



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.09.2024

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR. JUSTICE G.ARUL MURUGAN

W.A.No.684 of 2020

The High Court of Judicature at Madras,
Rep. by its Registrar General,
High Court, Madras.

... Appellant

Vs

1.K.Subramanian
2.S.Thulasidoss
3.Terminated Full time Temporary
LIC Employees Welfare Association,
(Regn.No.39/90), Rep. by its State Secretary,
Mr.T.Mohanraj,
Periya Thellore Village and Post,
Ussoor (via), Vellore – 632 105.

4.Life Insurance Corporation of India
Rep. by its Executive Director (Personnel),
Life Insurance Corporation of India
Central Office, Mumbai – 400 021.

5.Life Insurance Corporation of India,
Rep. by its Zonal Manager,
Life Insurance Corporation of India,
Zonal Office, 152, Anna Salai,
Chennai – 600 002.

... Respondents



PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the observations and directions issued by the learned Judge in the interim order dated 30.10.2019 made in W.P.NO.30827 of 2019, particularly paragraphs nos. 11 and 12.

For Appellant : Mr.Anand Subramanian

For Respondents : No appearance

JUDGMENT

(Order of the Court was made by Dr.ANITA SUMANTH,J.)

The Registry of this Court is aggrieved by certain observations made by the learned Judge in order dated 30.10.2019. The challenge in that writ petition was to Notification dated 17.09.2019 and inter-alia, the writ petitioners had sought a direction to the respondent to appoint the petitioners, on the basis of various grounds agitated by them.

2.In the course of the hearing of that writ petition, one of the points raised was that the procedure followed by the respondents amounted to unfair labour practices and thus as a consequence, the writ petition ought to have been listed before the Hon'ble Judge holding the 'Labour' portfolio.

3.At paragraphs 11 and 12, the learned Judge has discussed the issue thus:-



“11. The learned Senior Counsel, appearing on behalf of the writ petitioners, made a submission that the High Court Registry, more specifically, the Appeal Examiners/Section Officers/Court Officers cannot list the matter as per their own decision and if there is a controversy regarding the relief sought for or the subject matter and the counsel, who filed the case, is disagreeing with the opinion of the Registry, then the Registry has no option but to prepare a note and place the same before the Hon'ble Judge concerned, holding the Roster, as per their opinion regarding the subject matter and obtain orders from the Hon'ble Judge. Still there is a controversy or otherwise, then the note shall be placed before the Hon'ble Chief Justice for appropriate orders. Thus, the Registry officials cannot decide listing of the cases before a particular Court, as they cannot usurp the judicial powers in this regard. In the event of allowing the Registry officials to decide such matters, there is a likelihood of “bench hunting” by the litigants and there is a possibility of favouritism, nepotism and even the corrupt activities, cannot be ruled out.

12. It is unfortunate that the practice, as of now, prevailing in the Registry of High Court is that the officials of the Registry are taking decisions regarding listing of the cases with reference to the subject matter allotted to Courts. Undoubtedly, the Registry officials are empowered to form an opinion regarding the subject matter as well as the nature of the relief sought for while scrutinising case papers. However, such opinion should not lead to a judicial decision, so as to interfere with the allotment of Rosters. Thus, forming of an opinion is within the powers of the Registry officials and in the event of any disagreement or doubt, then the note must be prepared and the said note is to be placed before the concerned Judge as stated above. Accordingly, the Registrar-General, High Court of Madras is directed to issue suitable instructions to all the officials of the Registry, High Court of Madras, to ensure that the above procedures are followed in the event of any disagreement between the Registry officials and the counsel on record or there is any doubt regarding the subject matter or listing of the matters. It is made clear that the Registry officials are bound to follow such guidelines



scrupulously, so as to avoid unnecessary conflicts with the litigants and to ensure transparency in the matter of dealing with the cases by the Hon'ble High Court of Madras.'

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4. At the time of admission of this Writ Appeal, interim orders have been passed on 03.09.2020 by the first Bench of this Court, in the following terms:

'We have heard learned counsel for the appellant and perused the impugned order.

