

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 599 of 2021

Petitioner :- In Re Constitution Of Education Tribunals

Respondent :- State of U.P.

Counsel for Petitioner :- Suo Motu

Counsel for Respondent :- C.S.C.

Hon'ble Govind Mathur,Chief Justice

Hon'ble Saurabh Shyam Shamsbery,J.

Notice on behalf of the State is accepted by Sri Manish Goyal, Additional Advocate General.

Judicial working of the Allahabad High Court that otherwise remained uninterrupted even during the Pandemic has been stalled at the call of High Court Bar Association, Allahabad and Awadh Bar Association, High Court, Lucknow. The cause for giving the call for absention from the judicial work is a proposed enactment in the name of "Uttar Pradesh Service Tribunal Act, 2021". The Act aforesaid proposes establishment of a tribunal for expeditious disposal of service cases relating to teaching and non-teaching staff of the Educational Institutions receiving aid under the Uttar Pradesh State Universities Act, 1973. As per proposed enactment, Headquarter of the Tribunal shall be at Lucknow with a bench at Prayagraj. The Tribunal proposed to be constituted shall be having a Chairman to be appointed as per the procedure given. The Chairman shall be having a discretion to determine the days of sitting of the Tribunal at Lucknow as well as at Prayagraj for adjudication of the cases coming before it.

The fundamental grievance of both the associations is with regard

to establishment of educational tribunal. As per the demand charters given to the High Court, the establishment of tribunal would not satisfy the object of expeditious disposal of the cases concerned.

The grievance of the High Court Bar Association, Allahabad is that looking to the seriousness of the service matters relating to teaching and non-teaching staff of non-governmental educational institutions, the number of cases instituted and pending consideration at Allahabad, it would not be appropriate to have principal seat of the Tribunal at any other place than Prayagraj.

On availing necessary details from Registry of this Court, we find that the pendency of service matters which are to be adjudicated by the proposed Tribunal is not too much. The institution of such cases before this Court at Allahabad in last 20 years and part of this year is as under:-

| S. No. | Year | Single | Division | Full | Total |
|--------|------|--------|----------|------|-------|
| 1. | 2000 | 5562 | 684 | 3 | 6249 |
| 2. | 2001 | 4524 | 687 | 0 | 5211 |
| 3. | 2002 | 5546 | 977 | 0 | 6523 |
| 4. | 2003 | 5756 | 732 | 0 | 6488 |
| 5. | 2004 | 7120 | 512 | 0 | 7632 |
| 6. | 2005 | 25323 | 634 | 0 | 25957 |
| 7. | 2006 | 10774 | 514 | 0 | 11288 |
| 8. | 2007 | 8969 | 600 | 0 | 9569 |
| 9. | 2008 | 8760 | 472 | 0 | 9232 |
| 10. | 2009 | 8639 | 691 | 1 | 9331 |
| 11. | 2010 | 7676 | 491 | 0 | 8167 |
| 12. | 2011 | 8044 | 520 | 24 | 8588 |
| 13. | 2012 | 6490 | 435 | 3 | 6928 |
| 14. | 2013 | 7444 | 633 | 0 | 8077 |
| 15. | 2014 | 7043 | 530 | 6 | 7579 |
| 16. | 2015 | 8383 | 444 | 1 | 8828 |
| 17. | 2016 | 7561 | 376 | 0 | 7937 |

| | | | | | |
|--------------|------|---------------|--------------|-----------|---------------|
| 18. | 2017 | 7235 | 486 | 0 | 7721 |
| 19. | 2018 | 11070 | 325 | 0 | 11395 |
| 20. | 2019 | 8574 | 16 | 0 | 8590 |
| 21. | 2020 | 5752 | 19 | 0 | 5771 |
| 22. | 2021 | 1569 | 2 | 0 | 1571 |
| Total | | 177814 | 10780 | 38 | 188632 |

The disposal of such service cases at Allahabad (Prayagraj) is quite satisfactory in light of the pendency chart of such cases, which is quoted below :-

| S. No. | Year | Single | Division | Full | Total |
|--------|------|--------|----------|------|-------|
| 1. | 1988 | 2 | 0 | 0 | 2 |
| 2. | 1989 | 2 | 0 | 0 | 2 |
| 3. | 1990 | 1 | 0 | 0 | 1 |
| 4. | 1991 | 5 | 0 | 0 | 5 |
| 5. | 1992 | 6 | 1 | 0 | 7 |
| 6. | 1993 | 11 | 1 | 0 | 12 |
| 7. | 1994 | 11 | 0 | 0 | 11 |
| 8. | 1995 | 7 | 0 | 0 | 7 |
| 9. | 1996 | 6 | 1 | 0 | 7 |
| 10. | 1997 | 9 | 1 | 0 | 10 |
| 11. | 1998 | 14 | 3 | 0 | 17 |
| 12. | 1999 | 29 | 1 | 0 | 30 |
| 13. | 2000 | 64 | 4 | 0 | 68 |
| 14. | 2001 | 44 | 3 | 0 | 47 |
| 15. | 2002 | 58 | 3 | 0 | 61 |
| 16. | 2003 | 59 | 2 | 0 | 61 |
| 17. | 2004 | 81 | 8 | 0 | 89 |
| 18. | 2005 | 359 | 23 | 0 | 382 |
| 19. | 2006 | 905 | 6 | 0 | 911 |
| 20. | 2007 | 1450 | 25 | 0 | 1475 |
| 21. | 2008 | 1652 | 36 | 0 | 1688 |
| 22. | 2009 | 1703 | 54 | 0 | 1757 |
| 23. | 2010 | 1389 | 49 | 0 | 1438 |
| 24. | 2011 | 1258 | 61 | 0 | 1319 |
| 25. | 2012 | 1099 | 65 | 0 | 1164 |
| 26. | 2013 | 1347 | 16 | 0 | 1363 |
| 27. | 2014 | 2918 | 19 | 0 | 2937 |

