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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 29th October, 2025

+ **W.P.(C) 7998/2025**

RUSHANT MALHOTRA & ORS.

.....Petitioners

Through: Mr. Ankit Jain, Sr. Adv. with Mr. Abhishek Taneja, Mr. Aditya Chauhan, Mr. Sahil Sharma, Mr. Shashank Agarwal, Ms. Bhavya Khatreja, Mr. Surya Pratap Sirohi, Advs. with Petitioners in Person. (M:8076012688)

versus

THE GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Through: Mrs. Avnish Ahlawat, SC with Mr. N.K. Singh, Ms. Aliza Alam, Mr. Mohnish Sehrawat & Mr. Amitoj Chadha, Advs. GNCTD (9313964463) Ms. Harshita Nathrani, Adv. for Mr. Sameer Vashisht, SC, GNCTD Ms. Avshreya Pratap Singh Rudy, Ms. Usha Jamnal, Mr. Mohammad Junaid Mahmood & Ms. Prajna Pandita, Advs. for R-3. (M: 9810001315) Ms Radhika Bishwajit Dubey, SC, DHC with Ms Gurleen Kaur Waraich, Mr Kritarth Upadhyay & Mr Vivek Sharma, Advs. for R-2. (M:7011431001)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

JUDGMENT

Prathiba M. Singh, J.

1. This hearing has been done through hybrid mode.
2. This is a writ petition filed by 13 Law Researchers (*hereinafter*, 'LRs') who were engaged by this Court, seeking the implementation of the direction



issued by Hon'ble the Acting Chief Justice dated 16th August, 2023, enhancing the monthly remuneration of the LRs with effect from 1st October, 2022.

3. The background of this case is that on 18th September, 2017 the remuneration of LRs was approved to be enhanced from Rs. 25,000/- to Rs.35,000/- and the same was implemented on 3rd January, 2018 by the Government of National Capital Territory of Delhi (*hereinafter*, 'GNCTD').

4. The said remuneration was, further, increased to Rs. 50,000/- and the High Court had sought sanction for the same from the GNCTD on 24th August, 2018. The same remained pending for several years.

5. While the said increase in remuneration was pending approval from GNCTD, the remuneration was again increased to Rs. 65,000/- with effect from 1st August, 2019 which was finally sanctioned on 1st November, 2021 and a notification revising the said remuneration of LRs in the official engagement scheme was issued on 16th February, 2022.

6. Thereafter, the Committee for appointment of Special MM's, Oath Commissioners, Law Researchers, Law Interns, etc., of this Court had, in its meeting dated 16th August, 2023 considered various factors and had approved an increase in the remuneration of LRs from Rs.65,000/- to Rs. 80,000/-, with effect from 1st October, 2022. This was communicated to the Delhi Government by the High Court after the approval of the Hon'ble the Chief Justice on 1st September, 2023.

7. The same was pending before the Delhi Government, but since there was substantial delay in the decision to sanction the increase in remuneration, the present writ petition was filed by certain LRs.

8. In this petition, notice was issued on 8th July, 2025 and the GNCTD



Delhi was impleaded, both through the Law Secretary and through Finance Secretary as Respondent Nos. 1(A) and 1(B). Affidavits were also directed to be filed by the GNCTD, as also by the Union of India.

9. Thereafter, on 9th September, 2025, a decision dated 3rd September, 2025 taken by the Delhi Government was also placed on record as per which, the GNCTD had approved the decision for enhancement of monthly remuneration of LRs engaged in the High Court of Delhi from Rs. 65,000/- to Rs. 80,000/-, with effect from 2nd September, 2025. After taking this decision of the GNCTD on record, this Court, on 9th September, 2025, observed as under:

“8. Accordingly, today, the decision dated 3rd September 2025 of the Hon’ble Council of Ministers, GNCTD has been placed on record, wherein the issue regarding the engagement of Law Researchers in the Delhi High Court and enhancement of their remuneration has been approved in the following terms:

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
(DEPARTMENT OF LAW, JUSTICE & LEGISLATIVE AFFAIRS)
8TH LEVEL, C-WING, DELHI SECRETARIAT, I.P. ESTATE,
NEW DELHI-110002

F. No. 6/34/03/PF/Judl/Suptlsw/ 681 Dated 08/09/2025

ORDER

Sub:- Engagement of Law Researchers, in High Court of Delhi, and enhancement of their remuneration regarding.

