

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

CIVIL APPEAL NO(s). 4517 OF 2004

STATE OF RAJASTHAN & ORS.

...APPELLANTS

VERSUS

RAMESH CHANDRA MUNDRA & ORS.

...RESPONDENTS

(with office report)

Date: 24/02/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Dr. Manish Singhvi, AAG  
Mr. Devanshu Kumar Devesh, Adv.for  
Mr.Milind Kumar, Adv.

For Respondent(s) Mr. Aftab Alam, Adv.  
Mr. Mukesh Verma, Adv.  
Mr. Yashpal Dhingra, Adv.  
  
Mr. Siddharth Jain, Adv.for  
Mr. Sunil Kumar Jain, Adv.

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

We have heard learned counsel appearing for the parties.

This appeal has been filed against the impugned judgment dated 29.11.2000 passed by the Rajasthan High Court.

The short question which is involved in this appeal is whether the Chief Justice of the High Court can upgrade the post of Private Secretary as Senior Private Secretary in a higher pay scale.

Learned counsel appearing for the appellants urged that this could not be done in view of the proviso to Article 229 of the Constitution of India without approval of the Governor of the State. It appears that the prayer for approval of the Governor has been rejected by the Government.

In our opinion, since an important question of law as to the interpretation of a constitutional provision viz.

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Article 229(2) has arisen in this case, the matter should be heard by a larger Bench, preferably by a Constitution Bench, in view of Article 145(3) of the Constitution.

Let papers of this case be placed before Hon'ble the Chief Justice of India for constituting an appropriate Bench.

(Parveen Kr. Chawla)  
Court Master

( Indu Satija )  
Court Master