कार्यालयः जिला एवं सेशन न्यायाधीश, जोधपुर महानगर, जोधपुर।

:: कार्यालय आदेश ::

क्रमांकः – 310 दिनांकः– 24/07/25

इस न्यायक्षेत्र के समस्त कर्मचारीयों को सूचित किया जाता है कि माननीय राजस्थान उच्च न्यायालय बैंच जयपुर द्वारा **S.B. Criminal Misc. Suspension of Sentence Application (Appeal) No. 1687/2024; Ibra @ Ibran S/o Mamraj Vs. State of Rajathan** में पारित आदेश दिनांक 24.07.2025 द्वारा कर्मचारीयों के अनिश्चितकालीन सामूहिक अवकाश पर रहने को अवैध मानते हुए समस्त कर्मचारीयों को दिनांक 25.07.2025 को प्रातः 10:00 बजे अपने कर्त्तव्य पर उपस्थित होने का आदेश दिया है एवं कर्मचारीयों द्वारा कर्त्तव्य पर उपस्थित नहीं होने की स्थिति में जिला न्यायाधीश को उनके विरूद्ध अनुशासनात्मक कार्यवाही करने, स्थानांतरण करने, आचरण नियमों के तहत आरोप–पत्र जारी करने, निलंबन व अन्य कार्यवाही करने एवं आदेशानुसार अन्य कार्यवाही करने हेतु आदेशित/अधिकृत किया गया है।

अतः इस न्यायक्षेत्र के समस्त कर्मचारीयों को सूचित किया जाता है कि वे माननीय राजस्थान उच्च न्यायालय के आदेश की पालना में दिनांक 25.07.2025 को प्रातः 10:00 बजे आवश्यक रूप से अपने कर्त्तव्य पर संबंधित न्यायालय में उपस्थित होवें, अन्यथा माननीय राजस्थान उच्च न्यायालय के आदेशानुसार उनके विरूद्ध कार्यवाही की जाएगी।

जिला एवं सेशन न्यायाधीश,
जोधपुर महानगर, जोधपुर

क्रमांकः – 3673 दिनांकः– 24/7/25

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित हैः–

1- समस्त पीठासीन अधिकारी, जोधपुर महानगर न्यायक्षेत्र को प्रेषित कर लेख है कि अविलंब इस आदेश की प्रति नोटिस बोर्ड पर चस्पा की जावे एवं कर्मचारीगण को जरिए वाट्सएप एवं अन्य उचित माध्यम से सूचित किया जाए।

2- सिस्टम ऑफिसर, जिला न्यायालय, जोधपुर महानगर को प्रेषित कर निर्देश है कि अविलंब उक्त आदेश जिला न्यायालय, जोधपुर महानगर की वेबसाईट पर अपलोड करें एवं जिला न्यायालय, जोधपुर महानगर में पदस्थापित कर्मचारीगण को जरिए वाट्सएप सूचित करें।

3- श्री अनिल जोशी, अध्यक्ष, राजस्थान न्यायिक कर्मचारी संघ, जिला शाखा जोधपुर महानगर को मय माननीय राजस्थान उच्च न्यायालय के आदेश की प्रति सहित प्रेषित कर आदेशित किया जाता है कि समस्त कर्मचारीगण को इससे अवगत कराते हुए कर्मचारीगण को आदेशानुसार अपने कर्त्तव्य पर उपस्थित होने हेतु निर्देशित करें।

जिला एवं सेशन न्यायाधीश,
जोधपुर महानगर, जोधपुर

RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc Suspension Of Sentence Application (Appeal) No. 1687/2024

in

S.B. Criminal Appeal No. 2544/2024

Rajasthan High Court
सत्यमेव जयते
Web Copy - Not Official

Ibra @ Ibran Son Of Mamrej

----Petitioner

Versus

State Of Rajasthan

----Respondent

Connected With

S.B. Criminal Misc Suspension Of Sentence Application (Appeal) No. 1507/2024
in
S.B. Criminal Appeal No. 2271/2024

Handu @ Devo @ Devilal Son Of Samay Singh

----Petitioner

Versus

State Of Rajasthan

----Respondent

For Petitioner(s)	:	Mr. Jiya UR Rahman Mr. Gordhan Singh Fauzdar
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP Mr. Amit Kumar, SHO, P.S. Jurerha

---

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

Reportable

24/07/2025

1. Mr. Amit Kumar, SHO, P.S. Jurerha, District Deeg is present in person. Some documents were provided to him by learned counsel appearing on behalf of Handu @ Devo @ Devilal for verification and he needs time.

2. Learned counsel appearing on behalf of Ibra @ Ibran submits that he has not received the copies as the staff is on strike.

