

**Case :-** SERVICE SINGLE No. - 19083 of 2017

**Petitioner :-** Ajay Singh And 26 Ors.

**Respondent :-** State Of U.P. Thru Prin.Secy.Deptt. Of Law & Legal & Others

**Counsel for Petitioner :-** Salil Tripathi, Amrendra Nath Tripathi, Ashish Raman Mishra

**Counsel for Respondent :-** C.S.C., Gaurav Mahrotra, U.N. Misra

**Hon'ble Manish Kumar, J.**

As per earlier order of this Court dated 8.10.2020, Sri Ramesh Kumar Singh, learned Senior Advocate / Additional Advocate General appeared on behalf of State. On the basis of instructions, learned Senior Advocate prays for two months' time to get the Rules notified by the State Government.

It has been informed that the file is in the Law Department and the Cabinet Note is under preparation. After the preparation of the Cabinet Note, the file will go to the Finance Department, Karmik Department and thereafter it will be placed before the Cabinet for approval of the Rules.

Learned counsel for the petitioners as well as learned counsel representing the High Court have submitted that there is urgency in the matter and the judicial work is adversely affected due to non-filling up of the vacancies on the post of System Officer & System Assistants, who can be appointed as per Rules which are pending for notification before the State Government.

The attention is also drawn to the Article 229 (2) of the Constitution of India, which empowers the High Court to frame Rules either by Hon'ble the Chief Justice or by some other Hon'ble Judge or officer of the Court authorized by Hon'ble the Chief Justice for the said purpose. The proviso provides that the Rules made under this Clause, so far as it relates to the salary, allowances, leave or pension require the approval of the Governor. The Rules have been framed by the High Court in the year 2018 and forwarded it to the State Government, but with some objections as mentioned in the earlier order dated 8.10.2020, the file was returned and after removing the doubts raised by the Government, the file was again forwarded to the State Government. The objections as raised by the State Government have already been removed and forwarded to the State Government on 27.07.2020 and since then the matter is pending.

The time in processing the matter, which has been informed by the State Government can be minimized looking to the urgency in the matter by processing the file on day-to-day basis and not in a routine manner.

It is expected that all the concerned departments as informed by the learned Senior Advocate representing the State shall make their best effort to complete all the formalities within a period of ten days by taking this matter on the priority basis, looking to the urgency in the matter and place the same before the Cabinet immediately thereafter for notifying the Rules.

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This court expects that the State Government shall notify the Rules within a period of three weeks from today and inform this Court by the next date of listing, failing which the Principal Secretary (Law)/Legal Remembrance shall appear in person before the Court.

Let this case be listed on 18th November, 2020.

**Order Date :-** 15.10.2020

S. Kumar