



2025:CGHC:59433-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3976 of 2025

- 1** - Om Prakash Ram S/o Late Shri Khamdaram Aged About 49 Years Working As Senior Personal Assistant (Stenographer Grade - I) Office Of Principal District And Sessions Judge, Ambikapur, District Surguja, Chhattisgarh.
- 2** - Nuttan Ram Sahu S/o Late Shri Sakharam Sahu Aged About 58 Years Working As Senior Personal Assistant (Stenographer Grade - I) District And Sessions Court, Dhamtari, District Dhamtari, Chhattisgarh.
- 3** - Damodhar Sahu S/o Late Shri Shivram Sahu Aged About 57 Years Working As Senior Personal Assistant (Stenographer Grade - I) District And Sessions Court, Bilaspur, District Bilaspur, Chhattisgarh.
- 4** - Neeraj Soni S/o Late Shri Motilal Soni Aged About 54 Years Working As Senior Personal Assistant (Stenographer Grade - I) Office Of Principal District And Sessions Judge, Ambikapur, District Surguja, Chhattisgarh.
- 5** - Jitendra Kumar Gupta S/o Late Shri Jaleshwar Prasad Gupta Aged About 56 Years Working As Senior Personal Assistant (Stenographer Grade - I) Office Of Principal District And Sessions Judge, Rajnandgaon, District Rajnandgaon, Chhattisgarh.
- 6** - Mahesh Kumar Sahu S/o Late Shri Dukharam Sahu Aged About 56 Years Working As Senior Personal Assistant (Stenographer Grade - I) Office Of Principal District And Sessions Judge, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

7 - Surendra Shukla S/o Late Shri P.N. Shukla Aged About 56 Years Working As Senior Personal Assistant (Stenographer Grade - I) District And Sessions Court, Korba, District Korba, Chhattisgarh.

8 - Santosh Kumar Yadav S/o Late Shri Chedilal Yadav Aged About 59 Years Working As Senior Personal Assistant (Stenographer Grade - I) Office Of Principal District And Sessions Judge, Janjgir-Champa, District Janjgir-Champa, Chhattisgarh.

9 - Dayaram Sharma S/o Late Shri R.G. Sharma Aged About 56 Years Working As Senior Personal Assistant (Stenographer Grade - I) Office Of Principal District And Sessions Judge, Janjgir-Champa, District Janjgir-Champa, Chhattisgarh.

10 - Angeshwari Goswami W/o Shri Gajendra Puri Goswami Aged About 56 Years Working As Senior Personal Assistant (Stenographer Grade - I) District And Sessions Court, Balod, District Balod, Chhattisgarh.

11 - Mateshwar Prasad Dewangan S/o Late Chedulal Dewangan Aged About 52 Years Working As Senior Personal Assistant (Stenographer Grade - I) District And Sessions Court, Raipur District Raipur, Chhattisgarh.

12 - Devendra Singh Thakur S/o Late Shri Ishwar Singh Thakur Aged About 47 Years Working As Senior Personal Assistant (Stenographer Grade - I) District And Sessions Court, Raipur District Raipur, Chhattisgarh.

13 - Yashwant Sahu S/o Shri H.R. Sahu Aged About 53 Years Working As Senior Personal Assistant (Stenographer Grade - I) Office Of Principal District And Sessions Judge, Bilaspur District Bilaspur, Chhattisgarh.

14 - Manoj Chaturvedi S/o Late S.L. Chaturvedi Aged About 56 Years Working As Senior Personal Assistant (Stenographer Grade - I) Office Of Principal District And Sessions Judge, Bilaspur District Bilaspur, Chhattisgarh.

15 - Babu Lal Tandan S/o Shri M.R. Tandan Aged About 52 Years Working As Senior Personal Assistant (Stenographer Grade - I) Office

Of Principal District And Sessions Judge, Dhamtari District Dhamtari, Chhattisgarh.

16 - Ashok Kumar Chandrakar S/o Shri Narottam Prasad Chandrakar Aged About 47 Years Working As Senior Personal Assistant (Stenographer Grade - I) Office Of Principal Judge, Family Court, Bilaspur District Bilaspur, Chhattisgarh.

17 - Janki Nayak D/o Late Shri Karan Ram Nayak Aged About 42 Years Working As Senior Personal Assistant (Stenographer Grade - I) Office Of Principal District And Sessions Judge, Jashpur, District Jashpur, Chhattisgarh.