(Downloaded on 24/07/2025 at 03:54:51 PM)

RAJASTHAN HIGH COURT

3. Some of the lawyers present before this Court have also raised the issue that the Courts are locked and there is no alternative arrangement for issuance of copies of the record either to litigants or the lawyers. They submits that no one is taking care of their plight and sufferings,

Rajasthan High Court Web Copy - Not Official

4. Let both the applications for suspension of sentence be listed on 29.07.2025.

5. Mr. Amit Kumar, SHO, P.S. Jurerha, District Deeg is directed to verify the details and send a report to the learned Public Prosecutor. He is not required to attend the Court in this case.

6. In pursuance to order dated 23.07.2025, we have heard Mr. Manoj Soni, Learned Registrar (Judicial), who submitted detailed report regarding abstention of staff from working in subordinate Courts of State. Discipline is the key of success of any institution and judiciary is known for maintaining its own discipline.

7. The documents referred and placed before us indicate that a meeting of State Level Committee for judicial infrastructure was convened on earlier occasion and one of the agenda item was "redressing the cadre strength of subordinate Courts' staff." The recommendation regarding redesigning of cadre strength is approved by the High Court and sent to the State Government. The State Government has convened a meeting on 25.07.2025 at 04.00 P.M. under the Chairmanship of Learned Chief Secretary and a notice to this effect has already been issued on 17.07.2025.

8. In the meanwhile, a notice-cum-representation addressed to the Hon'ble the Chief Minister, State of Rajasthan through learned Chief Secretary was sent under the signature(s) of Mr. Surender Narayan Joshi and Mr. Pawan Pandit, in capacity as State President

(Downloaded on 24/07/2025 at 03:54:51 PM)

and General Secretary of *Rajasthan Nyayik Karamchari Sangh* (hereinafter referred as 'Sangh') for indefinite abstention (mass leave) from 18.07.2025. Since, then the District Court staff is on mass leave paralysing the functioning of the subordinate Courts in Rajasthan.

9. In case of **Rajendra Singh Verma (D) Thr.Lrs vs Lt.Governor Of Nct Of Delhi & Anr (2011) 10 SCC 1** Hon'ble Supreme Court has interpreted Article 235 of Constitution of India and laid down that the mechanism of vesting of control of Subordinate Courts to High Courts is to ensure independence of judiciary.

10. The *"independence"* means free from all influences but in disciplined manner, which includes communication or redressal in a disciplined manner and not in free style manner. Herein, this case the *'Sangh'* has addressed a letter directly to the Chief Minister through the learned Chief Secretary and not through Registrar General. It is a serious act of indiscipline, on part of signatories to letter dated 17.07.2025.

11. A very recently there is a transition in the office of Hon'ble the Chief Justice in the State of Rajasthan as previous Hon'ble Chief Justice was transferred and elevated as Hon'ble the Chief Justice of Madras High Court and new Hon'ble Chief Justice from Madras High Court has assumed the charge as the Chief Justice of this Court on 21.07.2025. During this transition phase, the Subordinate Courts' staff has resorted to abstain from work (on mass leave) without a proper intimation (notice) and information to Hon'ble Chief Justice. This Court is apprised that even the High

(Downloaded on 24/07/2025 at 03:54:51 PM)

Court administration was not informed by Sangh, before proceeding on mass leave from 18.07.2025.

12. Hon'ble Supreme Court in case of **T.K. Rangarajan Vs. Government of Tamil Nadu (2003) 6 SCC 581** while considering fundamental rights under Article 19(1)(c) of the Constitution of India has held that the Government employees have no fundamental right to resort to strike and there is no statutory provision empowering the employees to go on strike and any strike cannot be justified on any equitable ground.

13. In case of **Harish Uppal Vs. Union of India (2003) 2 SCC 45** and followed in number of cases, Hon'ble Supreme Court has enlarged the definition of Article 21 and held that lawyers do not have the right to strike as it affects the fundamental rights of litigant to speedy justice.

14. When in a system, lawyers who are indispensable part of the system in providing access to justice cannot resort to strike then how can employees who are getting bread and butter from money paid as tax by poor citizens of this country can resort to a strike.

15. As on today, by virtue of National Judicial Pay Commission either 1st or 2nd, the judicial employees are already getting more salaries and emoluments than similarly placed Government employees of the State, who are provided benefits as per the 7th Pay Commission but still agreeing to the demand of redesigning of cadre strength, the Full Court of this Court has recommended the State for taking action.

16. In case of **P.U. Joshi & Ors. Vs. Union of India & Ors. The Accountant General AIR 2003 Supreme Court 2156**, an issue regarding restructuring of posts/cadre was raised before the

(Downloaded on 24/07/2025 at 03:54:51 PM)

Hon'ble Supreme Court and it was held that since finance is domain and subject of State and it is a policy matter and in policy matter, a Court cannot interfere on judicial side. There is no right in the employee of the State to claim service condition, as per their wish and desire.

