

SUPREME COURT OF INDIA

All India Judges Asson.

Vs.

Union of India (UOI)

(Aftab Alam and R. M. Lodha JJ.)

08.04.2011

ORDER

IA No. 14 of 2011

1. Mr. M.I. Qadri, learned Advocate General appearing for the State of Jammu & Kashmir, states that despite the order passed by this Court on May 04, 2010, the State Government has so far not implemented the recommendations of Justice E. Padmanabhan Committee as its petition (IA No. 11 of 2010) remains pending before this Court.

IA No. 11 of 2010

2. Taken on Board.

3. Heard Mr. M.I. Quadri, learned Advocate General for the State of Jammu & Kashmir on this petition.

4. We are sorry to observe that it is an ill-conceived and ill-disguised attempt at review of the order dated May 04, 2010 passed by this Court in these proceedings. The first prayer in the IA is:

i. allow the instant application and clarify/ modify the order dated: 04-05-2010 to the extent of members of Subordinate Judiciary of J&K State.:

This makes, it clear that the petition, though titled as an Interlocutory Application, actually seeks review of the aforesaid order. The label of I. A. is given to the petition for a purpose. A review petition, under the Rules of this Court, would be considered by Circulation. An Interlocutory

Application, on the other hand, gets listed for oral hearing. We are surprised that the Office failed to notice the wrong labelling of the petition and accepted it and put it on record for oral hearing.

5. Be that as it may, we have heard the Advocate General on the application and we are satisfied that no case is made out to review the order dated May 04, 2010 or to modify or further clarify it in any way.

6. From the order dated May 04, 2010, it is evident that the only objection with regard to the implementation of the recommendations of Justice E. Padmanabhan Committee was due to financial constraints. The objection raised at that time was not accepted by the Court. In this petition, objections are now sought to be raised purportedly on the basis of some provisions of the Constitution of Jammu & Kashmir. There is nothing new even in these objections, for, all these objections were urged at the time of implementation of the recommendations of the Shetty Commission and were repelled by this Court.

7. We are, therefore, constrained to observe that this IA is merely a ploy not to implement the recommendations of Justice E. Padmanabhan Committee and to delay compliance with the Court's order on one pretext or the other.

8. We find no merit in IA No. 11 of 2010 and it is accordingly dismissed.

IA No. 14 of 2011

9. Coming back to this application seeking directions, there is no reason for the State of Jammu & Kashmir any longer to not implement the recommendations of Justice E. Padmanabhan Committee in letter and spirit in compliance with the Court's order passed on May 04, 2010. We, accordingly, direct the State of Jammu & Kashmir to implement the recommendations of Justice E. Padmanabhan Committee as directed in the order of this Court passed on May 04, 2010, and the subsequent order dated July 19, 2010, without any further delay -and in any case within four months from today.

10. IA No. 14 of 2011 stands disposed of.