| | | | | | |
|--------------|------|--------------|------------|----------|--------------|
| 28. | 2015 | 2936 | 52 | 0 | 2988 |
| 29. | 2016 | 2861 | 48 | 0 | 2909 |
| 30. | 2017 | 2596 | 108 | 0 | 2704 |
| 31. | 2018 | 2802 | 75 | 0 | 2877 |
| 32. | 2019 | 2813 | 10 | 0 | 2823 |
| 33. | 2020 | 2920 | 8 | 0 | 2928 |
| 34. | 2021 | 1189 | 1 | 0 | 1190 |
| Total | | 32606 | 684 | 0 | 33290 |

In entirety, in last 20 years and part of this year, 1,88,632 cases related to service matters of teaching and non-teaching staff of aided institutions were instituted and, out of that, pendency is only 33,290.

At Lucknow also, total institution of such service matters in last 20 years and part of this year is only 55,913. The year-wise detail of institution of such cases at Lucknow is as under:-

| Sr. No. | Year | Total |
|---------|------|-------|
| 1. | 2001 | 1455 |
| 2. | 2002 | 1642 |
| 3. | 2003 | 1617 |
| 4. | 2004 | 2028 |
| 5. | 2005 | 2290 |
| 6. | 2006 | 4108 |
| 7. | 2007 | 2961 |
| 8. | 2008 | 3218 |
| 9. | 2009 | 2734 |
| 10. | 2010 | 3010 |
| 11. | 2011 | 3851 |
| 12. | 2012 | 2973 |
| 13. | 2013 | 2738 |
| 14. | 2014 | 2600 |
| 15. | 2015 | 2928 |
| 16. | 2016 | 2879 |
| 17. | 2017 | 2925 |
| 18. | 2018 | 4670 |
| 19. | 2019 | 2982 |

| | | |
|--------------|------|--------------|
| 20. | 2020 | 1858 |
| 21. | 2021 | 446 |
| Total | | 55913 |

The disposal of cases at Lucknow too is quite satisfactory in light of the details pertaining to pendency given below :-

| Sr. No. | Year | Total |
|---------|------|-------|
| 1. | 1985 | 2 |
| 2. | 1986 | 1 |
| 3. | 1989 | 2 |
| 4. | 1991 | 1 |
| 5. | 1992 | 6 |
| 6. | 1993 | 9 |
| 7. | 1994 | 5 |
| 8. | 1995 | 12 |
| 9. | 1996 | 5 |
| 10. | 1997 | 17 |
| 11. | 1998 | 17 |
| 12. | 1999 | 31 |
| 13. | 2000 | 55 |
| 14. | 2001 | 84 |
| 15. | 2002 | 175 |
| 16. | 2003 | 127 |
| 17. | 2004 | 273 |
| 18. | 2005 | 278 |
| 19. | 2006 | 725 |
| 20. | 2007 | 498 |
| 21. | 2008 | 744 |
| 22. | 2009 | 838 |
| 23. | 2010 | 878 |
| 24. | 2011 | 1062 |
| 25. | 2012 | 590 |
| 26. | 2013 | 952 |
| 27. | 2014 | 1039 |
| 28. | 2015 | 1207 |
| 29. | 2016 | 908 |
| 30. | 2017 | 730 |
| 31. | 2018 | 1227 |

| | | |
|--------------|------|--------------|
| 32. | 2019 | 1284 |
| 33. | 2020 | 960 |
| 34. | 2021 | 261 |
| Total | | 15003 |

In view of the details given above, the total pendency of the service matters in question at Allahabad is 33,290 and 15,003 at Lucknow.

By the absentation from judicial work, valuable judicial time has been criminally wasted and that has effected judicial working of Allahabad High Court for other important jurisdictions also.

The largest High Court of the country cannot afford such non-functionality of Courts on any count. Suffice to state that, for the same cause, judicial working was adversely effected in the year 2019 too. On going through the statistics available, we are of the view that the pendency of the service matters in question can be effectively reduced by constituting special bench/benches for the purpose. However, for smooth functioning of such benches, the prime requirement is participation of Advocates in proceedings. The proposed enactment is meant with an object for expeditious disposal of service matters but the absentation of lawyers from judicial proceedings is causing serious injury to the disposal of such cases by the present judicial forum.

Looking to the need of effective judicial functioning of the Courts and the other existing circumstances, without interfering in legislative functioning of the State, we deem it appropriate to pass following directions :-

- (i) The Chief Justice, Allahabad High Court be requested to constitute appropriate dedicated Benches at Allahabad as well as at Lucknow for expeditious disposal of service matters related to teaching and non-teaching staff of aided institutions.
- (ii) The Legislature may complete the process of enacting the Act of 2021, if so desires, but, shall establish Educational Tribunals as proposed only after the leave of this Court.
- (iii) The State Government is requested to invite representatives of the Bar Associations of the Allahabad High Court at Prayagraj as well as at Lucknow to have deliberations with regard to their demands which are being agitated by different demand charters while giving the present call for absentation from judicial work.

It is brought to our notice that the issue with regard to establishment of Goods and Services Tax (GST) Tribunals is under consideration of this Court in a writ petition filed at Lucknow, hence, we do not consider it appropriate to pass any order in that regard in this petition for writ.

It is expected from the Bar Associations and the community of Advocates at large to resume the judicial working forthwith.

Order Date:- 3.3.2021
VMA

(Saurabh Shyam Shamsbery, J.) (Govind Mathur, C.J.)