
(1996) 05 RAJ CK 0085

In the Rajasthan High Court

Case No : Civil Writ Petition No. 5515 of 1994

Rajasthan Judicial Service Officers Association and Another	APPELLANT
Vs	
State of Rajasthan and Others	RESPONDENT

Date of Decision : 03-05-1996

Acts Referred:

Citation : (1996) 2 RLW 1 : (1996) 2 WLC 594 : (1996) 1 WLN 629

Hon'ble Judges : Pana Chand Jain, J;B.R. Arora, J

Bench : Division Bench

Final Decision : Allowed

Judgement

B.R. Arora, J.—The petitioners, by this writ petition, have prayed that the respondents may be directed to provide dress allowance of Rs. 10,645/- initially to the Judicial Officers of the State of Rajasthan and thereafter the kit maintenance allowance @ Rs.400/- per month renewable from time to time, i.e., every three years with all consequential benefits and reliefs with effect from 1.1.1993, i.e., the date when the dress allowance was made applicable to the members of the Judicial Services.

2. The contention of the learned counsel for the petitioners is that the State Government, vide Notification dated 18.9.92 made a provision for the grant of dress allowance @ Rs. 15,000/- to the members of the Rajasthan Judicial Services and the Rajasthan Higher Judicial Services with effect from 1.1.1993, but this amount of dress allowance which is payable after every three years, is must on the lower side looking to the status of the judicial officers, the dignity of their offices, the price of the cloth, cost of stitching etc. Looking to over-all escalation of the prices, the financial burden on the judicial officers for equipping themselves with the uniform has been increased and, therefore, it is the duty of the State Government to undertake the liability for the entire cost of the uniform which should be payable to the judicial officers after every three years. It is, also, submitted by the learned counsel for the petitioner that a kit/dress maintenance allowance of Rs. 400/- per month be, also, paid to the judicial

officers. In support of his contention, learned counsel for the petitioners has placed reliance over the Division Bench Judgment of the Delhi High Court in: Delhi Judicial Service Association (Regd.) and Anr. v. Delhi Administration and Ors. D.B.Civil Writ Petition No. 840 of 1992-decided on 18.11.92.

3. The Rajasthan High Court has supported the stand of the petitioners that the dress allowance provided by the State Government to the Judicial Officers of the State is much on the lower side and after the Division Bench judgment of the Delhi High Court providing the dress allowance to the judicial officers of Delhi initially @ Rs.5500/- and thereafter Rs.300/- p.m. as the maintenance and further for purchasing the dress in future, the matter was examined by the High Court and vide letter dated 15.7.93, the High Court requested the State Government to provide dress allowance of Rs. 5500/- in lump-sum and thereafter Rs.300/- per month to all the Judicial Officers of the State.

4. The State Government, however, contested the claim of the petitioners and the case of the State Government, in the reply, is that the amount of Rs.1500/- as the dress allowance paid to the judicial officers of the State for a period of three years is more than enough looking to the economic condition of the State and the salary and perks paid to the judicial officers. It has further been contended by the learned counsel for the State of Rajasthan that the State of Rajasthan is not a rich State and the entire economy of the State is based on agriculture and the agriculture is based on the rains and, therefore, the uncertainty is always prevailing with the blessings of famine or flood. In these circumstances, apart from the interest of the judicial officers, the State Government has, also, to watch the interests of other employees, public at large and the weaker sections of the society in priority. The primary duty of the welfare State is to provide equal and reasonable facilities to all the sections of the society and as such the dress allowance of Rs. 1500/- for three years, provided to the petitioner's judicial officers, is most reasonable.

5. We have considered the submissions made by the learned counsel for the "parties.

6 Dispensation of justice is an inevitable feature in any civilised society. Judiciary is the back-bone of the democracy. In a democratic polity, the role of the judiciary is to maintain and stabilise the Rule of Law, which is essential for successful functioning of the democracy. The trial Judge or the Magistrate plays pivotal role in the administration of justice. He directly comes in the contact of the public in dispensation of justice. Judges and the Magistrates have to wear a specific dress prescribed by the Rules or by the High Court. The dress has to be worn compulsorily in order to maintain the dignity and decorum of the Court.

7. Rule 491 of the General Rules (Civil), 1986, prescribes a court-dress for the officers and the Lawyers. According to Rule 491 of the Rules, 1986, the Presiding Officer of a Civil Court is required to wear a distinctive costume as black coat or Achkan with bands while holding the Court. Since the uniform for the Judges or

the Magistrates is considered essential while presiding the Court in the discharge of their duties, therefore, it is the duty of the State Government that it should undertake the liability for the entire cost of the uniform prescribed for the judicial officers of both the categories.

8. The Third Central Pay Commission has prescribed the standard for eligibility of the officers to dress allowance. The Commission made the following observations in Volume IV of its report in respect of grant of dress allowances-

THIRD CENTRAL PAY COMMISSION, 1973-

The principle is that uniform etc. should be supplied by the Government only in those cases where their use is essential for the efficient discharge of their duties by certain class of staff and not as a general amenity or a perquisite. These are essentially issued so that the public and the superior officers could be able to readily identify the staff whose duties involve continuous public contact or whose official position must be known if they are to function smoothly and effectively.

9. The Fourth Central Pay Commission, in the year 1986, again considered the eligibility of the officers for the grant of dress allowance and made the following observations in its report-

The provision of uniform for certain categories of employees is considered essential for efficient discharge of their duties. Generally, uniforms are supplied to the employees who frequently come in contact with the public or whose official position must be distinctively known so that they may be easily identified by the members of the public and by their own officers.