Pursuant to the MoM held on 23.05.2025 with the Hon’ble “Committee To Take Up the Matter with the Government for providing Infrastructure for District Judiciary” of the Hon’ble High Court wherein vide Sr. No. 10 regarding sanction of adequate number of posts of law Researchers and enhancing their remuneration, the following proposal was prepared by the Law Department and placed before Hon’ble Council of Ministers for consideration:-

“1. Grant of permanent approval to the Scheme for engagement of Law Researchers, in High Court of Delhi, 2018 (as amended from time to time), which has been framed by Hon’ble High Court for engagement of Law Researchers.
2. Increase in the number of Law Researchers from three to four per Hon’ble Judge of High Court of Delhi.
3. Enhancement of monthly remuneration, payable to the Law Researchers from existing Rs. 65,000/- to Rs. 80,000/- w.e.f. 01.10.2022.”

Vide Cabinet Decision No. 3247 dated 03.09.2025 Hon’ble Council of Ministers, GNCTD approved the proposals as under: -

a) Engagement of Law Researchers in Delhi High Court on contractual basis
b) Increase in number of Law Researchers from three to four per Hon’ble Judge of the Hon’ble High Court of Delhi
c) Enhancement of monthly remuneration payable to Law Researchers from existing Rs. 65,000/- to Rs. 80,000/- w.e.f. 02.09.2025.

This issues with the prior approval of Pr. Secretary (Law)

(Anita Dayal)
Dy. Secretary-(Judicial)

Copy for information and necessary action to:-
The Ld. Registrar General, High Court of Delhi.



9. *The Court has taken note of the said decision of the Hon'ble Council of Ministers, GNCTD which provides for enhancement of the monthly remuneration of Law Researchers engaged in Delhi High Court from Rs. 65,000/- to Rs. 80,000/- with effect from 2nd September, 2025.*

10. *However, it is seen from the documents on record that the Committee of this Court, as also the Hon'ble Chief Justice, in the meeting dated 16th August, 2023, had approved the revision of remuneration of Law Researchers from Rs. 65,000/- to Rs. 80,000/- w.e.f. 1st October 2022. While the said enhancement has now been approved by the Hon'ble Council of Ministers, GNCTD, the date from when the approval has been granted is 2nd September 2025 i.e., the date when the Cabinet of Ministers took the decision.*

11. *On the previous occasion when similar enhancement of remuneration was undertaken, the same was in terms of the recommendations made by the Hon'ble Chief Justice of the High Court as is evident from the order dated 6th December 2023 passed in W.P.(C) 5099/2023 which reads as under:*

"1. Learned Counsel for the Respondent/GNCTD states that the Finance Department has given concurrence for enhancement of remuneration of Law Researchers from Rs.35,000/- to Rs.50,000/- w.e.f., 07.08.2018 to 31.07.2019 and from Rs.50,000 to Rs.65,000/- w.e.f., 01.08.2019 to 30.09.2021.

2. It is stated by the learned Counsel for the Respondent/GNCTD that steps are being taken to clear the arrears of the remuneration of Law Researchers and it is expected that the arrears would be cleared within eight weeks from today."

12. *However, presently, Mr. Reetesh Singh, Id. Principal Secretary (Law, Justice & LA), GNCTD, as also Id. Counsel appearing for the GNCTD submit that the recommendation has been approved by GNCTD,*



but only with prospective effect and the payment of arrears has not been approved w.e.f. 1st October 2022. It is submitted that there were some objections by the Finance Department, GNCTD in this regard.

13. *Ld. Counsel for the Petitioner has also placed reliance on Article 229 of the Constitution of India which clearly empowers the Chief Justice of the High Court to decide the terms and conditions of appointment and other administrative expenses of the High Court.*

14. *In view of the aforesaid, as also the previous precedent in mind, let the Additional Chief Secretary, Finance Department, GNCTD, file an affidavit as to why the decision of the Committee of this Court shall not be given effect from 1st October, 2022. Let the said affidavit be filed before the next date of hearing.”*

10. Pursuant to the above order dated 9th September, 2025, an affidavit has been filed by Mr. Bipul Pathak, Additional Chief Secretary, Department of Finance, GNCTD. The said affidavit primarily records the various steps that were taken for approval of the proposal sent by Hon’ble the Chief Justice regarding the enhancement of the remuneration of LRs. In conclusion, the affidavit states as under:

“7. The comments of the Finance Department has been provided to the Administrative Department after obtaining the approval of Competent Authority.