18 - Purushottam Prasad Dansena S/o Late Shri Bhanwar Singh Dansena Aged About 48 Years Working As Senior Personal Assistant (Stenographer Grade - I) District And Sessions Court, Korba, District Korba, Chhattisgarh.

19 - Ashutosh Sharma S/o Shri Fekuram Sharma Aged About 37 Years Working As Senior Personal Assistant (Stenographer Grade - I) District And Sessions Court, Raipur, District Raipur, Chhattisgarh.

20 - Girdhar Kumar Vashy S/o Late Shri Bholaram Vashy Aged About 47 Years Working As Senior Personal Assistant (Stenographer Grade - I) Office Of Principal District And Sessions Judge, Korba, District Korba, Chhattisgarh.

21 - Somprakash Sahu S/o Shri Tijauram Sahu Aged About 39 Years Working As Senior Personal Assistant (Stenographer Grade - I) Office Of Principal District And Sessions Judge, Dhamtari, District Dhamtari, Chhattisgarh.

22 - Sunita Magre D/o Late Shri Devbhagat Magre Aged About 37 Years Working As Senior Personal Assistant (Stenographer Grade - I) Office Of Principal District And Sessions Judge, Dhamtari, District Dhamtari, Chhattisgarh.

23 - Gaurishanker Hanwat S/o Late Shri Lingaji Hanwat Aged About 46 Years Working As Senior Personal Assistant (Stenographer Grade - I) Office Of Principal District And Sessions Judge, Balod, District Balod, Chhattisgarh.

24 - Indira Thakur D/o Shri Kulpat Singh Thakur Aged About 46 Years Working As Senior Personal Assistant (Stenographer Grade - I) Office Of Principal District And Sessions Judge, Durg, District Durg, Chhattisgarh.

25 - Rajpal Sahu S/o Shri Tirathram Sahu Aged About 34 Years Working As Senior Personal Assistant (Stenographer Grade - I) Office Of Principal District And Sessions Judge, Balod, District Balod, Chhattisgarh.

26 - Brijlal Usare S/o Late Shri Dilip Kumar Aged About 37 Years Working As Senior Personal Assistant (Stenographer Grade - I) Office Of Principal District And Sessions Judge, Balod, District Balod, Chhattisgarh.

27 - Arun Das S/o Late Shri Munnudas Aged About 36 Years Working As Personal Assistant (Stenographer Grade - Ii) Office Of Principal District And Sessions Judge, Kawardha, District Kabirdham, Chhattisgarh.

28 - Gayatri Kanwar W/o Shri Vishal Singh Kanwar Aged About 35 Years Working As Personal Assistant (Stenographer Grade - Ii) District And Sessions Court, Korba, District Korba, Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Law And Legislative Affairs Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.

2 - Finance Department Through Its Secretary, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.

3 - The Honble High Court Of Chhattisgarh Through Registrar General, High Court Of Chhattisgarh, Bodri, Bilaspur, District Bilaspur, Chhattisgarh.

4 - Registrar General High Court Of Chhattisgarh, Bodri, Bilaspur, District Bilaspur, Chhattisgarh.

... Respondent(s)

For Petitioner(s) : Mr.Samrath Singh Marhas, Advocate
For Respondents : Mr.Praveen Das, Deputy Advocate General
No.1 and 2/State
For Respondents : Mr.Anurag Dayal Shrivastava, Advocate
No.3 and 4

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

08.12.2025

1. Heard Mr. Samrath Singh Marhas, learned counsel for the petitioners as well as Mr.Praveen Das, learned Deputy Advocate General appearing for respondents No.1 and 2/State and Mr.Anurag Dayal Shrivastava, learned counsel appearing for respondents No.3 and 4.
2. The present petition has been filed by the petitioners with the following prayers :

*“10.1.Call for the entire records of the relevant
Commission constituted in compliance of
Justice Shetty Commission
Recommendations particularly with regard to
services of Stenographers and Subordinate
Court Staff and their progress made so far,
10/2. Declare the entry at Serial No. 1 Column
No. 3 in Schedule II of Chhattisgarh District
Judiciary Establishment (Recruitment and*

Conditions of Service) Employees Rules, 2023 as ultra vires to the Constitution of India;

