

**SUPREME COURT OF INDIA**

All India Judges Asson.

Vs.

Union of India (UOI)

I.A. No. 279 in W.P. (C) No. 1022/1989

(S. H. Kapadia, C.J., Aftab Alam and K. S. Panicker Radhakrishnan JJ.)

24.01.2011

**ORDER**

Directions Re.: State of Andhra Pradesh:

1. On 13th December, 2010, this Court passed the following Order:

We hereby direct the Principal Secretary, Finance, of the State to remain present in Court on 24th January, 2011 at 2.00 p.m. We would like to know from him as to within what time the pending 23 proposals for Court Buildings and 16 proposals for residential quarters would be approved.

2. In compliance of our Order dated 13th December, 2010, the affidavit has been filed by the Special Chief Secretary to the Government of Andhra Pradesh [Finance Department]. As per the affidavit, the Government has issued a G.O. dated 17th January, 2011, which accords administrative sanction for ` 8209.25 lakhs for construction of 23 Court Buildings and ` 1261.50 lakhs for 16 residential quarters.

3. We may also quote hereinbelow the letter addressed by the Registrar General of the High Court of Andhra Pradesh to the Supreme Court, which refers to disbursement of funds pursuant to the administrative sanction accorded by the Government for construction of Court Buildings and Residential Quarters vide G.O. dated 17th January, 2011. The letter is taken on record and marked as 'X'.

I am to state that as per the telephonic conversation, I have contacted the Chief Engineer (Bldgs) A.P., Hyderabad over phone with regard to providing of funds for construction of Court buildings and residential quarters for the Judicial Officers for which administrative sanction was accorded by the Government on 17.1.2011. The Chief Engineer (Bldgs) A.P., Hyderabad in turn has informed that on receipt of administrative sanction from the Government, the R&B Department will take steps to accord technical sanction, call tenders, and fix up the agency for grounding the works. He has further stated that as the construction work progresses, Funds would be provided to the R&B Department by the State Government from time to time on requisition by the R&B Department. He has further stated that the Government has issued orders in concurrence with the finance department.

However, I am to state that the Government of Andhra Pradesh is providing funds to the R&B Department for construction of Court buildings and residential quarters for the judicial officers from time to time.

4. The Court wants to know what happens on 31st March, 2011, if the funds remained unutilized. We are informed by the Finance Secretary, who is present in Court, that the funds will not lapse on 31st March, 2011.
5. Since there has been substantial compliance of our Order dated 13th December, 2010, appearance of the Finance Secretary in future is dispensed with.

Directions Re.: State of Karnataka:

6. On 13th December, 2010, this Court passed an Order, the relevant portion whereof is quoted hereinbelow:

We are further informed that some of the Court Houses are functioning through Hotels..... We direct the Principal Secretary, Finance, of the State to remain present in Court on 24th January, 2011, at 2.00 p.m. He shall inform the Court as to within what time the Administrative and Financial approval will be granted in respect of 414 works of Court Buildings and 282 works of residential quarters.

7. Pursuant to the said Order, two affidavits have been filed, one by the Principal Secretary [Finance], State of Karnataka, dated 18th January, 2011, and the other affidavit is dated 19th January, 2011, filed by the Chief Secretary. Pursuant to our

Order, the Principal Secretary [Finance], State of Karnataka, is present in Court today. There is some discrepancy in the affidavits filed earlier, i.e., dated 1st October, 2010, and 15th October, 2010, and the affidavits filed now, dated 18th January, 2011, and 19th January, 2011. In the earlier affidavit for fresh works, 197 Projects for Court Buildings and 182 for residential quarters were mentioned whereas, in the affidavit filed on 18th January, 2011, the figure is different. For fresh works, it is 272 Projects for Court Buildings and 197 Projects for residential quarters. This discrepancy may be explained.

8. It may be mentioned that, in terms of Format 'B1', the number of proposals pending with the State of Karnataka for release of finance is 414 in respect of Court Buildings whereas, in terms of Format 'D1' 282 proposals are pending administrative and financial sanction as far as residential quarters are concerned. We want the Principal Secretary [Finance] to file an affidavit as to how many proposals of Court Buildings out of 414 would get administrative and financial approval during the Accounting Year commencing from 1st April, 2011, and ending with the period 31st March, 2012, and similarly, the Court wants to know as to how many proposals would receive administrative and financial sanction during the said year vis-a-vis the residential quarters. We need to clarify that the Court would like to know from the State of Karnataka the figures pertaining to the new Court Buildings and the new residential quarters for the Judges and that the State need not give us figures with regard to repairs/annual maintenance to be carried out in the existing Buildings.

9. The matter shall stand over to 21st February, 2011.

10. It may be mentioned that the State of Andhra Pradesh has furnished Annexures I and II to the G.O. dated 17th January, 2011. In those Annexures, details of the nature of the work, the place at which the Project is located as well as the amount required to be spent have been clearly earmarked. In our view, all the States in future shall follow this format. Accordingly, we direct the State of Karnataka to furnish details on the next occasion in the same format. We have given a copy of the Annexures to the Principal Secretary [Finance] for doing the needful.

11. We are informed that the Budget Session for the State will commence from 24th February, 2011. Therefore, for the time being, we dispense with the presence of the Principal Secretary [Finance]. However, we make it clear that if the requisite information is not given to us before the next date of listing, i.e., 21st February, 2011, we may have to summon the Principal Secretary [Finance] in future.

Directions Re.: information to be given in Formats 'B' and 'D' to the Monitoring Committee:

12. The learned Amicus Curiae has pointed out to us that the Orders passed by this Court have not been complied with by States of Uttarakhand, Chhattisgarh, Goa, Gujarat, Madhya Pradesh, Meghalaya, Uttar Pradesh, Himachal Pradesh, Maharashtra, Sikkim, Rajasthan and Jammu and Kashmir and they have failed to furnish vetted information in Formats 'B' and 'D' to the Monitoring Committee.

13. Place the matter regarding afore-stated non-compliant States on 21st February, 2011.

14. The Registry is directed to inform the learned advocates appearing for these States. We make it clear that if information is not given to the Monitoring Committee before the next date of hearing, we will be compelled to summon the Chief Secretaries concerned to remain present in Court. A copy of this Order be sent to the Chief Secretaries concerned within two weeks from today.

15. A copy of this Order be also sent by E-Mail.