

No : BDPA(I)/Judgment/2020

dated 23<sup>rd</sup> January. 2020

To:

- (1) Shri Ravi Shankar Prasad,  
Honourable Union Minister of Law & Justice  
New Delhi
- (2) Shri Jitendra Prasad, Minister for State,  
o/o the Prime Minister, G.O.I.  
7, Race Course, New Delhi

Subject: Universal implementation of court judgements to all similarly placed on legal finality.

Refce: Letter No.BPS/SG/19/20 dated 22.12.2019 from S C Maheshwari, SG- BPS.

Respected Sirs,

In continuation of letter No: BPS/SG/19/20 Dated 22.12.2019 addressed to your honour, we would like to place before you the following few lines for your kind consideration at the earliest in the larger interest of justice to citizens of India in general and Central Government Employees in particular.

That while speaking during the celebrations of Golden Jubilee celebrations of Delhi High Court on 31st October, 2019, our Hon'ble Prime Minister Shri NarendrabhaiMoldi (as per report Published in National Dailies on 31.10.2016) termed government as the "biggest litigant" and brought out that the government is a party to at least 46 percent of the court cases ranging from service matters to indirect taxes and that the load on the judiciary can be reduced if cases are filed after taking a considered view.

Further he advocated the policy of application of judgement in similarly placed cases by quoting a teacher's case as follows:

***“If a teacher approaches court over a service matter and wins, then the judgement should be used as a yardstick to extend the benefit to thousands of others to reduce litigation at a later stage “***

Sir, this was a very candid policy statement for implementation by the Bureaucracy.

Earlier, the Hon'ble Apex court in a catena of judgements including Ram Prakash Dhawan Vs State of Punjab (1997(2) SCT589) Satyapal Singh vs. State of Haryana (1999 (2) SLJ 71), Gopal Krishna Sharma vs State of Rajasthan (1993 SSC(L&S) 544).In Amrit Lal vs. collector of Central Excise. Delhi (1975(1) SLR 153 SC) the Hon'ble Apex court held as follows:

*"When a Citizen is aggrieved by the action of the Government department has approached the court and obtained a declaration of law in his favour, others in like circumstances should be able rely on the sense of responsibility of the department concerned and accept that they will be given the benefit of this declaration without need to take their grievances to Court".*

Attention is also invited to the following order of Honourable Supreme Court dated 01.09.2017 in Diary No(s). 23663/201 Diary No(s).GOVERNMENT OF NCT OF DELHI & ANR. Petitioner(s) vs SOMVIR RANA (TGT ENG):

*"We find that there are several matters in which the aggrieved employees have been going to the Tribunal, then to the High Court and thereafter those matters are brought before this Court at the instance of the Union of India/NCT of Delhi. Once the question, in principle, has been settled, it is only appropriate on the part of the Government of India to issue a Circular so that it will save the time of the Court and the Administrative departments apart from avoiding unnecessary and avoidable expenditure".*

Sirs, with due apology, undersigned on behalf of BSNL AND PENSIONERS ASSOCIATION (INDIA), AHMEDABAD beg to say that this country's Bureaucrats and the honourable Cabinet Minister will respect the say of Hon'ble Prime Minister and the apex court will take cue from MOD's attached instructions. General order for UNIVERSAL IMPLEMENTATION OF COURT JUDGEMENTS TO ALL SIMILARLY PLACED ON ATTAINING LEGAL FINALITY may be issued without further delay.

Thanking you in anticipation.

With regards  
Truly yours,

**(D.D. MISTRY)**  
General Secretary,  
BDPA (INDIA)

DA/As above

Copy to: Shri S.C. Maheshwari, SG, BPS, New Delhi

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