2. The contention raised is that the learned Single Judge in a matter relating to the posting of cases, as assigned under the roster by the Chief Justice, has made certain observations in paragraphs (11) and (12) on the premise as if the Registry of the High Court has transcended its authority and had accordingly adversely commented upon the procedure sought to be adopted. However, while making the observations, the learned Single Judge has issued directions to the Registrar General for ensuring transparency in the matter of dealing with the cases by the High Court. The learned Single Judge appears to have formed an opinion that posting of cases by the Registry at times amounts to an interference with the allotment of rosters, which tends to create an impression as if counsel are successful in forum shopping.

3. Prima facie, in our opinion, the question of posting of cases is to be governed by the orders of the Chief Justice on the administrative side fixing rosters and therefore, if there is any doubt about the jurisdiction of the Hon'ble Judge entertaining a matter, then the same has to be dealt with on the administrative side with a direction to place it before the Chief Justice or otherwise clarify the same in terms of the roster already fixed by the Chief Justice.

4. The contention raised by learned counsel for the appellant is that a judicial direction to post the cases would be in conflict with the powers of the Chief Justice in the matters of posting of cases. The aforesaid issue, therefore, has to be dealt with, as



observations have been made on the judicial side.

5. Even though the respondents/petitioners may or may not have any grievance with regard to this limited subject matter in this appeal, let them be put to notice. Therefore, we direct that the Registrar General shall instruct the Registrar Judicial that whenever such an occasion arises, either the roster jurisdiction should be explained before the Hon'ble Judge entertaining the petition or in case of any doubt being expressed by the Bench, the same should be placed before the Chief Justice on the administrative side for appropriate orders.

6. The observations made in paragraphs (11) and (12) of the impugned order shall be kept in abeyance and shall be finally considered after service of notice. List the matter on 15.10.2020 before the First Bench.

5. In pursuance of the above orders, Circular dated 17.09.2020 has been issued by the Registrar General, High Court of Madras in R.O.C.No.87900-A/2019/F1 to following effect:-

'The Hon'ble First Bench of High Court, Madras, while passing interim order in WA.No.684 of 2020, dated 03.09.2020 has directed to issue instructions to the Officials of the Registry that,

Whenever there is any doubt about the jurisdiction of the Hon'ble Judge entertaining a matter arises, then, either the Roster Jurisdiction should be explained before the Hon'ble Judge entertaining the petition or in case of any doubt being expressed by the Bench, the same should be placed before the Hon'ble Chief Justice on the administrative side for appropriate orders.

As directed, the above guidelines are to be followed by the Registry Officials scrupulously, so as to avoid unnecessary conflicts with the litigants/counsel-on-record and to ensure transparency in the matter of dealing with the case.'



6. In light of Circular dated 17.09.2020, we are of the view that there is now sufficient clarity as to the procedure to be followed by the Registry in the event of ambiguity relating to the subject matter of the writ petition or as to the respective subject portfolio to which the matter must be assigned.

7. To reiterate, wherever any such doubt arises on this account at the first instance, the Registry will bring the doubt to the notice of the Hon'ble Judge for appropriate decision. If the doubt/ambiguity persists, the matter is then to be carried to the attention to the Hon'ble Chief Justice for decision on the administrative side.

8. The observations by the learned Judge at paragraph 11 that the course of action relating to the subject matter must be decided by the Hon'ble Judge holding the roster, stand modified by virtue of the clarity provided by the first Bench under order dated 03.09.2020 and the subsequent Circular dated 17.09.2020.

9. This writ appeal is disposed in terms of the order supra. No costs.

(A.S.M.,J) (G.A.M.,J)
02.09.2024

Index: Yes
Neutral Citation : Yes
mpl



W.A.No.684 of 2020

To
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- 1.The Executive Director (Personnel),
Life Insurance Corporation of India
Life Insurance Corporation of India
Central Office, Mumbai – 400 021.
- 2.The Zonal Manager,
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Zonal Office, 152, Anna Salai,
Chennai – 600 002.



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W.A.No.684 of 2020

Dr.ANITA SUMANTH,J
AND
G.ARUL MURUGAN,J.

mpl

W.A.No. 684 of 2020

02.09.2024