10.3 Direct the Respondent Authorities to include the Senior Personal Assistants (Stenographer Grade _ I) along with the Deputy Clerk of Court proportionately in Serial No. 1 Column No. 3 in Schedule II of Chhattisgarh District Judiciary Establishment (Recruitment and Conditions of Service) Employees Rules, 2023;

10.4. Direct the Respondent Authorities to implement recommendations as contained under Chapter XA and XVIII of Justice Shetty Commission Report in its letter and spirit by granting option of switch over to Ministerial/Supervisory Cadre to Stenographers after completion of a minimum period of service in Chhattisgarh District Judiciary Establishment (Recruitment and Conditions of Service) Employees Rules, 2023 or, in alternative;

10.5. Direct the Respondent Authorities to create new promotional post for promotion of Senior Personal Assistant (Stenographer Grade - I) to a higher post after completion of

minimum period of service with consequential pecuniary benefits;

10.6. Direct the Respondent Authorities to grant equivalent pay scale to the Senior Personal Assistant (Stenographer Grade - I) as is being granted to the Administrative Officers.”

3. Brief facts of the case are that all the petitioners (except petitioner No. 27 & 28) are Senior Personal Assistant (Stenographer Grade 1) in the District Judiciary in the State of Chhattisgarh. Prior to the Justice Shetty Commission's report, the pay scale of Administrative Officer (Court Superintendent) was one scale below the pay scale of Stenographer Grade - I. The pay scale of Administrative Officer (Court Superintendent) was Rs. 5500 - Rs. 9000 whereas the pay scale of Stenographer Grade - I was Rs. 6500 - Rs. 10500. The Hon'ble Supreme Court in W.P.(C) No. 1022 of 1989 in matter of All India Judges' Association Vs. Union of India & Ors. vide order dated 07.01.1998 requested the Justice Shetty Commission to examine the matter and to make a report before the Supreme Court about the steps, if any, required to be taken in each States/Union Territory for the improvement of conditions of staff of Subordinate Courts and also to suggest interim measures of relief in respect of such staff, in order to avoid escalation of existing discontent amongst the staff of the Subordinate Courts, to examine the facts and circumstances

peculiar to any State/Union Territory placed before it by the concerned State/Union Territory and also to take note of the points of distinction, if any, between the States/Union Territories which may be relevant for the purpose of making the report. Further, it was also requested by the Hon'ble Supreme Court to the Shetty Commission to give its report as early as possible.

4. The Justice Shetty Commission, based on the material collected, submitted its report and paraphrased the service conditions of different categories of employees working in different establishments and submitted separate reports for all States. However, the nature of consideration and its ultimate recommendations and its reference to different categories of posts were more or less identical. Various recommendations were made by the Justice Shetty Commission Report for the State of Chhattisgarh under Chapter - XVIII. Under Part I of the said report, various general recommendations were made by the Commission with regard to the classification of supporting staff, recruitment, medical allowance, special allowance and assured career progression scheme. Under Part II of Chapter XVIII of Justice Shetty Commission cadre wise recommendations were made wherein recommendations with regard to Stenographers were also made. It was recommended by the Commission that there shall be three grades of Stenographers for three levels of Courts i.e. Stenographer Grade III: Rs. 4000-6000/-, which was an entry level post. The existing clerk-Steno/Steno-Typist be

termed as Stenographer Grade- III and was to be allotted to Court of Civil Judge Junior Division/ Magistrate. The said post carries the pay scale of Assistant Garde III (Rs. 3050-4590/-). Therefore, it was recommended the pay scale of Rs. 4000-6000/-.

5. As per the recommendations in the report of the Commission, the existing post of Stenographer be termed as Stenographer Grade II, who will be allotted to the Court of Civil Judge of Senior Division/Chief Judicial Magistrate and Additional Chief Judicial Magistrate. The said post shall carry a pay scale of Rs. 4500 Stenographer Grade II shall be the promotional post for Clerk-Steno/Steno-Typist (Stenographer Grade - III). As per the recommendations in the report of the Commission, there was neither a post of Personal Assistant and Senior Personal Assistant to the District Judges in Chhattisgarh. It was recommended the cadre of Stenographer Grade I in the pay scale of Rs. 5500 - 9000/- may be created and allotted to District & Session Judges. It should be a promotional post from the cadre of Stenographer Grade - II.
6. As per the recommendations in the report of the Commission, under Chapter X, it was recommended that each Principal District Judge must be given one Personal Assistant/Executive Assistant in the cadre of Stenographer Grade I in addition to one Stenographer Grade – I. Since the Principal District & Sessions Judge is the head of District Judiciary and the Principal Judge of City Civil Courts being head of City Civil Court, have lot of

