said letter, no final decision is taken by the respondent-Union of India.

It is also a matter of record that another letter dated 24.2.2016 from the Registrar (Admn) (II) of this Court addressed to the Director (Justice), Department of Justice, Ministry of Law & Justice, Government of India seeking the fixation of Washing Allowance/Dress Maintenance Allowance at the higher rate than the

one requested by earlier letter of the Registrar dated 18.10.2013 in view of the fact that Delhi High Court, had in the meanwhile upgraded the Washing Allowance/Dress Maintenance Allowance payable to its employees from Rs. 1250/- to Rs.1750/- per month and from Rs.750/- to Rs/1250/- per month.

Affidavits have been filed by the respondents. Elaborate submissions have been made by Mr. P.P. Rao, learned senior counsel appearing for the petitioner/applicant-Association, Mr. R. Venkataramani, learned senior counsel appearing for the Secretary General of the Supreme Court and Mr. P.S. Narsimha, learned Additional Solicitor General appearing for the Union of India regarding the nature of employment of the officers and staff of this Court, the legal regime which governs their service conditions. It may not be necessary for us to go into the various submissions made. It is admitted on all hands that the employees of this Court have a slightly a different status than the employees of Union of India, in view of the specific provisions contained in the Constitution of India dealing with recruitment and service conditions of employees of this Court.

Prima facie, we are of the opinion that the question did not receive any appropriate consideration in the context of the constitutional scheme of the employment in question.

In the circumstances, we deem it appropriate that the Union of India examines the question afresh in accordance with the scheme of

the Constitution dealing with the employees of the Supreme Court of India and a final decision on the letter dated 18.10.2013 be taken within a period of four weeks and place that decision before this Court on 11th August, 2017.

List the matter on 11th August, 2017.

(OM PARKASH SHARMA)
AR CUM PS

(RAJINDER KAUR)
COURT MASTER