

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).279/2017

KUDRAT SANDHU

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

WITH

[ITEM NO.7.1 - W.P.(C) No. 558/2017 (PIL-W)
(IA No.81648/2017-STAY APPLICATION and FOR ADMISSION)];
[ITEM NO.7.2 - W.P.(C) No. 561/2017 (PIL-W)
(IA No.86008/2017-STAY APPLICATION and)];
[ITEM NO.7.3 - W.P.(C) No. 640/2017 (X)
(FOR ADMISSION and IA No.68312/2017-STAY APPLICATION and IA
No.140712/2017-impleading party and IA No.140715/2017-PERMISSION TO
FILE APPLICATION FOR DIRECTION)];
[ITEM NO.7.4 - W.P.(C) No. 1016/2017 (PIL-W)
(FOR STAY APPLICATION ON IA 107276/2017)
[ITEM NO.7.5 - W.P.(C) No. 788/2017 (X)];
[ITEM NO.7.6 - W.P.(C) No. 925/2017 (PIL-W)
(FOR ADMISSION)];
[ITEM NO.7.7 - W.P.(C) No. 1098/2017 (PIL-W)
(FOR STAY APPLICATION ON IA 118155/2017)];
[ITEM NO.7.8 - W.P.(C) No. 1129/2017 (PIL-W)
(FOR STAY APPLICATION ON IA 122573/2017)];
[ITEM NO.9 - T.P.(C)NO.1990/2017 - (FOR ADMISSION AND I.A.
NO.112338/2017 - STAY APPLICATION)]; AND
[ITEM NO.17 - W.P.(C)NO.33/2018 (FOR ADMISSION)]

Date : 09-02-2018 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. C.A. Sundaram, Sr. Adv.
Mr. A.K. Behera, Adv.
Mr. V. K. Verma, AOR
Ms. Priya Hingorani, Adv.
Mr. Kripa Shanker Prasad, Adv.
Mr. Tarun Verma, Adv.

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Mr. Siddharth Luthra, Sr. Adv.
Ms. Maneesha Dhir, Adv.
Mr. Karan Batura, Adv.
Mr. Karan Kanwal, Adv.
Mr. Anushree Prashit Kapadia, Adv.
Mr. Vivek Chib, Adv.
Ms. Ruchira Goel, AOR
Mr. Asif Ahmed, Adv.
Ms. Pracheta Kar, Adv.
Mr. Vikramaditya, Adv.
Mr. Rudrajit Ghosh, Adv.

Mr. Mohan Parasaran, Sr. Adv.
Mr. Muhammad Khan, Adv.
Mr. Omar Hooda, Adv.
Mr. Abhishek, Adv.
Mr. R.V. Prabhat, Adv.
Mr. Varun Sharma, Adv.
Ms. Prabha Swami, Adv.
Mr. Nikhil Swami, AOR
Ms. Divya Swami, Adv.

Mr. Arvind P. Datar, Sr. Adv.
Mr. Nikhil Nayyar, Adv.
Mr. M.V. Swaroop, Adv.
Mr. N. Sai Vinod, Adv.
Ms. Smriti Shah, Adv.
Mr. Divyanshu Rai, Adv.

Mr. Rupesh Kumar, AOR
Ms. Pankhuri Shrivastava, Adv.
Mr. Rajeev Sharma, Adv.
Ms. Neelam Sharma, Adv.

Mr. Anand Varma, AOR
Ms. Shubhangi Jain, Adv.

Mr. Arun Monga, Adv.
Ms. Divya Sharma, Adv.
Ms. Marrellina, Adv.
Mr. Gopal Jha, Adv.
Ms. Mayuri Raghuvanshi, AOR

Mr. Mukesh Kumar Maroria, AOR

Mr. K. Krishna Kumar, AOR

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Mr. Annam D. N. Rao, AOR
Mr. A. Venkatesh, Adv.
Mr. Sudipto Sircar, Adv.
Mr. Rahul Mishra, Adv.
Ms. Tulika Chikker, Adv.

For Respondent(s) Mr. K.K. Venugopal, AG
Mr. A.R. Nandkarni, ASG
Mr. Harish V. Shanker, Adv.
Mr. S.S. Shamsbery, Adv.
Ms. Rukmani Bobde, Adv.
Ms. Sradha Deshmukh, Adv.
Mr. Sanjay Kumar Pathak, Adv.
Mr. Kumar Shashank, Adv.
Ms. Sumi P.S., Adv.
Mr. M.K. Maroria, Adv.
Mr. Raj Bahadur Yadav, Adv.
Mr. G.S. Makker, Adv.

