

PETITIONER:
ALL INDIA JUDGE'S ASSOCIATION & ORS.

Vs.

RESPONDENT:
UNION OF INDIA & ORS.

DATE OF JUDGMENT 10/04/1995

BENCH:
AHMADI A.M. (CJ)
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AHMADI A.M. (CJ)
BHARUCHA S.P. (J)

CITATION:
JT 1995 (3) 573

ACT:

HEADNOTE:

JUDGMENT:

1. By our judgment in Review Petitions rendered on 24th August, 1993 the date of compliance of certain directions issued earlier by the Judgment of 13th November, 1991 came to be extended up to 31st March, 1994 (See 1993 (4) SCC 288 at 317). More than a year has since passed. We find that the directions have not been complied with fully by most of the States. That is presumably because it has not been possible for the State Governments to construct sufficient houses for judicial officers even though some of the State Governments have granted administrative approvals and sanctioned funds for the grant thereof. However, that may take some time but in the meantime some arrangement ought to be made because the question of residential accommodation to judicial officers is a first priority requirement. What the interim arrangement should be is a matter in regard to which we have heard counsel for the respective State Governments. In the case of the State of Gujarat we had on an earlier occasion, i.e on 19.8.94, passed an order to the effect that the judicial officer should be granted residential accommodation of the standard to which they are entitled having regard to their status from the general pool on priority basis. It should be made clear that when we state that the quarters should be allotted to judicial officers on priority basis, the direction should be complied with letter and-spirit and not by permitting special category allotments by-passing allotment to judicial officers. If despite the same sufficient quarters are not available from the common pool and it becomes necessary to requisition or hire private accommodation the State Government should direct the respective Collectorates to locate accommodation of the prescribed standard and allot the same to the judicial officers. In cases where that is not done or is not possible for want of accommodation or even though the judicial officer is able to point out accommodation but for some valid reason it is not possible for the State Government to requisition or hire the same and the Judicial

officer is compelled to hire accommodation for himself, the rental in excess of what the judicial officer is entitled to by way of H.R.A., must be borne by the State Government provided the judicial officer intimates the State Government that on account of its default he has selected a house at a particular rental and would be occupying the same. If after such intimation the State Government \ Collectorate does not provide accommodation to the judicial officer within a month's time the judicial officer will be entitled to hire the house and the State Government will pay the rental in excess of the H.R.A. admissible to the judicial

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officer for the accommodation. In the case of judicial officers already in occupation of private accommodation the same benefit should be extended to them also, namely, of payment of the excess amount for the accommodation. In order that the State Government may have reasonable time to comply with this direction we direct that this order should be worked out as early as possible and will become effective from 1st August, 1995. It is needles to impress upon the State Governments that we expect scrupulous implementation of this order because by the date 1.8.95 more than reasonable time would have elapsed since the making of the order in the Review Application. A copy of this order will be sent to the Chief Secretary of every State Government who shall be personally responsible for the implementation of the order, failure, if any, will invite drastic action.

Re: Working Library:

2. In regard to making available a working library for the judicial officers at different stations we find that most of the States have failed to comply with the direction fully. We find it difficult to appreciate why such a simple direction has not been complied with thus far. There are two methods by which compliance can be ensured. Firstly, by determining the library requirements and providing the books to the judicial officers or by working out the cost factor and providing finance to the High Court to provide the books to the judicial officers. This should not have taken so long and the State Governments should have shown urgency in equipping the judicial officers with a minimum working library to ensure efficient performance. With a view to giving a last opportunity to the State Governments to comply with the direction we direct that those State Governments which have failed to comply with the directions shall do so before 1.8.95.

Re: All India Judicial Service:

3. On 17.2.95 Mr. Altaf Ahmad the learned Additional Solicitor General had stated that with regard to the Court's directive for setting up an All India Judicial Service the Union of India will file an affidavit stating what action it has taken for the implementation of that direction. Accordingly, an affidavit has been filed which shows that certain steps were taken but the distance that has to be covered to achieve the objective is yet a long one. Unless the Union of India takes effective steps in the direction of setting up of an All India Judicial Service the question of uniformity of designations as well as pay scales will also linger on. We would, therefore, like to impress upon the Union of India to take immediate measures for the implementation of the direction to achieve the objective of setting up of an All India Judicial Service. We would also like to know from the Union of India what action it has taken or proposes to take for setting up of a National Pay Commission for members of the Subordinate Judiciary. The three directions in regard to uniformity of designations,

pay scales and setting up of an All India Judicial Service have to be achieved as early as possible. We adjourn this matter to enable the Union of India to initiate urgent action in this behalf and try to ensure that the objective is achieved.

Re: Pool Transport:

4. In regard to the direction for pro-
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viding pool transport it appears that the State Governments have not complied with that direction and some of them have rested content by paying an allowance. What is essential is that the direction should be complied with so that the objective of providing transport to judicial officers is met. We would expect the State Governments to complete this process latest by 1.8.95.

5. We want to impress upon the State Governments that we have been quite lenient and indulgent so far and have extended the time more than once. We now mean business. It should be impressed upon the Chief Secretary of every State Government/Union Territory that it will be his/her responsibility to see to it that these directions are complied with without any further delay failing which we may be compelled to initiate drastic action. Any failure to comply with these directions would only mean that the concerned Government and in particular the Chief Secretary lacks a sense of urgency. Let the matters come up on 1.8.95.

sd/-
(S. Thapar)
PS to Registrar

sd/-
(Gian Chand)
A.R.

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