

Chief Justice's Court

Case :- MISC. BENCH No. - 10759 of 2013

Petitioner :- Shambhavi Prakash Tiwari [P.I.L.]

Respondent :- State Of U.P.Through Chief Secretary,Civil Sectt.Lko.& Ors.

Counsel for Petitioner :- Aishwarya Janhavi Prakash,Moti Lal Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Dr. Dhananjaya Yeshwant Chandrachud,Chief Justice

Hon'ble Ritu Raj Awasthi,J.

In pursuance of the order which was passed by this Court on 21st November, 2013 a meeting was held by the Principal Secretary, Finance and by the Principal Secretary, Personnel. The third member of the Committee constituted by the State Government, namely, Commissioner, Agriculture Production is on an official visit abroad and, therefore, was not present. Both the learned Additional Advocate General and the learned counsel appearing on behalf of the State Employees Joint Council state before the Court that the process of dialogue has commenced. A copy of the minutes of the meeting which was held yesterday has been placed on the record. The learned Additional Advocate General has stated on instructions that out of the eight demands listed in paragraph 4 of the minutes, the demands at Serial Nos. 3, 4, 6 & 7 do not have serious financial implications and in principle would be accepted by the Government. As regards the other demands, the Joint Council has been requested to reframe the priorities so that those demands which are of urgent nature can be taken up for consideration in the initial stage. We would also commend to the respective parties that the resolution of the disputes, even if it does not take place immediately on all the outstanding issues, may proceed step-by-step so that those demands which are capable of being resolved immediately

can be so resolved to the mutual satisfaction of the Government and of the concerned Associations. The learned Additional Advocate General has also pointed out to the Court that out of the seven Associations which are recognized under the Rules only two Associations have proceeded on strike (though this is disputed on behalf of the joint council).

Be that as it may, it is necessary, as the learned Additional Advocate General submits, for the State Government to hear the voices of all the recognized Associations because a solution which is acceptable to all the recognized Associations would have to be found. During the course of the hearing, it has been agreed that though a period of three months was given to the Committee to submit its report, parties would desire that the State may apprise the Court after an interregnum of about 15 days of the further progress which has been made in the matter. This safeguard has been sought by the State Employees Joint Council in order to ensure that the dialogue is taken seriously by the Government and progresses satisfactorily. The learned Additional Advocate General has no objection and it has been accordingly agreed that the petition may now be placed on board on 3rd December, 2013 so that the Court may be apprised of the further progress which has been made in the matter. On this date, the State may place on record an Action Taken Report setting out what developments have taken place in the meantime.

On behalf of the State Employees Joint Council, it has been submitted that having regard to the fact that out of deference to the intervention of this Court in these proceedings and since the process of dialogue has been commenced by the State Government, and more particularly because, in principle, a decision has been taken to accept four of the demands, as a gesture of a goodwill the strike is withdrawn

and necessary instructions shall be communicated to all the Associations and their members immediately. In consequence it has been stated that all the employees who are on strike will resume work tomorrow. Further, a prayer has been made to the effect that once the employees resume work, the State may consider withdrawing the directions which have been issued under ESMA and the period of abstention may be adjusted against the earned leave. The learned Additional Advocate General has assured that a sympathetic view would be taken once the employees return to work and a statement in any event will be made before the Court by the next date appearing.

We appreciate the fair attitude which has been taken both on behalf of the State Employees Joint Council as well as on behalf of the State Government due to the personal intervention of the learned Additional Advocate General.

We now post the matter for further hearing on 3rd December, 2013.

We would expect that in the meantime the dialogue which has already commenced would continue in the same spirit and commitment so as to resolve all the festering issues.

(Dr. D.Y. Chandrachud,CJ)

(Ritu Raj Awasthi, J.)

Order Date :- 22.11.2013

Santosh/-