

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 599 of 2021

Petitioner :- In Re Constitution Of Education Tribunals

Respondent :- State of U.P.

Counsel for Petitioner :- Suo Motu

Counsel for Respondent :- C.S.C.

Hon'ble Govind Mathur,Chief Justice

Hon'ble Saurabh Shyam Shamsery,J.

Notice on behalf of the State is accepted by Sri Manish Goyal,
Additional Advocate General.

Judicial working of the Allahabad High Court that otherwise remained uninterrupted even during the Pandemic has been stalled at the call of High Court Bar Association, Allahabad and Awadh Bar Association, High Court, Lucknow. The cause for giving the call for absention from the judicial work is a proposed enactment in the name of "Uttar Pradesh Service Tribunal Act, 2021". The Act aforesaid proposes establishment of a tribunal for expeditious disposal of service cases relating to teaching and non-teaching staff of the Educational Institutions receiving aid under the Uttar Pradesh State Universities Act, 1973. As per proposed enactment, Headquarter of the Tribunal shall be at Lucknow with a bench at Prayagraj. The Tribunal proposed to be constituted shall be having a Chairman to be appointed as per the procedure given. The Chairman shall be having a discretion to determine the days of sitting of the Tribunal at Lucknow as well as at Prayagraj for adjudication of the cases coming before it.

The fundamental grievance of both the associations is with regard

to establishment of educational tribunal. As per the demand charters given to the High Court, the establishment of tribunal would not satisfy the object of expeditious disposal of the cases concerned.

The grievance of the High Court Bar Association, Allahabad is that looking to the seriousness of the service matters relating to teaching and non-teaching staff of non-governmental educational institutions, the number of cases instituted and pending consideration at Allahabad, it would not be appropriate to have principal seat of the Tribunal at any other place than Prayagraj.

On availing necessary details from Registry of this Court, we find that the pendency of service matters which are to be adjudicated by the proposed Tribunal is not too much. The institution of such cases before this Court at Allahabad in last 20 years and part of this year is as under:-

S. No.	Year	Single	Division	Full	Total
1.	2000	5562	684	3	6249
2.	2001	4524	687	0	5211
3.	2002	5546	977	0	6523
4.	2003	5756	732	0	6488
5.	2004	7120	512	0	7632
6.	2005	25323	634	0	25957
7.	2006	10774	514	0	11288
8.	2007	8969	600	0	9569
9.	2008	8760	472	0	9232
10.	2009	8639	691	1	9331
11.	2010	7676	491	0	8167
12.	2011	8044	520	24	8588
13.	2012	6490	435	3	6928
14.	2013	7444	633	0	8077
15.	2014	7043	530	6	7579
16.	2015	8383	444	1	8828
17.	2016	7561	376	0	7937

18.	2017	7235	486	0	7721
19.	2018	11070	325	0	11395
20.	2019	8574	16	0	8590
21.	2020	5752	19	0	5771
22.	2021	1569	2	0	1571
Total		177814	10780	38	188632

The disposal of such service cases at Allahabad (Prayagraj) is quite satisfactory in light of the pendency chart of such cases, which is quoted below :-

S. No.	Year	Single	Division	Full	Total
1.	1988	2	0	0	2
2.	1989	2	0	0	2
3.	1990	1	0	0	1
4.	1991	5	0	0	5
5.	1992	6	1	0	7
6.	1993	11	1	0	12
7.	1994	11	0	0	11
8.	1995	7	0	0	7
9.	1996	6	1	0	7
10.	1997	9	1	0	10
11.	1998	14	3	0	17
12.	1999	29	1	0	30
13.	2000	64	4	0	68
14.	2001	44	3	0	47
15.	2002	58	3	0	61
16.	2003	59	2	0	61
17.	2004	81	8	0	89
18.	2005	359	23	0	382
19.	2006	905	6	0	911
20.	2007	1450	25	0	1475
21.	2008	1652	36	0	1688
22.	2009	1703	54	0	1757
23.	2010	1389	49	0	1438
24.	2011	1258	61	0	1319
25.	2012	1099	65	0	1164
26.	2013	1347	16	0	1363
27.	2014	2918	19	0	2937

28.	2015	2936	52	0	2988
29.	2016	2861	48	0	2909
30.	2017	2596	108	0	2704
31.	2018	2802	75	0	2877
32.	2019	2813	10	0	2823
33.	2020	2920	8	0	2928
34.	2021	1189	1	0	1190
Total		32606	684	0	33290

In entirety, in last 20 years and part of this year, 1,88,632 cases related to service matters of teaching and non-teaching staff of aided institutions were instituted and, out of that, pendency is only 33,290.