8. That from the above, it is clearly evident that Finance Department only provided its views/comments and suggestions on draft cabinet note of Administrative Department which is as part of the inter-departmental consultation process.

*9. Further, the Secretary, Law Department, placed the proposal before the Cabinet and explained its key contours. **However, the final decision rests with the Council of Ministers, taken after due deliberation and upon considering the detailed briefing provided by the Law Secretary.**”*



11. A perusal of the above would show that the only stand of the GNCTD is that the final decision on enhancement of the remuneration in this matter rests with the Council of Ministers and the same has been taken after due deliberation.

12. Mr. Ankit Jain, Id. Sr. Counsel for the Petitioners has drawn attention of this Court towards the various documents on record. Insofar as the legal issue is concerned, reliance is placed upon Article 229 of the Constitution of India, as also the judgment of the Supreme Court in *Supreme Court Employees' Welfare Association v. Union of India & Anr. 1989 (4) SCC 187*.

13. It is Mr. Jain, Id. Sr. Counsel's submission that the reading of Article 229, along with the decision in *Supreme Court Employees' Welfare Association (supra)* would leave no doubt that insofar as the terms and conditions for engagement of LR's is concerned, the Hon'ble Chief Justice of the Delhi High Court would be the authority who would prescribe the terms and conditions and nature of engagement.

14. Further reliance is also placed upon the fact that on previous occasions when such enhancement in remuneration of LR's was made, the same was accepted by the GNCTD in terms of the decision taken by the High Court at that time. It is thus submitted that the non-approval of enhancement by GNCTD in terms of the minutes approved by the Hon'ble the Chief Justice with effect from 1st October, 2022 would not be tenable.

15. On the other hand, Id. Counsel appearing for the Finance Department, GNCTD submits that when the decision was taken by the Committee of Judges of the High Court of Delhi and, thereafter, by the Hon'ble the Chief



Justice, the budgetary considerations may not have been taken into account.

16. The Court has considered the matter.

17. Article 229 of the Constitution of India clearly provides that the terms and conditions of service for the officers and servants of the High Court would be in terms of the rules prescribed by the Hon'ble the Chief Justice of the High Court itself. This provision has further been considered by the Supreme Court in *Supreme Court Employees' Welfare Association (supra)* where it has been observed as under:

“57. So far as the Supreme Court and the High Courts are concerned, the Chief Justice of India and the Chief Justice of the concerned High Court, are empowered to frame rules subject to this that when the rules are framed by the Chief Justice of India or by the Chief Justice of the High Court relating to salaries, allowances, leave or pensions, the approval of the President of India or the Governor, as the case may be, is required. It is apparent that the Chief Justice of India and the Chief Justice of the High Court have been placed at a higher level in regard to the framing of rules containing the conditions of service. It is true that the President of India cannot be compelled to grant approval to the rules framed by the Chief Justice of India relating to salaries, allowances, leave or pensions, but it is equally true that when such rules have been framed by a very high dignitary of the State, it should be looked upon with respect and unless there is very good reason not to grant approval, the approval should always be granted. If the President of India is of the view that the approval cannot be granted, he cannot straightway refuse to grant such approval, but before doing so, there must be exchange of thoughts between the President of India and the Chief Justice of India.

58. In Gopalakrishnan case [(1976) 2 SCC 883 : 1976 SCC (L&S) 363 : AIR 1976 SC 123] , relied on by the



*learned Attorney General, it has been observed that one should expect in the fitness of things and in view of the spirit of Article 229 that ordinarily and generally the approval should be accorded. Although the said observation relates to the provision of Article 229(2), it also equally applies to the provision of Article 146(2) relating to the grant of approval by the President of India. In this connection, we may also refer to a decision of this Court in *M. Gurumoorthy v. Accountant General Assam & Nagaland* [(1971) 2 SCC 137 : 1971 Supp SCR 420] which was also considered in *Gopalakrishnan case* [(1976) 2 SCC 883 : 1976 SCC (L&S) 363 : AIR 1976 SC 123] . **In Gurumoorthy case [(1971) 2 SCC 137 : 1971 Supp SCR 420] , this Court took the view that the unequivocal purpose and obvious intention of the framers of the Constitution in enacting Article 229 is that in the matter of appointments of officers and servants of a High Court, it is the Chief Justice or his nominee who is to be the supreme authority and there can be no interference by the executive except to the limited extent that is provided in that article. The same observation will apply to the rules framed by the Chief Justice of India under Article 146(2) of the Constitution.***

