

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

Petition(s) for Special Leave to Appeal (C) No(s).5/2021

(Arising out of impugned final judgment and order dated 22-01-2020 in WPC No.2527/2016 passed by the High Court Of Delhi At New Delhi)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

PRAFULLA RANJAN HOWLADER & ORS.

Respondent(s)

(FOR ADMISSION and I.R.)

WITH

SLP(C) No.14938/2020 (XIV)

(FOR ADMISSION and I.R)

Date : 12-02-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN

HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s)

Ms. Madhavi Divan, ASG

Mr. Durga Dutt, Adv.

Mr. Ayush Puri, Adv.

Mr. Raj Bahadur Yadav, AOR

For Respondent(s)

Ms. Sumita Hazarika, AOR

Ms. Khusboo Pareek, Adv.

Ms. Ipsita Behura, Adv.

UPON hearing the counsel the Court made the following
O R D E RSLP(C) No(s).5/2021

Heard Ms. Madhavi Divan, learned ASG appearing for the Union of India and Ms. Sumita Hazarika, learned counsel appearing for the respondent no.42.

This special leave petition has been filed against the

judgment of the Delhi High Court dated 22.01.2020 dismissing the Writ Petition(C) No.2527/2016 filed by the Union of India arising out of an order of the Central Administrative Tribunal. The Central Administrative Tribunal has dismissed the claim of the original applicants, however, the writ petition has been allowed directing that the applicants will be entitled to the benefit of higher pay scale w.e.f 01.01.1996.

The issue which is sought to be raised in this special leave petition is to the effect that the accounts staff of Indian Railways were entitled to receive the higher pay scale from 01.01.1996 or w.e.f. 19.02.2003 as was decided by the Union Cabinet. The Union Cabinet decided to give notional benefits from 01.01.1996 but actual benefit from 19.02.2003 which decisions were challenged in different Central Administrative Tribunals. The Central Administrative Tribunals have delivered judgments taking divergent views. Some of the applications were rejected and some were allowed. The Tribunals judgments were also challenged before the High Court. Ultimately the special leave petitions were filed in this Court. Several special leave petitions, challenging the High Court judgments, have also been dismissed, details of which have been brought on the record by learned ASG on a chart indicating the dismissal of special leave petitions including the recent order passed on 08.01.2021 in SLP(C) No.13818/2020 (Union of India & Ors. vs. All India Railway Accounts Staff Association & Ors.), where this Court declined to entertain the special leave petition, however, the question of law was left open.

The learned counsel for the respondents submits that in view

of the dismissal of special leave petitions by this Court, affirming the judgment of High Court and in large number of cases the judgments have already been implemented, this Court may not entertain this special leave petition and the question need not be examined any further.

Ms. Madhavi Divan, learned ASG submits that all orders, by which this Court has dismissed the special leave petitions, are orders without deciding the issues and no ratio is discernible in any of the order passed by this Court. It is submitted that the reasons and basis for implementing the revised pay scale w.e.f 19.02.2003 on actual basis have not been examined by this Court and the litigations are still pending in different Courts and in view of the fact that the issue has large implication, the issue may be considered and decided by this Court itself.

In view of the above, we are of the view that issue needs to be examined. We permit the Union of India to file the additional affidavit giving all relevant notes, documents, reports and decisions taken on the subject including the relevant part of reports of the Fifth Central Pay Commission. The petitioners may also bring on record all the orders passed by this Court dismissing various special leave petitions earlier and the judgments given by the different High Courts. Respondents are also given time to file their affidavit bringing the relevant materials to support their claim including the judgments of the High Courts and orders passed by this Court as well as the recommendation of the Railway Board which has been placed before us today recommending for giving the benefits from 01.01.1996.

Let aforesaid affidavit be filed by Union of India within two weeks. Respondents are also allowed two weeks' time to file affidavit.

Issue notice.

Ms. Sunita Hazarika, learned counsel accepts notice on behalf of respondent no.42-Amiya Kumar Dey.

The learned counsel for the respondent no.42 submits that most of the respondents are retired and they should be provided some financial benefits to contest the matter in this special leave petition. We only observe that in event any respondent wants to obtain the benefit of legal services, the same shall be provided by the Supreme Court Legal Services Authority on a request made by any of the respondents. The petitioners shall ensure that dasti notices may be served to all the respondents.

List the matter after two weeks.

SLP(C) No.14938/2020

Tag with SLP(C) No.5/2021.

(ARJUN BISHT)
COURT MASTER (SH)

(RENU KAPOOR)
BRANCH OFFICER