

Supreme Court Employees Welfare Association

Vs

Union of India and Others

IAs Nos. 14 and 15 in Writ Petitions (C) Nos. 801 and 1201 of 1986

(S. B. Majmudar, S. Saghir Ahmed, K. Venkataswami JJ)

18.12.1998

ORDER

IA No. 14

1. We have heard learned counsel for the petitioner and the learned Attorney General for the respondent-authorities. In our view, as the Rules framed by the Chief Justice of India in exercise of his powers under Article 146(2) of the Constitution of India styled as "the Supreme Court Officers and Servants (Revised Pay) Rules, 1993" had been sent on 15-9-1993 to the President of India for his approval in accordance with Article 146(2) of the Constitution of India and as they have still not been approved and in view of the fact that the Supreme Court Officers and Servants (Revised Pay) Rules, 1997 have also been forwarded to the President on 4-12-1997 and as the Revised Pay Rules, 1997 are also not still approved by the President and in view of the further fact that the Central Government employees have already been given the benefit of the revised pay scales as per the recommendations of the Fifth Central Pay Commission with effect from 1-1-1996, the interest of justice requires us to pass the following interim order :

1. The respondent-authorities purely by way of ad hoc measure shall make available to the employees of the Supreme Court covered by the proposed Supreme Court Officers and Servants (Revised Pay) Rules, 1997, the revised pay scales as suggested therein with effect from 1-1-1996, strictly without prejudice to the rights and contentions of the respondents in this IA and the said pay scales will be subject to the final approval by the President of India.
2. All arrears of revised pay scales up to 31-12-1998 payable pursuant to the aforesaid directions shall be made available to the employees covered by the proposed rules latest by the first week of March 1999.
3. The revised pay scales on ad hoc basis as per the present order shall be computed by the respondent-authorities at the earliest. Future salaries shall be paid accordingly with effect from 1-1-1999 as and when they fall due. All future salaries to be paid to the employees concerned accordingly from January 1999 in the revised pay scales and also all the arrears to be paid to them pursuant to our present order will abide by the final decision in this IA, after orders of the President of India regarding approval of the pay scales as per the proposed Rules of 1993 and 1997 are obtained and placed before this Court for further orders.

2. It is clarified that while computing the arrears payable to the employees concerned, the amounts

received by these employees pursuant to our order dated 12-10-1998 granting a sum of Rs. 10,000 (Rupees ten thousand only) each to them will be adjusted and only the balance of the arrears so computed will be made payable to these employees.

3. It is also made clear that on similar lines, the benefit of the Fifth Central Pay Commission on ad hoc basis shall also be made available from 1-1-1996 to all the employees of the Supreme Court Departmental Canteen, for whom an order releasing a sum of Rs. 10,000 (Rupees ten thousand only) each was passed by a Bench of this Court on 15-10-1998. The release of arrears and all future salaries in the revised pay scales as recommended by the Fifth Central Pay Commission to these employees will also be made available to them subject to the final decision of this IA. This IA to be placed for further orders after the decision of the President of India on the proposed Pay Rules of 1993 and 1997 is obtained. Liberty is reserved to the parties to inform the office in this connection. Thereafter, this IA will be placed for further orders before an appropriate Bench. Not to be treated as part-heard.

4. It is also clarified that facility for all admissible LTCs for the block years 1994-1997, if not availed so far, will stand extended up to 30-6-1999. IA No. 15

5. In view of the aforesaid order in IA No. 14, this IA does not survive and stands disposed of.

Court Masters.