18. A perusal of the above decision would show that it is a settled position that unless there is very good reason to do so, the approval to the decision taken by the Chief Justice of the High Court or the Supreme Court ought to be always granted by the concerned Governor or by the President. Even if there is any reason for not approving the said decision, there has to be engagement in this regard with the concerned Chief Justice.

19. In addition, this Court also notes that on the previous occasion when similar enhancement of remuneration was undertaken, the same was in terms of the recommendations made by the Hon'ble Chief Justice of the High Court,



as is evident from the order dated 6th December, 2023 passed in W.P.(C) 5099/2023 which reads as under:

"1. Learned Counsel for the Respondent/GNCTD states that the Finance Department has given concurrence for enhancement of remuneration of Law Researchers from Rs.35,000/- to Rs.50,000/- w.e.f, 07.08.2018 to 31.07.2019 and from Rs.50,000 to Rs.65,000/- w e f. 01.08.2019 to 30.09.2021.
2. It is stated by the learned Counsel for the Respondent/GNCTD that steps are being taken to clear the arrears of the remuneration of Law Researchers and it is expected that the arrears would be cleared within eight weeks from today."

20. In the present case, what is noticeable is the fact that the scheme for engagement of LRs has itself been framed in exercise of the powers under Article 229 of the Constitution of India. In principle, in fact, the Delhi Government clearly has no objection to the enhancement of the remuneration, which is apparent from the Cabinet Decision No. 3247 dated 03rd September, 2025 issued by the Hon'ble Council of Ministers, GNCTD. The Hon'ble Chief Minister of Delhi had also made a public announcement for the enhancement of compensation of the LRs in an event held on 4th September, 2025.¹

21. The only issue, therefore, appears to be the date from when the said remuneration of the LRs ought to be enhanced.

22. Clearly, the decision of the Administrative Committee of this Court consisting of the Judges of the Court itself was for approval of increase in the remuneration with effect from 1st October, 2022. The same was also approved

¹ <https://www.barandbench.com/news/litigation/delhi-cm-announces-pay-hike-for-law-researchers-of-delhi-high-court-judges>



by the Hon'ble the Chief Justice and then it was communicated to the GNCTD.

23. In the order dated 8th September, 2025, which has been placed on record by the Deputy Secretary, Judicial, GNCTD, the cabinet decision dated 3rd September, 2025 which has been extracted, does not give any reason as to why the same is being approved only with effect from 2nd September, 2025 and not from 1st October, 2022.

24. Thus, in principle, the GNCTD has already approved the enhancement of remuneration and the date from when the said enhancement should be given effect is clearly within the realm of the powers of the Hon'ble the Chief Justice of the High Court itself.

25. It deserves to be noted that LR's who are attached to Judges of this Court or any other Court have an important role to play in the assistance which is rendered to Judges. They prepare case briefs, conduct research and are expected to stay abreast with the latest developments in law. Owing to the quantum of work that Judges have to deal with on a daily basis, Law Researchers are also required to stay late hours every day, and usually work on weekends and holidays as well. The enhancement has been approved by the Committee of Judges and, thereafter, by the Hon'ble the Chief Justice, bearing all these factors in mind.

26. Since there are no reasons communicated for not giving effect to the enhancement of remuneration from 1st October, 2022, and owing to the fact that the scheme has been framed under Article 229 of the Constitution of India, this Court is of the opinion that the enhancement of remuneration ought to come into effect, as approved by the Hon'ble the Chief Justice of Delhi High Court with effect from 1st October, 2022.



27. Accordingly, it is held that the enhancement of remuneration would be payable to the LRs who were engaged by this Court with effect from 1st October, 2022.

28. Let the said direction be given effect to and the arrears of the remuneration to Law Researchers, as they stand from 1st October, 2022, till 2nd September, 2025, be released by 15th December 2025.

29. No further orders are called for in this petition. The petition is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

OCTOBER 29, 2025
dj/ss