

CH. MANAVENDRANATH ROY
REGISTRAR GENERAL



HYDERABAD
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Date:03.05.2017

All the Judicial Officers
in the State of Telangana and
Andhra Pradesh.

The Hon'ble Supreme Court of India has passed an order dated 28.04.2017 in Writ Petition (C) No.85 of 2015 and SLPC No(s).18787-18790/2016 giving certain directions to the Government of Telangana and Andhra Pradesh and also to the Central Government in the matter relating to the allotment of Judicial Officers to the States of Telangana and Andhra Pradesh.

As directed, the copy of the said order received through email sent by the Advocate on record of High Court is herewith placed in the official website of High Court of Hyderabad for information to all the Judicial Officers working in the State of Telangana and Andhra Pradesh.


REGISTRAR GENERAL
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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL/APPELLATE JURISDICTION

WRIT PETITION(C) No(s). 85 OF 2015

TELANGANA JUDGES ASSOCIATION AND ANR. Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. Respondent(s)

WITH

SLP(C) No(s). 18787-18790/2016

O R D E R

These two matters, i.e. the Writ Petition (C)No. 85/2015 and SLP(C) No.18757-18790/2016 pertain to the allotment of the Judicial Officers who were in service in the "Existing State of Andhra Pradesh" (a defined expression under the Andhra Pradesh Reorganisation Act, 2014) in different cadres and classes of posts to the two States brought into existence by the Reorganisation Act.

Various complicated questions of interpretation of the Constitution and law are required to be examined for the purposes of adjudicating the two matters.

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However, after some discussion in the court, after hearing all the parties to the litigation i.e. the Union of India, "the High Court of the judicature at Hyderabad" the existing High Court as

described under Section 30 (1)(a) of the Act, the petitioner in Writ petition (C) No.85/2015 i.e. Telangana Judges Association (a registered body incorporated under the Societies Registration Act, 2001), the State of A.P. and Telangana, we are of the opinion that the scope of legal conflict between various parties could be minimised by adopting the following course of action:

- (1) That each of the States shall make an assessment of the required strength of the respective cadres of judicial officers with reference to the appointed day, (that is, 2nd June, 2014) in consultation with the High Court and frame rules or create appropriate legal regime fixing the strength of respective cadres of both the states.
- (2) Such an exercise shall be concluded within a period of four weeks from today.
- (3) After the strength of cadre is so determined, the exercise regarding allotment of officers in different cadres of the judicial service recruited under the relevant rules of the existing State of Andhra Pradesh is to be undertaken in accordance with certain guidelines.

As of today certain guidelines are framed for the allotment of the officers by the existing High Court. A copy of the guidelines with a covering letter issued by the Registrar General of the existing High Court is placed before us as Annexure to the Rejoinder Affidavit filed on behalf of the petitioner in Writ

Petition (C)No.85/2015. The Telanagana Judges Association as well as the State of Telangana, it appears have certain suggestions with respect to the above mentioned guidelines. In other words, the guidelines as framed by the existing High Court are not agreeable to them. While they do not totally reject the guidelines, they seek certain modifications to the guidelines. Whereas Mr. V.V.S. Rao, learned senior counsel appearing for the State of Andhra Pradesh accepts the above mentioned guidelines in toto.

After some discussion, all the learned counsel appearing for the various parties in these matters on instructions stated that if this Court were to settle the guidelines after examination, they would not press for the determination of the various legal questions raised in these two matters.

However, Mr. Harin P. Raval, learned senior counsel appearing for the State of Telanga and Ms. Indira Jaising, learned senior counsel appearing for Telangana Judges Association suggest that it would be more consistent with the requirement of law (in their opinion) that if the guidelines are formally issued by the Union of India.

In the background of the above mentioned suggestion, we deem it appropriate to direct that the guidelines issued by the existing High Court be treated as the draft guidelines for the purpose of allotment of the judicial officers to the different cadres in two

states. Telangana Judges Association and the State of Telangana as well as the State of Andhra Pradesh and any one of the judicial officers subject to the control of the existing High Court and not belonging to Telangana Judges Association either individually or in their representative capacity may make suggestions within a period of four weeks from today. Any representation made by anyone of the above mentioned bodies shall be made both to the Government of India and the existing High Court and also the copies of the same shall be furnished simultaneously to all the parties before this Court in these two matters.