administrative work besides the usual judicial work and they need assistance of a Personal Assistant. The post may be termed as Executive Assistant and it carries a special allowance of Rs. 200/- p.m. inclusive of Travelling and Compensatory allowance. Further, it was recommended that adequate number of posts of Stenographers in different grades may be created so as to provide each judicial officer with a Stenographer of one grade or the other. It was also recommended by the Commission for permission to switch over to Ministerial/Supervisory Cadre after completion of a minimum period of service which will be determined by the High Court. In that regard, referring to Chapter X-A of the report of the Commission, it was stated that "It is not desirable to treat the Stenographer like 'once a mortgage, always a mortgage'. His valuable experience will be fully utilized in other branches of administration as well. Hence, the Stenographers may be permitted to switch over to Ministerial/Supervisory Cadre after completion of certain minimum period of service, subject to the condition that the option once exercised shall not be revoked".

7. As per the report the Justice Shetty Commission, the Hon'ble High Court of Madhya Pradesh has taken view that Stenographers should be given more promotional grades considering the onerous duties which are performed by them. The same view has been taken by the Hon'ble High Court of Chhattisgarh which is part of the consolidated report of all States. In the Consolidated report, under Chapter X-A, a specific question was framed

"Whether the Stenographers should be allowed switch to over Ministerial/Supervisory cadres?" answering to which, the High Court of Madhya Pradesh has specifically stated that there is justification in the demand of Stenographers for switch over to Ministerial/Supervisory cadres. Further, the Government of Madhya Pradesh has taken a view that Stenographers should be considered for the Ministerial/Supervisory Cadres. Ultimately, the Commission has recommended that the Stenographers may be permitted to switch over to Ministerial/Supervisory Cadre after completion of certain minimum period of service, subject to the condition that the option once exercised shall not be revoked.

8. Post the Shetty Commission report, the Stenographer cadre went down two scales from Administrative Officer (Court Superintendent) (at present Stenographer Grade I is at Level 10 while Administrative Officer is at Level 12) creating discrepancy in the pay scale of Stenographers. That after the Justice Shetty Commission report, the pay scale of all the cadres of the subordinate court has been increased, except the Stenographer cadre, (which is fortified by Annexure P/5) which is contrary to the recommendations made by the Justice Shetty Commission report. Thereafter, the Government of Chhattisgarh vide order dated 28.02.2009, in compliance of directions issued by the Hon'ble Supreme Court in WP(C) No. 1022/1989 regarding the implementation of Justice Shetty Commission Report Recommendation relating to Subordinate Court Staff, passed an

order providing upgradation of pay scale of Sub-ordinate court staff not including the Stenographers and also providing Special Allowance, Travelling allowance and other allowances to the Subordinate Court staff with effect from 01.04.2009. Thereafter W.P.(C) No. 1022/1989 All India Judges Association Vs. Union of India & Ors. came up for hearing before the Hon'ble Supreme Court on 07.10.2009 wherein it was directed by the Hon'ble Court that the States/Union Territories shall implement the recommendations of the within a period of one year as some of the States/ Union Territories had not implemented the recommendations of Justice Shetty Commission. Further, the Supreme Court in the said order also directed that if the staff association/ subordinate staff are getting higher benefits under any of the recommendations of the pay commission/ Government Order, they shall be permitted to avail those benefits, referring to the earlier orders passed by the Hon'ble Supreme Court which stated that recommendations made by the Commission are reasonable and also directed the States/Union Territories to implement the recommendation within a period of three months. Thereafter the Gujarat State Judicial Department Class III, Employees Federation & Anr. preferred an appeal against the order dated 07.09.2011 passed by the Hon'ble Division Bench of Gujarat High Court, where the Court has not implemented the Justice Shetty Commission Recommendation by granting the pay-scale to non-judicial staff of Subordinate in the State of Gujarat

w.e.f. 01.04.2003 has been declined for the period after 31.12.2005. Further, the said appeal was registered bearing Civil Appeal No. 2943 of 2015 (SLP (C) No. 737 of 2012) was listed along with All India Judges Association and Others vs. Union of India & Ors., wherein the Hon'ble Supreme Court vide order dated 16.03.2015 has set aside the order passed by the Division Bench of High Court of Gujarat and also set aside the Notification dated 13.09.2013 which restricted the pay revision and other benefits as recommended by the Justice Shetty Commission from 01.04.2003 to 31.12.2005. The said recommendations of the Justice Shetty Commission with regard to promotional avenues, provision of permission of switch over to Ministerial/Supervisory Cadre to Stenographers of District Judiciary of State of Chhattisgarh was not complied by the Respondent authorities till the year 2023.

