

Court No. - 6

Case :- WRIT - A No. - 4860 of 2019

Petitioner :- Rashmi Singh And 7 Ors.

Respondent :- U.O.I. Thru Secy.Ministry Of Finance Deptt.
And Others

Counsel for Petitioner :- Akhilesh Kumar Kalra, Avinash Chandra, Chinmay Mishra, Mahendra Nath Yadav, Manish Singh Chauhan, Manu Kumar Srivastava, Paritosh Shukla, Sandeep Kumar Srivastava, Sukh Deo Singh

Counsel for Respondent :- C.S.C., A.S.G., Ambrish Rai, Anand Dwivedi, Gaurav Mehrotra, Neerav Chitravanshi, U.N. Mishra

Hon'ble Alok Mathur, J.

1. Heard Sri Purushotam Awasthi on behalf of the petitioner, learned Additional Advocate General, Sri Gaurav Mehrotra and learned Standing Counsel on behalf of the respondents.

2. The issue engaging this Court in the present matter pertains to issuance of notification of "The Allahabad High Court 'Court Manager' Service Rules, 2022 and The Uttar Pradesh District Courts 'Court Manager' Service Rules, 2022 which have been framed by the Allahabad High Court. As financial implications are involved in implementation of the said rules, the same has been forwarded to the State Government for its notification.

3. It has been submitted by counsel for the petitioners that as per Article 229 of the Constitution of India, it is the High Court which has jurisdiction to frame the said rules and subsequently, they have to be sent to the State Government for notification after obtaining the approval of the Governor. The matter is pending with the State Government since 2nd September, 2023 with regard to the rules pertaining to the High Court and since 12.05.2023 with regard to rules pertaining to District Courts.

4. The present writ petition, the petitioners are already working on the post of Court Manager on an honorarium basis in the

High Court and the District Courts and accordingly, has sought a direction to the State Government to create permanent post of Court Manager in the High Court as well as District Divisions in the State of Uttar Pradesh and further to absorb them on the said posts along with consequential benefits.

5. Considering that the issue has already been considered by the High Court and necessary Rules have been framed and now the incumbents are already working on the post and are to be regularized under the proposed rules. This Court has been expecting the State Government to notify the said rules at the earliest for which purpose time has repeatedly been granted to the Standing Counsel on the request.

6. To depict the true picture emanating in the present case, it will be necessary to refer to certain orders. On noticing that not much progress was being made in the matter, on 17.04.2023, this Court had directed the Chief Secretary to file an affidavit apprising this Court about the process made with regard to the notification of the Draft Rules sent by the High Court and an affidavit was filed on 29.04.2023 indicating that certain query has been raised by Department of Personnel which has been referred to the Registrar General. The queries of Department of Personnel have been communicated by the Law Department to the Registrar General of the High Court. Subsequently, the matter was listed on 06.02.2024. On which date, this Court was informed that the consultation with the Departments is over and the matter would be placed before the Cabinet shortly. Prior to placing the same before the Cabinet the matter is in process of preparing a note in consultation with the concerned department. With regard to the "The Allahabad High Court 'Court Manager' Service Rules, 2023, same position was indicated and four weeks' time was granted by this Court. The matter was again

listed before this Court on 15.03.2024 but this Court was informed that the matter is ripe to be placed before the Cabinet but there were no instructions with regard to time period within which said exercise would be completed and this Court has further noticed that there is an order of the Supreme Court to expedite the matter and it is in the aforesaid circumstances that this Court directed the Special Secretary (Law) to appear before this Court with complete instructions regarding as to in how much time, the rules would be notified.

7. At this stage, it is relevant to mention that the Supreme Court in the Case of **Rashmi Singh and others versus Pramod Kumar Srivastava and another**, Contempt Petition (C) No.717 /2021 filed in W.P. (C) No.1022 /1989 had passed the following order on 08.10.2021 which reads as under:--

"The petitioners have filed a writ petition before the Allahabad High Court seeking implementation of the direction given by this Court in I.A. No.279/2010 in W.P. (C) No.1022/1989 vide order dated 02.08.2018 for creation of posts of Court Managers. The petitioners claim to have been appointed on temporary basis as Court Manager on an honorarium of Rs.50,000/- per month. They have also sought regularization of their service in the writ petition.

