

ITEM NO.301 Court 7 (Video Conferencing) 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). 470/2021

THE BAR ASSOCIATION RAILWAY CLAIM TRIBUNAL JAIPUR Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.55194/2021-APPROPRIATE ORDERS/DIRECTIONS)

Date : 24-05-2021 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE L. NAGESWARA RAO
 HON'BLE MR. JUSTICE HEMANT GUPTA
 HON'BLE MR. JUSTICE S. RAVINDRA BHAT

Counsel for the
parties

Mr. Nikhil Nayyar, Sr. Adv.
Mr. Kush Chaturvedi, AOR
Ms. Priyashree Sharma, Adv.

Mr. K. K. Venugopal, Attorney General
Mr. Balbir Singh, ASG
Mr. R. Balasubramaniam, Sr. Adv.
Mr. Zoheb Hossain, Adv.
Ms. Shradha Deshmukh, Adv.
Ms. Chinmayee Chandra, Adv.
Mr. Shyam Gopal, Adv.
Mr. Ankur Talwar, Adv.
Mr. G. S. Makkar, Adv.

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

The Bar Association, Railway Claim Tribunal, Jaipur, has filed this writ petition seeking appointment to the vacant posts of Judicial Members of the Tribunal. On 27.04.2020, Mr. Aman Lekhi, learned Additional Solicitor General, submitted that the process of appointment of 17 Members to the Tribunal shall be completed within 15 days. On 15.06.2020, Technical Members were appointed. However, appointment of Judicial Members was withheld. When the matter was

taken up on 03.12.2020, the learned Attorney General assured the Court that appointments to the post of Judicial Members shall be effected soon.

Mr. Nikhil Nayyar, learned Senior Counsel appearing for the Petitioner relied upon the proceeding dated 21.10.2020, by which the Appointments Committee of the Cabinet has approved the proposal for appointment of 4 Judicial Members to the Tribunal. He argued that there is no reason for not appointing those persons whose appointments are approved.

Learned Attorney General expressed the concern of the Government in relation to the tenure of the Members to be appointed. He stated that the Judgment of this Court specifies five years to be the tenure whereas the Ordinance dated 04.04.2021 fixes the tenure of Members at four years.

The appointment of four Judicial Members, as approved by the Appointments Committee of the Cabinet on 21.10.2020, shall be made forthwith. The tenure of such Members shall be subject to the result of Writ Petition (C) No. 502/ 2021 filed by the Madras Bar Association which is listed for final hearing on 31.05.2021.

List this matter after two weeks.

(JAYANT KUMAR ARORA)
COURT MASTER

(NIDHI AHUJA)
AR-CUM-PS

(ANAND PRAKASH)
COURT MASTER