9. The State of Chhattisgarh has framed the Chhattisgarh District Judiciary Establishment (Recruitment and Conditions of Service) Rules, 2023 after period of 20 years which is against the guidelines and directions of the Hon'ble Supreme Court in the All India Judges Association (supra) and the rules are in violation of fundamental rights guaranteed under the Constitution of India so far as the said Rules do not provide for option/permission of switching over to Ministerial/Supervisory Cadre to Senior Personal Assistant (Stenographer Grade I) by including them in proportion under Serial No. 1 Column No. 3 in Schedule II under the Rules, 2023. Thereafter the Chhattisgarh Judicial Employee's Union

submitted a detailed representation before the Hon'ble Chief Justice of High Court of Chhattisgarh on 12.12.2023 requesting to make the necessary amendments in Chhattisgarh District Judiciary Establishment (Recruitment and Conditions of Service) Employees Rules, 2023 suggesting various necessary amendments in compliance of Justice Shetty Commission Report. It was specifically sought to provide for option of switching over by taking 10 percent of Senior Personal Assistants (Stenographer Grade I) for promotion to the post of Administrative Officer.

10. Vide promotion order dated 05.09.2024 issued by the High Court of Chhattisgarh, Petitioners No. 1 to 26 were promoted to the post of Senior Personal Assistant (Stenographer Grade I) from the post of Stenographer in the District Judiciary and the Petitioner No. 27 & 28 were promoted to the post of Stenographer Grade-II from the post of Stenographer Grade III. Respondent No. 3 issued memo dated 04.01.2025 providing the minutes of meeting dated 13.12.2024 which was held for discussion on the representation dated 12.12.2023 made by the Chhattisgarh Judicial Employee's Union, wherein, the Registrar General has deferred on the issue of grant of permission to switch over to Ministerial/ Supervisory cadre of Stenographers.

11. It is pertinent to mention here that the Registrar General of the High Court of Chhattisgarh pursuant to the representation dated 12.12.2023 (Annexure P/8) has written a memorandum to the Secretary of Department of Law and Legislative Affairs, State of

Chhattisgarh by Union for change of Nomenclature of the post of Administrative Officer as "Chief Administrative Officer" and inclusion of the same in Group "A"/Class-1 and also requested to grant Level-13 pay matrix to office of Grade-A/Class-1. However, the said representation with respect to present petitioners was deferred.

12. There are total 484 Stenographers including 447 Hindi & English Stenographers and 37 Hindi Stenographers of the Family Courts who are currently working in the District Judiciary in the State of Chhattisgarh, the same can be substantiated by the list which is Stenographer who are working in different Districts Courts & Family Courts of Chhattisgarh.

13. The Hon'ble High Court of Madhya Pradesh has taken view that Stenographers should be given more promotional grades considering the onerous duties which is performed by them whereby in furtherance of the Hon'ble High Court of Madhya Pradesh in compliance of the order passed by the Supreme Court in All India Judge Association and also the recommendation made the Justice Shetty Commission. Further, the State of Madhya Pradesh has also made rules granting benefit of switching over to Stenographers to post of Ministerial/Supervisory cadre. The Hon'ble High Court of Madhya Pradesh in year 2020 and 2022 has granted benefit of switch over to the Stenographers by promoting them to post of Administrative Officer. The Hon'ble High Court of Delhi vide Notification dated 02.12.2013 has enacted the

rules i.e. Delhi District Courts Establishment (Appointment & Conditions of Service) Rules, 2012 wherein Chapter VIII (Miscellaneous) specifically provides for benefit/option of switching over to the Stenographers of all grades who have put specific number of years in service as specified by the Hon'ble High Court may change the cadre to equivalent cadre in Ministerial/Supervisory work. The rules also provide for promotion of Senior Personal Assistants in the ratio 1:1 be considered for the post of administrative officer under Schedule B Group A of the said rules.