Ms. Shivani Kapoor, Adv.
Mr. Prakash Ranjan Nayak, AOR

Mr. Zoheb Hossain, AOR
Mr. Ashok Mathur, AOR
Mrs. Anil Katiyar, AOR

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

We have heard learned counsel for the petitioners and Mr. K.K. Venugopal, learned Attorney General for India.

In the course of hearing, suggestions for an interim order in respect of Central Administrative Tribunal have been filed. The suggestions read as follows :

"1. Staying the composition of Search-cum-Selection Committee as prescribed in Column 4 of the Schedule to the Tribunal, Appellate Tribunal and Other Authorities (Qualification, experience and other conditions of service of members) Rules, 2017 both in respect of Chairman/Judicial Members and Administrative Members. A further direction to constitute an interim Search-cum-Selection Committee during the pendency of this W.P. in respect of both Judicial/Administrative members as under :

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- a. Chief Justice of India or his nominee - Chairman
- b. Chairman of the Central Administrative Tribunal - Member
- c. Two Secretaries nominated by the Government of India - Members

2. Appointment to the post of Chairman shall be made by nomination by the Chief Justice of India.

3. Stay the terms of office of 3 years as prescribed in Column 5 of the Schedule to the Tribunal, Appellate Tribunal and other Authorities (Qualification, experience and other conditions of service of members) Rules, 2017. A further direction fixing the term of office of all selectees by the aforementioned interim Search-cum-Selection Committee and consequent appointees as 5 years.

4. All appointments to be made in pursuance to the selection made by the interim Search-cum-Selection Committee shall be with conditions of service as applicable to the Judges of High Court.

5. A further direction to the effect that all the selections made by the aforementioned interim selection committee and the consequential appointment of all the selectees as Chairman/Judicial/Administrative members for a term of 5 years with conditions of service as applicable to Judges of High Court shall not be affected by the final outcome of the Writ Petition."

Mr. Venugopal, learned Attorney General has submitted that he has no objection if the suggestions, barring suggestion nos.4 and 5, are presently followed as an interim measure. On a query being made whether the said suggestions shall be made applicable to all tribunals, learned Attorney General answered in the affirmative.

He would, however, suggest that suggestions nos.4 and 5 should be recast as follows :

"4. All appointments to be made in pursuance to the selection made by the interim Search-cum-Selection Committee shall abide by the conditions of service as per the old Acts and the Rules.

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5. A further direction to the effect that all the selections made by the aforementioned interim selection committee and the consequential appointment of all the selectees as Chairman/Judicial/Administrative members shall be for a period as has been provided in the old Acts and the Rules.

In view of the aforesaid, we accept the suggestions and direct that the same shall be made applicable for selection of the Chairpersons and the Judicial/Administrative/Technical/Expert Members for all tribunals.

List after twelve weeks along with W.P.(C)Nos.120 of 2012; 267 of 2012.

T.P.(C)No.1990 of 2017 stands disposed of in terms of the signed order.

(Subhash Chander)
AR-cum-PS

(H.S. Parasher)
Assistant Registrar

[Signed Order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(C)NO.1990 OF 2017

Union of India & Ors.

....Petitioners

Versus

Employees Provident Fund Appellate Tribunal
Bar Association

....Respondent

O R D E R

This is a petition seeking transfer of Writ Petition(C) No.6702 of 2017 titled "Employees Provident Fund Appellate Tribunal Bar Association v. Union of India" pending before the High Court of Delhi at New Delhi.

We have heard Mr. K.K. Venugopal, learned Attorney General for India and Ms. Shivani Kapoor, learned counsel appearing for the respondent-Bar Association.

Learned counsel for the respondent has no objection if the above petition is transferred to this Court.

In view of the aforesaid, it is directed that the abovementioned writ petition pending before the High Court of Delhi be transferred to this Court and registered as a Transferred Case. It shall be listed along with other connected cases.

The transfer petition stands disposed of accordingly.

.....CJI.
[DIPAK MISRA]

.....J.
[A.M. KHANWILKAR]

New Delhi.
February 09, 2018.

.....J.
[Dr. D.Y. CHANDRACHUD]