

ITEM NO.301

COURT NO.9

SECTION PIL(W)

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).318/2006

NATIONAL CAMPAIGN COMMTT., C.L., LABOUR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(With appln.(s) for impleadment and office report)
(For final disposal)

WITH

CONMT.PET.(C) No. 52/2013 in W.P.(C) No. 318/2006

Date : 04/09/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE UDAY UMESH LALIT

Mr. Vivek K. Tankha, Sr. Adv. (A.C.)
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Ms. Jyoti Mendiratta, AOR

For Respondent(s)
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Mr. Naresh K. Sharma, AOR
Mr. Shrish Kumar Misra, AOR
Mrs. Nandini Gore, AOR
Mr. Tara Chandra Sharma, AOR
Mr. T. Harish Kumar, AOR
Mr. Varinder Kumar Sharma, AOR
Ms. Kamini Jaiswal, AOR
Ms. Radha Rangaswamy, AOR

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

There does not seem to have been any progress made pursuant to our order dated 21.08.2015.

Mr. Yashank Adhyaru, learned senior counsel appearing for the Union of India says that he has not received any definite instructions in spite of the Central Agency having contacted the Ministry of Labour, Government of India.

The attitude of the Ministry of Labour can hardly be appreciated, particularly in view of the fact that the amounts involved are said to be in the region of about Rs.27,000 crores, as informed by learned *amicus curiae*.

In view of the fact that this matter is being dealt with in such a casual manner by the Union of India, we have no option but to require the presence of the Secretary in the Ministry of Labour, Government of India on the next date of hearing. We, accordingly, direct the Secretary in the Ministry of Labour to be present in Court on 11th September, 2015. The said Secretary will remain present in Court along with a possible action plan and after having fully briefed the learned senior counsel appearing for the Union of India.

We have already indicated in our earlier order dated 21.08.2015 that given the attitude of the State Governments/ Union Territories and the Central Government, it may perhaps be more appropriate not to collect this money since it is not being utilized for the benefit of the persons for whom it is collected, but for other purposes. We had hoped that this observation will have some salutary effect on the officers of the State Governments/ Union Territories and the Central Government, but obviously it has had absolutely no effect on the concerned officers.

Perhaps, we may have to take steps to devise some way of recording our displeasure, if necessary, in the Annual Confidential Reports (ACRs) of the concerned officers.

In view of the unfortunate and casual attitude of the Government of India and the State Governments and Union Territories in this regard, learned *amicus curiae* and learned senior counsel for the petitioner have agreed to prepare, on their own, a possible action plan on the utilization of the amount of about Rs.27,000 crores and any other further amounts that may have been collected under the statute.

List the matter on 11th September, 2015.

(SANJAY KUMAR-I)
COURT MASTER

(JASWINDER KAUR)
COURT MASTER