14. The Petitioners had earlier preferred a writ petition bearing WPS No. 3212 of 2025 challenging the constitutional validity of the Chhattisgarh District Establishment (Recruitment and Conditions of Service) Employees Rules, 2023 and other reliefs before the Hon'ble Chhattisgarh High Court. The said petition was withdrawn with liberty to file afresh with proper prayers and accordingly, the Hon'ble Court vide order dated 06.05.2025 dismissed the petition as withdrawn with liberty. Hence, this petition.

15. Learned counsel for the petitioners submits that the petitioners, being citizens of India and serving members of the District Judiciary, are entitled to the protection of their Fundamental Rights guaranteed under Part III of the Constitution. The impugned provisions of the *Chhattisgarh District Judiciary Establishment (Recruitment and Conditions of Service) Rules, 2023* are contrary to the law laid down by the Hon'ble Supreme

Court in **All India Judges' Association** (*supra*), and are therefore unconstitutional and unsustainable. It is submitted that the Justice Shetty Commission, constituted under the directions of the Hon'ble Supreme Court, specifically recommended grant of promotional avenues and permission to Stenographers to switch over to the Ministerial/Supervisory Cadre after completion of requisite service. These recommendations were accepted by the Supreme Court and made binding on all States/Union Territories. However, despite clear judicial directions, the State of Chhattisgarh has failed to implement these mandatory recommendations for more than two decades. Learned counsel submits that the 2023 Rules have been framed in complete disregard of the directions issued by the Hon'ble Supreme Court and the binding recommendations of the Justice Shetty Commission. The Rules do not provide for the option of switching over to the Ministerial/Supervisory Cadre for Senior Personal Assistants (Stenographer Grade-I), which is required to be incorporated under Schedule II. The omission directly violates Articles 14 and 16 of the Constitution, resulting in discrimination against the petitioners. It is further submitted that the High Courts of Madhya Pradesh and Chhattisgarh themselves recognised the onerous duties performed by Stenographers and supported the recommendation allowing them to switch to Ministerial/Supervisory Cadres. Other States including Madhya Pradesh, Delhi, Tripura (Agartala), and Rajasthan have already

implemented these recommendations and framed rules granting switch-over benefits. The State of Chhattisgarh stands isolated in denying the same. Learned counsel submits that the Supreme Court had categorically directed implementation of the Shetty Commission recommendations with effect from 01.04.2003, holding that financial burden cannot be cited as a reason for non-implementation. In spite of this, the State has not implemented the recommendation concerning Stenographers, and has instead framed the 2023 Rules after an unexplained delay of 20 years, still excluding the mandated benefits. It is also submitted that after the Shetty Commission report, the Stenographer cadre has been pushed two pay levels below the Administrative Officer, although earlier they were placed just one scale below. While all other cadres received pay upgradation post-Shetty Commission, the Stenographer cadre alone has been left out, creating an unjustified and arbitrary disparity. Furthermore, despite a detailed representation submitted by the Judicial Employees' Union, the Registrar General has deferred the crucial issue of granting switch-over benefits to Stenographers, thereby perpetuating the illegality and injustice. He lastly submits that the representation made by the petitioners has been rejected by the Committee No.11 constituted "to deal with all matters related to the service of employees of the District Courts which are not specifically governed by any other Rule/Order/Guidelines, etc. (excluding the appeals and representations filed by employees of District Court)"

on 19.08.2025. In light of the above, learned counsel submits that the impugned provisions of the 2023 Rules, to the extent they deny switch-over and promotional benefits to the petitioners, deserve to be declared unconstitutional, and the State be directed to implement the recommendations of the Justice Shetty Commission in their true spirit, in conformity with the directions of the Hon'ble Supreme Court.

16. On the other hand, learned Deputy Advocate General appearing for respondents No.1 and 2/State opposes the submissions made by learned counsel for the petitioners and submits that the present writ petition is misconceived, devoid of merit, and liable to be dismissed at the very threshold. The petitioners seek to challenge the constitutional validity of the *Chhattisgarh District Judiciary Establishment (Recruitment and Conditions of Service) Rules, 2023* (hereinafter called as "2023 Rules") primarily on the ground that certain recommendations of the Justice Shetty Commission, particularly relating to the option of switching over from the Stenographer Cadre to the Ministerial/Supervisory Cadre, have not been incorporated. It is submitted that the petitioners have failed to establish any constitutional infirmity in the impugned Rules. At the outset, it is submitted that the 2023 Rules have been duly framed under Article 309 read with Article 235 of the Constitution after extensive consultation with the Hon'ble High Court of Chhattisgarh. These Rules constitute a comprehensive framework governing recruitment, promotion, and service

