



ALL INDIA POSTAL EMPLOYEES UNION GROUP 'C'

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To

Hon'ble Justice Bhushan Ramkrishna Gavai Ji
The Chief Justice of India
Supreme Court of India
Tilak Marg, New Delhi – 110001

Subject: Representation concerning continued non-compliance by the Department of Posts with judicial directions passed by the Hon'ble High Court of Jharkhand and this Hon'ble Court in W.P.(C) No. 7135 of 2023 and Transfer Petition No. 1614 – 1617 of 2024.

Respected My Lord,

This representation is being submitted on behalf of the All India Postal Employees Union Group 'C', a service association representing postal employees across India, respectfully seeking Your Lordship's kind and urgent intervention in view of the deliberate and continued non-implementation by the Department of Posts of judicial directions passed in *W.P.(C) No. 7135 of 2023* by Hon'ble Jharkhand High Court, and subsequently affirmed by this Hon'ble Court in *Transfer Petition (Civil) Nos. 1614–1617 of 2024*.

At the very outset, the petitioner humbly submits that the Department of Posts, Ministry of Communications, Government of India, has refused to comply with multiple binding directions of constitutional courts, including:

- **Stay order dated 12.04.2024 passed by the Hon'ble Jharkhand High Court in W.P.(C) No. 7135 of 2023;**
- **Affirmation of said stay by this Hon'ble Court vide order dated 24.09.2024 in Transfer Petition No. 1614 – 1617 of 2024;**
- **And ultimately, the final judgment dated 18.02.2025 passed by the Hon'ble Jharkhand High Court in W.P.(C) No. 7135 of 2023.**

The genesis of the dispute lies in the impugned derecognition order dated 26.04.2023, whereby the Department of Posts withdrew the Service Association's recognition under the Central Civil Services (Recognition of Service Association) Rules, 1993. Upon challenge, the Hon'ble High Court of Jharkhand was pleased to grant an interim stay of the impugned order on 12.04.2024 in W.P.C No. 7135 of 2023, stating categorically:

"4. Till further order, the impugned order dated 26.04.2023 being No.SR-10/7/2022-SRDOP passed by the respondent-Department of Posts shall remain stayed."

This stay, which restored the legal position of the petitioner – association as a recognized association, was unambiguous. It required the Department to take action act as though the petitioner was a recognised service association. However, the Department chose to ignore the interim protection altogether. From the very next day, and continuing over the following months, the association was

denied all participatory and consultative rights. Its representations were not acknowledged. Its communications with administrative authorities received no response. Its ability to carry out legitimate organizational functions was deliberately obstructed.

Even after several written and oral representations were made, pointing out that the derecognition order had been judicially stayed, the Department failed to take corrective action. It continued to behave as though the stay did not exist, without ever obtaining any modification or recall of the order. At no point was any explanation furnished, either to the petitioner - association or to the Hon'ble Court, as to why the stay had not been implemented

While this interim relief was in operation, the Union of India approached this Hon'ble Court in *Transfer Petition (Civil) Nos. 1614–1617 of 2024*. By its order dated 24.09.2024, this Hon'ble Court refused to interfere with the merits but explicitly protected the interim reliefs granted by the respective High Courts by observing:

“5 (iii) Wherever the High Courts have passed any interim order, such directions shall continue to operate till the matters are finally decided.

(iv) Whatever final view the High Courts take, the implementation thereof shall remain in abeyance for a period of three months from the date of pronouncement of judgment to enable the aggrieved party to approach this Court.”

This directive from this Hon'ble Court left no discretion to the Department of Posts. It not only reaffirmed the validity of the High Court's stay, but extended its life “till the matters are finally decided.” In effect, while directing that implementation of any High Court judgment on the issue shall remain in abeyance for three months to enable the aggrieved party to approach the Hon'ble Supreme Court, the stay granted on 12.04.2024 was explicitly ratified and prolonged by this Hon'ble Court.

However, what followed was even more concerning. Not only did the Department continue its disregard for the Hon'ble High Court's stay, but it also refused to act in accordance with the direction of this Hon'ble Court. In blatant defiance of the Supreme Court's pronouncement, the derecognition of the service association continued to be enforced in practice, despite being judicially inoperative in law. The Service Association's recognition was never reinstated. Its presence was not acknowledged in any administrative or organizational forums. No steps were taken to review, reverse, or reconsider the inoperative derecognition order. In every practical sense, the Department continued to treat the stay orders as irrelevant.