The Union of India shall thereafter examine the various suggestions made by anyone of the above mentioned bodies and prepare the draft guidelines in consultation with the existing High Court on or before the 17th of June, 2017 and place the draft guidelines before this Court on the next date of hearing for appropriate further orders.

We understand that certain recruitments were undertaken by the High Court in two class of judicial service subsequent to the appointed date. We are informed that, in all, 130 judicial officers (Civil Judges of the junior division) were recruited. Their recruitment was subject to certain conditions evidenced by two Government orders (G.O.No.63 and 64 dated 9.9.2016) issued by the State of Telangana. It appears from the above mentioned Government orders of the State of Telangana that the officers so recruited were called upon to exercise their option for their

eventual allotment of one of the two States and those officers had, in fact, gave their option. Insofar as the State of Telangana is concerned, by the above mentioned G.Os, it is declared that the allotment of those officers shall be subject to the outcome of the SLP(C)No.18787-18790/2016. We are also given to understand that 4 officers in the cadre of district judges are also recruited. Therefore, there is a need to frame appropriate guidelines regarding allotment of these officers also. The High Court may also keep the above into consideration while examining the guidelines to be finalised by this Court.

By the judgment impugned in SLP(C)No.18787-18790/2016, the High Court struck down certain rules (framed by existing State of Andhra Pradesh under the title "Andhra Pradesh State Judicial Service Rules, 2007") and adapted by the State of Telangana. Such rules were originally framed in consultation with the existing High Court of Andhra Pradesh when they were framed. However, when the State of Telanagana chose to adapt those rules on the formation of the new State, there appears to be no consultation by the State of Telangana with the High Court. On that count, the High Court declared those rules invalid.

Mr. Raval, learned senior counsel appearing for the State of Telangana submitted that without going into the question whether a fresh consultation is really required even for the purpose of adaptation, the State of Telangana is agreeable for submitting a

fresh set of rules dealing with various service conditions of the judicial officers for consideration of the existing High Court and the State may be permitted to frame fresh rules mentioned above in the manner indicated above. The State of Telangana is accordingly permitted. The entire exercise should be completed on or before the 30th of June, 2017.

List the matters on 11th July, 2017.

.....J.
(J. CHELAMESWAR)

.....J.
(S. ABDUL NAZEER)

NEW DELHI
April 28, 2017.

ITEM NO.55-PH

COURT NO.3

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(s) (Civil) No(s). 85/2015

TELANGANA JUDGES ASSOCIATION AND ANR.

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(with appln. (s) for amendment of prayer portion and directions and office report)

WITH

SLP(C) No. 18787-18790/2016

Date : 28/04/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s) Ms. Indira Jaising, Sr. Adv.
Mr. T. Sudhakar Reddy, Adv.
Mr. Shwetank Sailakwal, Adv.
Mr. Rohit Ghosh, Adv.
Ms. Bina Madhavan, Adv.
Mr. M. P. Shorawala, Adv.

Mr. Harin P. Raval, Sr. Adv.
Mr. S. Udaya Kumar Sagar, Adv.
Mr. Mrityunjai Singh, Adv.

For Respondent(s) Mr. K.K. Venugopal, Sr. Adv.
Ms. Anitha Shenoy, Adv.
Mr. Ankur Talwar, Adv.
Ms. Srishti Agnihotri, Adv.

Mr. Maninder Singh, ASG
Ms. Vimla Sinha, Adv.
Mr. R. Balasubramanian, Adv.

Mr. Prabhas Bajaj, Adv.
Mr. Rohit Rathi, Adv.
Mr. Ananya Mishra, Adv.
Mr. Akshay Amritanshu, Adv.
Mr. Mukesh Kumar Maroria, Adv.

Mr. V.V.S. Rao, Sr. Adv.
Mr. Guntur Prabhakar, Adv.
Ms. Prerna Singh, Adv.

Mr. C. S. N. Mohan Rao, Adv.

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

List the matters on 11th July, 2017.

(DEEPAK MANSUKHANI)

AR-cum-PS

(Signed order is placed on the file with certain directions)

(RAJINDER KAUR)

Court Master