

**ITEM NO.3**

**Court 4 (Video Conferencing)**

**SECTION X**

**S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S**

**Writ Petition (Civil) No.1126/2021**

**SUPREME COURT EMPLOYEES WELFARE ASSOCIATION**

**Petitioner(s)**

**VERSUS**

**UNION OF INDIA & ORS.**

**Respondent(s)**

**Date : 11-02-2022 This petition was called on for hearing today.**

**CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE SURYA KANT**

**For Petitioner(s) Mr. K. Parameshwar, AOR  
Ms. A. Sregurupriya, Adv.  
Mr. Prasad Hegde, Adv.**

**For Respondent(s)**

**UPON hearing the counsel the Court made the following  
O R D E R**

- 1 Mr K Parameshwar, counsel appearing on behalf of the petitioner submits that:
  - (i) The proposal for the payment of a 'Court Allowance' to the members of the employees and officers of the Supreme Court of India is based on a report of a three-Judge Committee appointed by the Chief Justice of India;
  - (ii) The impugned communication dated 25 September 2020 of the

Department of Justice states that the matter has been considered in consultation with the Department of Expenditure and the report for granting of a Court Allowance to the officers and employees of the Supreme Court on the pattern of the Parliamentary Allowance paid to the officers and the staff of the Lok Sabha and Rajya Sabha Secretariats has not been acceded to;

- (iii) The decision of the Constitution Bench in ***Supreme Court Employees Welfare Association vs Union of India***<sup>1</sup> (paragraph 57) holds that in view of the provisions of Article 146(2) of the Constitution, the issue is a matter which involves a dialogue between the highest constitutional functionaries; and
- (iv) The manner in which the proposal has been dealt with is not consistent with the principles which have been enunciated by the Constitution Bench.

- 2 Issue notice, returnable on 28 March 2022.
- 3 Liberty to serve the first and second respondents through the Central Agency.
- 4 Dasti service is permitted to be effected on the Secretary General of the Supreme Court of India.
- 5 Counter affidavits be filed in the meantime.
- 6 We request the learned Solicitor General of India to assist the Court.
- 7 List the Petition 28 March 2022.

**(CHETAN KUMAR)**  
**A. R. - cum - P. S.**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**

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<sup>1</sup> (1989) 4 SCC 187