At Lucknow also, total institution of such service matters in last 20 years and part of this year is only 55,913. The year-wise detail of institution of such cases at Lucknow is as under:-

Sr. No.	Year	Total
1.	2001	1455
2.	2002	1642
3.	2003	1617
4.	2004	2028
5.	2005	2290
6.	2006	4108
7.	2007	2961
8.	2008	3218
9.	2009	2734
10.	2010	3010
11.	2011	3851
12.	2012	2973
13.	2013	2738
14.	2014	2600
15.	2015	2928
16.	2016	2879
17.	2017	2925
18.	2018	4670
19.	2019	2982

20.	2020	1858
21.	2021	446
Total		55913

The disposal of cases at Lucknow too is quite satisfactory in light of the details pertaining to pendency given below :-

Sr. No.	Year	Total
1.	1985	2
2.	1986	1
3.	1989	2
4.	1991	1
5.	1992	6
6.	1993	9
7.	1994	5
8.	1995	12
9.	1996	5
10.	1997	17
11.	1998	17
12.	1999	31
13.	2000	55
14.	2001	84
15.	2002	175
16.	2003	127
17.	2004	273
18.	2005	278
19.	2006	725
20.	2007	498
21.	2008	744
22.	2009	838
23.	2010	878
24.	2011	1062
25.	2012	590
26.	2013	952
27.	2014	1039
28.	2015	1207
29.	2016	908
30.	2017	730
31.	2018	1227

32.	2019	1284
33.	2020	960
34.	2021	261
Total		15003

In view of the details given above, the total pendency of the service matters in question at Allahabad is 33,290 and 15,003 at Lucknow.

By the absentation from judicial work, valuable judicial time has been criminally wasted and that has effected judicial working of Allahabad High Court for other important jurisdictions also.

The largest High Court of the country cannot afford such non-functionality of Courts on any count. Suffice to state that, for the same cause, judicial working was adversely effected in the year 2019 too. On going through the statistics available, we are of the view that the pendency of the service matters in question can be effectively reduced by constituting special bench/benches for the purpose. However, for smooth functioning of such benches, the prime requirement is participation of Advocates in proceedings. The proposed enactment is meant with an object for expeditious disposal of service matters but the absentation of lawyers from judicial proceedings is causing serious injury to the disposal of such cases by the present judicial forum.

Looking to the need of effective judicial functioning of the Courts and the other existing circumstances, without interfering in legislative functioning of the State, we deem it appropriate to pass following directions :-

- (i) The Chief Justice, Allahabad High Court be requested to constitute appropriate dedicated Benches at Allahabad as well as at Lucknow for expeditious disposal of service matters related to teaching and non-teaching staff of aided institutions.
- (ii) The Legislature may complete the process of enacting the Act of 2021, if so desires, but, shall establish Educational Tribunals as proposed only after the leave of this Court.
- (iii) The State Government is requested to invite representatives of the Bar Associations of the Allahabad High Court at Prayagraj as well as at Lucknow to have deliberations with regard to their demands which are being agitated by different demand charters while giving the present call for absention from judicial work.

It is brought to our notice that the issue with regard to establishment of Goods and Services Tax (GST) Tribunals is under consideration of this Court in a writ petition filed at Lucknow, hence, we do not consider it appropriate to pass any order in that regard in this petition for writ.

It is expected from the Bar Associations and the community of Advocates at large to resume the judicial working forthwith.

Order Date:- 3.3.2021
VMA

(Saurabh Shyam Shamsbery, J.) (Govind Mathur, C.J.)