



SUPREME COURT BAR ASSOCIATION (Regd.)

SUPREME COURT OF INDIA, TILAK MARG, NEW DELHI-110001 (INDIA)

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Ms. Rachana Srivastava (Sr.)
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Ms. Jyoti Parasher

Ms. Rachna Gandhi

SCBA/Registry/31/2024/

Dated:22.06.2024

The Secretary General
Supreme Court of India
New Delhi.

Sir,

It is bring to your kind notice that vide notice dated 20.06.2024, (during current vacations) it was informed that "all service matters and labour matters which have been verified till 20.06.2024 and are ready will be listed before the Vacation Benches w.e.f. 25.06.2024."

You are requested to kindly take notice of Order VI Rule 6 of the Supreme Court Rules 2013 framed in exercise of powers under Article 145 (3) of the Constitution of India which clearly details categories of cases to be listed during vacations. Order VI Rule 6 of S.C.R. 2013 is reproduced below:

ORDER VI

CONSTITUTION OF DIVISION COURTS AND POWERS OF A SINGLE JUDGE

6. *During the vacation, the Vacation Judge sitting singly may, in addition to exercising all the powers of a Judge in Chambers under these rules, exercise the powers of the Court in relation to the following matters, namely: -*
- (1) *Applications for special leave to appeal in urgent cases where interim relief is prayed for subject to the condition that the Vacation Judge shall not decide such a petition if it raises substantial question of law as to the interpretation of the Constitution.*
 - (2) *Applications for stay of execution of a decree or order or stay of proceedings in civil matters.*
 - (3) *Applications for transfer of cases under section 406 of the Code of Criminal Procedure, 1973 (2 of 1974).*
 - (4) *Applications for stay of proceedings in criminal matters.*
 - (5) *Applications under article 32 of the Constitution of an urgent nature which do not involve a substantial question of law as to the interpretation of the Constitution.*
 - (6) *Issue of a rule nisi in urgent applications under article 32 of the Constitution which involve a substantial question of law as to the interpretation of the Constitution.*
 - (7) *Applications of an urgent nature for transfer of cases under section 25 of the Code of Civil Procedure, 1908 (5 of 1908).*
 - (8) *Issue of notice in applications of an urgent nature under Article 139A(I) of the Constitution; and*



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(9) *Applications of an urgent nature for transfer of cases under Article 139A(2) of the Constitution.*

The abovementioned Circular has been issued in the midst of vacations for listing of cases without the consent of the concerned Advocates-On-Record or the Supreme Court Bar Association. It is noteworthy that the purpose of listing of matters during summer vacations is only limited to hearing urgent matters covered under Order VI Rule 6 of Supreme Court Rules 2013.

Further, it is to state that notices dated 02.05.2024, 15.05.2024, 11.06.2024 and 20.06.2024 have gone beyond the scope of Order VI Rule 6 for listing of matters not covered thereunder.

You may please note that this is causing undue anxiety and hardship to the Advocates-On-Record/ Party-in-person/ stakeholders etc. who are not in Delhi because of summer vacations, least expecting that their cases will be listed through above Circulars/Notices issued in the midst of summer vacations. Needless to say that Advocates-On-Record or other Advocates do not carry the files while being out of station during summer vacations. Thus, they are handicapped in making submissions before Hon'ble Supreme Court even through V.C. when such matters are suddenly listed and taken up for hearing.

Large number of A.O.Rs. and other advocates have put forth their grievances to the SCBA Office for onward communication of their hardship to your goodself for taking remedial steps for this unusual and unprecedented listing of cases.

It may kindly be noticed that the List of Business issued for 25.06.2024 has a long list of cases which are bearing "Diary Numbers" i.e. S.L.Ps. filed beyond Limitation and even re-filed belatedly with application for condonation of delay, clearly signifying that there is no urgency involved therein for listing during summer vacation, which run counter to the Circulars/Notices issued on 02.05.2024 and 15.05.2024 i.e., prior to summer vacations.



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Regretfully, the Registry has ignored that such matters are to be listed before Hon'ble Chambers Judge and it is only thereafter that such matter are placed before Regular Benches for hearing. Order V Rule 1 Sub Rule (20) and Order V Rule 2 Sub Rule (32) are reproduced hereunder for ready reference:

Order V

Business of Chambers

1. The powers of the Court in relation to the following matters may be exercised by the Registrar, namely:

Rule 1

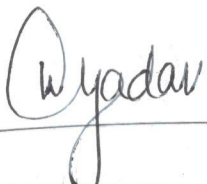
Sub-Rule (20) Application for condonation of delay in re-filing, provided the delay does not exceed 60 days from the date of notifying the defects.

Rule 2

Sub-Rule (32) Application for condonation of delay in re-filing where the delay exceeds 60 days from the date of notifying the defects.

It may be further noted that large number of advocates have reported their grievances that in spite of filing of "Urgent Affidavit" their S.L.P.s are not being listed by the Registry arbitrarily thereby causing concern to the stakeholders.

In view of the above, it is requested that all such matters wherein the consent of the Advocates-On-Record has not been taken and do not fall in the category of cases under Order VI Rule 6 of Supreme Court Rules 2013 be withdrawn forthwith and only urgent cases be listed which are duly supported by affidavit of urgency.


VIKRANT YADAV
Hony. Secretary