conditions of the District Judiciary, and enjoy a presumption of constitutionality. As held by the Hon'ble Supreme Court in the matter of **the State of Jammu and Kashmir v. Shri Triloki Nath Khosa and others, (1974) 1 SCC 19**, the burden lies squarely upon the petitioners to establish manifest arbitrariness or hostile discrimination, which they have wholly failed to do. Learned counsel further submits that the reliance placed by the petitioners on selective portions of the Justice Shetty Commission Report is misplaced. The recommendations regarding inter-cadre mobility, as contained in Chapter X-A of the Report, are directory and not mandatory. The Hon'ble Supreme Court in **All India Judges' Association (supra)** directed that the recommendations be implemented "in letter and spirit," subject to feasibility and administrative suitability. The Stenographer Cadre is a specialised cadre requiring specific technical competencies, speed shorthand, accurate transcription, and close judicial assistance, distinct from the administrative, supervisory, and financial functions performed by the Ministerial Cadre. A compulsory or automatic switch-over would dilute the functional specialisation essential for the efficient working of the subordinate judiciary. It is submitted that the 2023 Rules already provide a structured and time-bound promotional pathway within the Stenographer Cadre, consistent with the Shetty Commission's broader objectives. Under Schedule II, Stenographer Grade-III is eligible for promotion to Grade-II after four years, and thereafter to Grade-I (Senior Personal Assistant)

after a further four years. This assured progression meets the requirement of career advancement and removes stagnation, which was the core concern addressed by the Commission. The petitioners' grievance is therefore unfounded. On the issue of pay parity, the petitioners' claim of entitlement to equivalence with the Administrative Officer cadre is equally untenable. Stenographers and Administrative Officers constitute distinct classes with different responsibilities and required qualifications. As per settled jurisprudence, including **Federation of Railway Officers Association and others v. Union of India, (2003) 4 SCC 289**, equality is among equals; persons performing different functions cannot seek parity merely on the basis of past pay structures. The petitioners have not demonstrated any violation of Articles 14 or 16, nor any hostile discrimination. Moreover, fiscal prudence is a legitimate consideration, as recognised in the matter of **State of Punjab and others v. Ram Lubhaya Bagga and others, (1998) 4 SCC 117**, and the State cannot be compelled to restructure cadres contrary to administrative viability. Learned counsel submits that the petitioners' representations were duly considered. Importantly, the Hon'ble Supreme Court's later orders, including the order dated 20.05.2025 in *All India Judges' Association*, emphasise phased compliance and reasonable timelines, which the State is strictly adhering to. It is submitted that States such as Madhya Pradesh, Gujarat, Delhi, and Tripura have adapted the Shetty Commission recommendations in

differing manners based on local administrative considerations, and uniformity is not mandated. The State of Chhattisgarh has already implemented several major recommendations including allowances, revised pay structures, and promotions indeed the petitioners themselves were promoted to Senior Personal Assistant or Stenographer Grade-II in September 2024 under these Rules. In conclusion, learned counsel submits that the 2023 Rules are constitutional, rational, and consistent with the directives of the Hon'ble Supreme Court. The petitioners have misconstrued an advisory recommendation of the Shetty Commission as a binding mandate and have failed to establish any violation of Fundamental Rights or any grounds for judicial interference. Any direction to mandatorily introduce inter-cadre switch-over would amount to impermissible judicial overreach into policy matters, as cautioned in **Divisional Manager, Aravali Golf Club v. Chander Hass, (2008) 1 SCC 683**. As such, the writ petition deserves to be dismissed.

17. Learned counsel appearing for respondents No.3 and 4 submits that the provisions of impugned Rules 2023 are violative of direction issued by the Hon'ble Supreme Court in the matter of All India Judges Association v. Union of India. In view of above Rules, it is explicit that fair chance of promotion to travel upto the post of 'Senior Personal Assistant' is being provided to the 'Stenographer's. Claiming of the consideration of Senior Personal Assistant (Stenographer Grade-1) at par with the Deputy Clerk of

Court for the purposes of consideration of promotion to the post of 'Administrative Officer' is, therefore, unjust and unreasonable. As such, the writ petition deserves to be dismissed.

