

# Judgment in Personam vs. Judgment in Rem: When Will the Government Extend Justice to All?

The Supreme Court of India has repeatedly emphasized that when a legal issue has been finally settled, the Government should extend the benefit of that judgment to **all similarly placed employees**, instead of restricting it only to those who approached the courts.

Unfortunately, the practice followed by many Government departments is quite different. Even after a legal principle has attained finality, the benefit is often granted only to the successful litigants. Other employees, though identically placed, are compelled to undertake the same costly and time-consuming journey through the Tribunal, the High Court, and sometimes even the Supreme Court.

A classic example is the order of the Supreme Court dated **1 September 2017** in **Government of NCT of Delhi & Another vs. Somvir Rana (TGT English) & Others** (Diary No. 23663/2017), arising out of the judgment of the Delhi High Court dated **23 March 2017** in W.P. No. 2634/2017.

The irony of the case was that as many as **twelve Government lawyers** represented the Government. They were paid from the public exchequer to defend a matter that had already been settled in principle—an unnecessary burden ultimately borne by taxpayers.

Recognizing this recurring problem, Hon'ble Justice **Kurian Joseph** and Hon'ble Justice **R. Banumathi** made significant observations. The Court noted that numerous employees were repeatedly being forced to approach the Tribunal, the High Court, and finally the Supreme Court on the very same issue.

The Court observed:

*"Once the question, in principle, has been settled, it is only appropriate on the part of the Government of India to issue a Circular so that it will save the time of the Court and the Administrative Departments apart from avoiding unnecessary and avoidable expenditure."*

The Supreme Court further directed:

*"The present situation is that the stepping up is available only to those who have approached the Court. But since the issue has otherwise become final, we direct the Government of India to immediately look into the matter and issue appropriate orders... so that people need not unnecessarily travel either to the Tribunal or the High Court or this Court."*

These observations reflect an important constitutional principle. Once the highest court has settled the law, the Government should implement it uniformly for all similarly placed employees instead of compelling each individual to wage the same legal battle.

Such an approach would uphold the principles of equality, reduce avoidable litigation, conserve valuable judicial time, and save substantial public money. More importantly, it would reinforce citizens' faith in a fair and responsive administration.

**A judgment should settle a dispute—not become an invitation for thousands of identical cases. Will the Government now act in the true spirit of the law?**