10. The tests laid down by the Central Pay Commissions for the grant of dress allowance are : (i) continuous public contact; (ii) acknowledgement of official position; (iii) distinct/easy identification by the public or by their own superior officers; and (iv) dress is considered as an essential for the discharge of their duties. All these four conditions, laid down by the Central Pay Commissions and which are, also, necessary, stand fully satisfied in the case of the judicial officers while they are discharging their duties. Looking to the over-all escalation of the prices, the financial burden on the officers for equipping themselves with the uniform, has increased and, therefore, it is the duty of the State Government to bear the liability for the entire cost of the uniform/dress as well as to pay some amount as the kit maintenance allowance. As the dress is considered necessary, it is, therefore, the obligation of the State Government to reimburse the entire expenditure on the dress. The Government should, also, pay to the judicial officers the kit maintenance allowance up keep of their uniform.

11. The State Government has, also, not disputed that the uniform is necessary for the judicial officers while presiding over the Court In the dispensation of justice. It is, also, not disputed that as per the Rules, the Presiding Officer has to wear a specific dress. But according to the State Government, the allowance of Rs. 1500/- for three years is sufficient to meet these expenses and looking to the

financial position of the State of Rajasthan and its other obligations, the perquisites given to the judicial officers, the amount paid to them is sufficient and it is not possible for the State Government to release more funds towards the dress allowance for the judicial officers as the State Government have to look-after and watch the welfare of other sections of the society, also. Though inadequacy or lack of funds has been pleaded by the State Government for releasing more funds against the dress allowance or to reimburse the total cost of the dress but that does not appear to be a correct plea. The real reason appears to be the indifferent attitude of the State Governments to meet-out the essential need of the judicial officers. When the judicial officers - whether R.J.S. or R.H.J.S. cadres are under an obligation, as per the Rules, to wear the prescribed dress then it is for the State Government to bear-out the entire expenses on their uniform and not to meet-out a portion of the cost of the dress/uniform in the form of initial and renewable dress allowance. Looking to the escalation in the prices of the cloth stitching charges etc., the Judicial officers cannot be asked to bear this financial burden to equip themselves with the uniform prescribed under the Rules.

12. The Delhi High Court, in the case of : Delhi Judicial Officers Association, has, also, held as under-

Considering all these aspects of the matter, we are of the opinion that all the judicial officers should be provided a dress allowance initially and then they should be given the monthly allowance which shall be towards the maintenance of the dress and, also, be enough for them to purchase dress out of that and not that they should be provided further cost of the dress every three years or five years.

13. The next question, which requires consideration is : what would be adequate dress allowance which should be paid to the judicial officers ? The amount of Rs. 1500/- for every three years paid by the State Government to the judicial officers of the State is most inadequate. Even a single coat cannot be stitched in this amount. Stitching charges alone comes to Rs.1200/-. The judicial officer have to wear the dress which should be in keeping with the dignity of his office. The petitioners have placed on record a quotation from Raymond's Retail Shop, Nai Sarak, Jodhpur, and according to this quotation, an amount of Rs. 10,645/- is necessary for one woollon coat, one woollon jacket, two woollon pents, one tericotton coat for summer days, three tericotton pents and six white shirts.

14. The Delhi High Court, in the year 1992, awarded a sum of Rs. 5500/- as the initial cost of the uniform and Rs. 300/- every month towards the maintenance of the dress and, also, to purchase the dress in future. Looking to the present trend of the price of the cloth and the stitching charges, as revealed from Annexure. P.4, i.e., the quotation of the Raymond's Retail Shop, we are of the opinion that the following expenditure are likely to be incurred for preparation of the dress/uniform:

Note : Alternatively, Saree Dress for women judicial officers. Same amount of Rs. 8500/-.

15. The judicial officers of the Rajasthan: whether of R.H.J.S. cadre or R.J.S. cadre, should, therefore, be paid an amount of Rs. 8500/- initially against the dress allowance. The judicial officers are expected to be properly dressed as per the Rules and, therefore, we do not think it proper fix any period for providing them, new dresses. They should themselves change the dress as and when they feel it necessary and for that a sum of Rs. 300/- per month will be sufficient for the maintenance of the dress as well as to purchase the new dress as and when the need arises. We are, also, of the opinion that every member of the judicial service; whether of R.H.J.S. cadre or R.J.S. cadre, is entitled to receive the benefit of the lump-sum amount of Rs. 8500/- once in the service period and will not be entitled for this amount even on the promotion from R.J.S. to the R.H.J.S. cadre.

16. In the result, the writ petition filed by the petitioners is allowed and the respondents are directed to pay a lump-sum amount of Rs. 8500/- towards the dress allowance to the R.J.S. and R.H.J.S. officers and thereafter to pay Rs. 300/- per month towards the maintenance of the dress, which will, also, be enough for them to purchase the dress out of this amount in future. The dress allowance as well as the dress maintenance allowance, at the enhanced rate, will be payable to the members of the Judicial Services, i.e., R.H.J.S. and R.J.S. with effect from today. The respondents are further directed to consider, after every four years, for the revision of these allowances looking to the over-all escalation of the prices and raise the amount if necessary keeping in view the visithant them prevailing. In the facts and -circumstances of the case, the parties are -left to bear their own costs.