In view of the petitioners approaching the High Court by filing a writ petition, we are not inclined to entertain this contempt petition at this stage. The contempt petition is dismissed. Pending application(s), if any, shall stand disposed of.

However, we request the High Court to dispose of Service Single No.4860/2019 filed by the petitioners at the earliest preferably within a period of eight weeks as the petitioners are continuing to work as Court Managers on temporary basis since 2010."

8. Subsequently, the Supreme Court by means of order dated 23.09.2022 passed in Contempt Petition (Civil) No.347 of 2022 noticed the fact that there were directions for deciding the

instant petition within a period of eight weeks and was some reason the petition has remain pending and again orders were passed to dispose of the said present writ petition before 31.01.2023. Accordingly, there has been earnest efforts by this Court to see that the Rules are notified at the earliest so that appropriate directions can be passed in favour of the petitioners, who are seeking regularization of their services. When the matter was listed on 20.03.2024, the Special Secretary (Law) was present in the Court and informed that the Model Code Conduct has been implemented by the Election Commission of India and prayed for time to proceed with the said matter. This Court considering the request made, directed for listing of the matter in August, 2024 and again emphasized and reiterated the orders of the Supreme Court and the requirement for urgent notification of the Rules framed by the High Court.

9. The matter was again listed on 22.07.2024 but it seems that despite efforts of this Court the respondents did not disclose the time within which the Rules would be notified and lastly, the matter was listed on 11.02.2025, where again, this court had directed the respondents to inform as to within what time, the Rules would be notified but no specific reply is forthcoming from the respondents.

10. We have extracted and discussed the ordersheet which clearly depicts the true nature of the facts and the manner in which the matters pertaining to the High Court are being dealt by the State of U.P. We have further noticed that this is not an isolated case where the State Government is being found to be wanting and lackadaisical in taking necessary action and notifying the Rules forwarded by the High Court as similar is the issue in another matter which pertains to sanctioning 205 posts Computer Operators, where time and again, time has been

sought by the State Government but no action has been taken.

11. Another matter which is under consideration before this Court is in Writ A No. 1781 of 2024 (U.P. Civil Courts P.A. / Steno Association H.Q. and another Vs. Govt. of U.P. and others) where notification has to be issued to enforce Government Order dated 20.03.2013 regarding categorization of Stenographers. Even in the said case, repeated adjournments have been granted to the State Government continuously since March, 2024 but till date the government order has not been passed and the Court has been informed on each date with regard to new and fresh queries made by one department or the other.

12. In the present case, the matter is pending consideration with the respondents for more than one and half years. It is evident from the Constitution scheme and more particularly as per provisions of Article 229 (2) that it is the High Court which is the competent authority to frame the Rules and merely because implementation of rules have financial implications, the necessary notifications and approval has to be sought from the State Government which do not seem to be forthcoming and no time period is being indicated as to within what period the same may made.

13. We have further noticed that even Hon'ble the Supreme Court on two occasions, has directed this High Court to expedite the proceedings and for this reasons that whenever the matter is taken up, one of the main query is made to the respondents as to within what period the Rules would be notified but no positive response seems forthcoming.

14. In the aforesaid circumstances, it is noticed that despite the personal affidavit having been filed by the Chief Secretary, not much is being done and no progress has been made in the said

matter.

15. The task of dispensation of justice has been given to the judiciary by the Constitution, but the State Government wherever required has to cooperate and provide the necessary wherewithall to assist the judicial system to enable it to achieve their constitutional goal.

16. Accordingly, in the aforesaid circumstances, I feel necessary to require the Chief Secretary to be present in the Court on next date to apprise this Court as to within what period of time, the said Rules would be notified.

17. It is further necessary to note that the Supreme Court has taken cognizance of the fact that matter is pending due to the State Government not taking any decision in the matter.

18. Accordingly, **list this case on 11.03.2025**. On which date, the Chief Secretary, State of U.P. shall appear in person before this Court to inform this Court about the query made hereinabove.

[Alok Mathur,J.]

Order Date :- 20.2.2025

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