Thereafter, on 18.02.2025, the Hon'ble High Court of Jharkhand delivered a comprehensive and conclusive judgment, which has not been stayed. The three-month abeyance period provided by this Hon'ble Court in its earlier order has elapsed. There is no stay over the order dated 18.02.2025. And yet, no action has been taken to implement it.

The Hon'ble High Court rendered particularly crucial findings in paragraphs 46 to 49, which are reproduced below with emphasis and accompanying context.

“46. This Court is of the considered view that interest of the members of the Service Association of the petitioner cannot be jeopardized for all times to come and for an indefinite period merely because some of the transactions were not found to be in consonance with the Rules of 1993. Rule 6(k) of the Rules of 1993 provides that the Service Association shall not do any act or assist in the doing of any act which, if done by a government servant, would contravene any provision of the Central Civil Services (Conduct) Rules, 1964. This Court is of the considered view that in case any member of the Association has acted against any provision of the Central Civil Services (Conduct) Rules, 1964 while dealing with the 2025:JHHC:5984 22 funds of the Association, such person can certainly be proceeded

in terms of Central Civil Services (Conduct) Rules, 1964 but the interest of the members of the Service Association cannot be jeopardized for all times to come. This Court also finds that the impugned order of de-recognition is "till further order" and certainly the derecognition is not for all times to come. The Hon'ble Court here drew a sharp distinction between individual actions and institutional consequences, stating clearly that the collective recognition of the Union cannot be permanently extinguished due to alleged acts of a few individuals."

47. This Court is of the view that when the recognition was granted for a period of five years, the order of de-recognition cannot extend beyond the expiry of the period of recognition which has already expired. In such circumstances, it would certainly be open to the petitioner to apply for fresh recognition if the petitioner is otherwise found eligible under the Rules of 1993. Grant or denial of fresh recognition would be within the exclusive domain of the respondents who are expected to act in accordance with law.

48. During the course of argument, it transpired that the recognition to the petitioner was granted only for a period of 5 years with effect from 19.07.2019 which expired on 18.07.2024. The office memorandum dated 30th July 2024 has been produced by the learned Addl. SGI whereby the validity of recognition of Service Association which was till 18th July 2024 has been extended for a period of one year with effect from 19th July 2024 or till completion of verification process, whichever is earlier.

49. Vide order dated 12th April 2024 the impugned order was stayed. The stay order was continued by virtue of the order dated 24.09.2024 passed by the Hon'ble Supreme Court in Transfer Petition (Civil) Nos. 1614-1617 of 2024 which was directed to operate till the matter is finally decided. After the order of the Hon'ble Supreme Court, this case was placed before this Bench for the first time on 04th December 2024 and the arguments were concluded on 16th December 2024. Consequently, the interim order dated 12th April 2024 has continued throughout. In such circumstances, the petitioner might have been benefitted by the aforesaid office memorandum of extending the validity of recognition of Service Association of the petitioner.

These above paragraphs reaffirm the petitioner - association's right to seek fresh recognition, while reiterating that the Department's power is not unfettered but bounded by the rules and principles of fairness. They also clearly indicate that an office memorandum extending recognition for one year was in place, and the petitioner, under the cover of the stay, was a recognized association on the cut-off date. Yet, till date, the Department has failed to extend recognition under this very office memorandum.

Furthermore, it has been clearly recorded that the Court found that the stay order continued throughout, and that the petitioner "might have been benefitted" under the extension memorandum. The implication is clear: exclusion of the petitioner from this extension would be legally flawed.

The three month period for which the Hon'ble High Court's order was in abeyance has now elapsed and despite these authoritative findings, the Department of Posts has refused to reinstate recognition, respond to representations, or initiate verification. Its silence in the face of judicial clarity is a disconcerting breach of constitutional discipline.

The consequences of such conduct are not merely administrative; they diminish the majesty of judicial pronouncements, and cast a shadow on the enforceability of judgments even when they stand unreversed and undisputed.

In these extraordinary circumstances, we respectfully seeks Your Lordship's gracious and immediate intervention in any form Your Lordship deems appropriate, to ensure that:

- The judgment dated 18.02.2025 is implemented in full,
- Recognition under the 30.07.2024 office memorandum granting extension of recognition is restored to the petitioner,
- And that executive agencies are reminded that no arm of the State can stand above the law.

With sincere regard and abiding faith in the guardianship of this Hon'ble Court.

Encl:

- (1) Stay order of Hon'ble Ranchi High Court dated 12.04.2024.
- (2) Hon'ble Supreme Court order dated 24.09.2024
- (3) Final order by Hon'ble Ranchi High Court dated 18.02.2025

Yours respectfully,



(Naresh Gupta)
General Secretary