17. How to upkeep an employee is domain of employer and no employer take action against employee unless they crossed the limits and herein, if litigants are facing troubles in the temple of justice then nothing remains to be tolerated. I have no option to pass the order like present one.

18. A similar situation arose in the Madras High Court and a Bench at Madras High Court while considering the issue in case of **Registrar (General) of High Court of Madras Vs. Union of India 2014 SCC Online Madras 6565** held that the Court staffs' strikes disrupt the judicial functioning and it hampers the working of administration of justice. The Court has warned of disciplinary action under the Service Rules. The Court has further held that these strikes in essential services like judicial administration is impermissible.

19. In order to maintain the essential services in the State, there is a legislation known as the Essential Services Maintenance Act (ESMA) and in order to continue Court services the ESMA can be invoked and this is an option which has to be exercised in appropriate cases, as and when situation so warrants.

20. Having considered the legal position as discussed hereinabove, I am of the view that the abstention of wok or mass leave by judicial employees of Subordinate Courts (District Courts) of State is illegal and uncalled for thus I call upon each and every

(Downloaded on 24/07/2025 at 03:54:51 PM)

RAJASTHAN HIGH COURT

employee of District Judiciary (Subordinate Courts) to resume the duty latest by 10.00 A.M. on 25.07.2025, failing which the directions mentioned herein below be followed by the all the District Judges and also by the State, under intimation to the Registrar General of this Court:-

Rajasthan High Court सत्यमेव जयते Web Copy - Not Official

(i) The District Judges shall organize a meeting with District Collector and District Superintendent of Police, if the employees failed to report on duty by 10.30 A.M. on 25.07.2025 so as to ensure alternative working arrangement of Courts.

(ii) The Collector of each and every district shall ensure that services of adequate number of IT assistants and Home Guards (having qualification of 12th Class or more) be provided at the disposal of District Judge so as to resume work of the Courts in the District.

(iii) The District Judges shall also have meeting with office bearers of bar association and seek voluntary and pro-bono service of young lawyer(s), who have just joined the bar so as to provide access to justice to needy, poor and downtrodden people.

(iv) It is hereby clarified that in case any record or any document is found as missing during this temporary work arrangement then the liability and responsibility is of the employee who is permanently posted on that particular seat and assigned the work of upkeeping of record.

(v) The District Judges shall also ensure that no harm is caused to any of such individual(s) who joined the duty or engaged on temporary work arrangement basis.

(Downloaded on 24/07/2025 at 03:54:51 PM)

Rajasthan High Court Web Copy - Not Official

(vi) The Bar Association is also requested to assist respective District Judge(s) as it is need of the hour to show that the Bar and Bench are the two wheels of same chariot of justice.

(vii) The District Judge(s) shall also initiate disciplinary proceedings against such employee(s) who failed to obey his command. He is directed to initiate action against the individual(s) who are in forefront and instigating other employee(s) to continue to resort to abstain from work (mass leave).

(viii) The District Judge(s) has power and authority to take action under the Service law which includes transfer from one place to another (within district), issuance of charge-sheet under the Conduct Rules, suspension or any other action as situation warrants.

22. If situation so warrant, the District Judges shall conduct discreet inquiry about the individual(s) who are catalyst or behind the entire agitation and continue to instigate the employees to abstain from work. After enquiry, he my take proper action under the service law which includes suspension, issuance of charge-sheet or taking any other action as permissible under the rules.

23. If in the opinion of District Judge(s), if a particular person is creating chaotic situation and disturbance in maintaining order and discipline, he may recommend his/her transfer from the District other than where he/she is posted presently (out of district) to the High Court.

(Downloaded on 24/07/2025 at 03:54:51 PM)

24. The District Judge(s) shall submit daily report to the Registrar General and the Registrar General may guide them after assessing the situation.

25. After compilation, the reports shall be placed before Hon'ble the Chief Justice on 28.07.2025, by the Registrar General.

26. I again request all the judicial employees to resume their duties latest by 10.00 A.M. on 25.07.2025 as indiscipline will not be tolerated by the institution at any cost.

27. If the employees of District Courts failed to resume their duties and situation so continued till 28.07.2025, then ESMA can be invoked to maintain discipline and resume the work of the Court.

28. These directions are some of the initial directions and if situation so warrants we can issue further directions.

29. Let this matter be posted on 29.07.2025 for further consideration.

(ASHOK KUMAR JAIN),J

MONU KAMRA /102-103-S

(Downloaded on 24/07/2025 at 03:54:51 PM)