18. Having considered the rival submissions advanced on behalf of the parties, and having perused the material placed on record with utmost circumspection, this Court is of the considered view that the petitioners have failed to make out any case warranting interference with the *Chhattisgarh District Judiciary Establishment (Recruitment and Conditions of Service) Rules, 2023*.

19. The principal challenge raised by the petitioners is that the 2023 Rules do not incorporate the Shetty Commission recommendation permitting Stenographers, upon completion of the prescribed qualifying service, to switch over to the Ministerial/Supervisory Cadre. The petitioners have sought to treat this recommendation as mandatory and binding, contending that non-implementation amounts to violation of Articles 14 and 16 of the Constitution. However, the law in this regard is well-settled. The Hon'ble Supreme Court in ***All India Judges' Association*** (*supra*) accepted the recommendations of the Justice Shetty Commission subject to feasibility and administrative suitability, and nowhere held that every recommendation particularly those relating to cadre structure and inter-cadre mobility must be incorporated verbatim by all States. The Court expressly recognised the autonomy of the States and the High Courts to adapt the recommendations to local exigencies.

20. In the present case, the 2023 Rules have been framed under Article 309 read with Article 235 of the Constitution after due consultation with the High Court of Chhattisgarh. Service rules so framed enjoy a presumption of constitutionality, as reiterated in ***T.N. Khosa*** (supra) and the burden lies squarely upon the petitioners to establish manifest arbitrariness or hostile discrimination. The petitioners have failed to demonstrate how denial of switch-over to a different cadre, which performs qualitatively distinct administrative and supervisory functions, results in discrimination violative of Articles 14 or 16 of the Constitution of India.

21. The Stenographer Cadre is a specialised cadre requiring shorthand proficiency, accuracy of transcription, and continuous assistance to the Court. Ministerial and Supervisory Cadres involve financial, procedural, and establishment related responsibilities. Functional differentiation between these cadres is thus reasonable and constitutionally permissible. The Court is satisfied that there exists an intelligible differentia and a rational nexus with the object sought to be achieved, and therefore no violation of equality principles arises.

22. The petitioners' grievance that other States have chosen to allow switch-over cannot form the foundation of a constitutional challenge. As submissions of the State reveal, implementation of Shetty Commission recommendations across the country has never been uniform and is dependent upon local administrative

feasibility. The mere fact that Chhattisgarh has adopted a different model does not render its Rules unconstitutional.

23. The further contention that the Stenographer Cadre has been placed at a lower pay level after the Shetty Commission is also without merit. Pay scales and cadre hierarchies fall within the exclusive domain of policy, and unless shown to be arbitrary or discriminatory which is not the case here the Courts do not ordinarily interfere. The petitioners have not established parity of duties or responsibilities with Administrative Officers or Deputy Clerks of Court so as to invoke the doctrine of equal pay for equal work.

24. The record further shows that the petitioners have been granted promotions under Schedule II of the 2023 Rules, which provide a well-structured promotional pathway from Stenographer Grade-III to Grade-II and thereafter to Grade-I (Senior Personal Assistant). The allegation of stagnation or denial of promotional avenues is therefore factually incorrect.

25. Ultimately, what the petitioners seek is a direction compelling the State to restructure its cadres in a particular manner. Such an exercise falls squarely within the realm of policy, and judicial directions in this field particularly where no violation of constitutional rights is established would amount to impermissible intervention in administrative prerogative, as cautioned by the Supreme Court in ***Aravali Golf Club*** (*supra*).

26. In view of the aforesaid discussion, this Court finds no

arbitrariness, illegality, or constitutional infirmity in the entry at Serial No.1 Column No.3 in Scheduled II of the *Chhattisgarh District Judiciary Establishment (Recruitment and Conditions of Service) Rules, 2023*. The challenge to the Rules is without merit.

27. Resultantly, the writ petition stands **dismissed**. No order as to costs.

Sd/-

(Bibhu Datta Guru)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Head-Note

Pay scales and cadre hierarchies lie within the exclusive domain of policy-making, and the Courts ordinarily refrain from interfering with such matters. Judicial intervention becomes warranted only if it is demonstrably shown that the policy or decision is arbitrary, capricious, or discriminatory in nature. Mere dissatisfaction with the structuring of pay or cadre levels does not justify judicial interference, as these are matters entrusted to the administrative and executive domain.