

2025 LiveLaw (SC) 1063

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

PANKAJ MITHAL; J., PRASANNA B. VARALE; J.

CIVIL APPEAL NO. 13572/2015; OCTOBER 29, 2025

UNION OF INDIA & ORS. *versus* DILLIP KUMAR ROUT & ORS.

Service Law - Biometric Attendance System - Introduction without Prior Consultation – Issue - Challenge to the introduction of a Biometric Attendance System in the Office of Principal Accountant General (A&E), Odisha, via Circulars dated 01.07.2013, 22.10.2023, and 06.11.2013 - Supreme Court noted that the employees were not opposed to the introduction of the Biometric Attendance System, which was accepted by their counsel - Since the employees had no reservation, no controversy survived for adjudication, and the department could proceed with implementation - Held that the exercise undertaken by the High Court was "totally unnecessary" - The court ruled that when the introduction of the Biometric Attendance System is for the benefit of all stakeholders, the mere fact that the employees were not consulted before implementation does not render the introduction of the system to be illegal - Appeal allowed. [Paras 7 - 10]

For Appellant(s) Mr. K. M. Nataraj, A.S.G. Mr. Shailesh Madiyal, Adv. Ms. Indira Bhakar, Adv. Mr. Anuj Srinivas Udupa, Adv. Mr. B.K. Satija, Adv. Mr. M.P. Gupta, Adv. Mr. R.R. Rajesh, Adv. Ms. Ruchi Kohli, Adv. Mr. Amrish Kumar, AOR

For Respondent(s) Mr. A. Venayagam Balan, AOR

ORDER

1. Heard learned counsel for the parties.
2. In the Office of Principal Accountant General(A&E), Odisha, a Biometric Attendance System was introduced with effect from 01.07.2013 vide Circulars dated 01.07.2013, 22.10.2023 and 06.11.2013.
3. These Circulars were challenged by the employees by filing an original application before the Central Administrative Tribunal. The challenge was turned down on the ground that the petition was not maintainable as it does not relate to the service condition.
4. Not satisfied by the said order, the employees preferred a writ petition before the High Court which was allowed by the impugned order dated 21.08.2014 on the ground that the Circulars introducing the Biometric Attendance System were issued without prior consultation with the employees and were not in conformity with the Swamy's Complete Manual on Establishment and Administration for Central Government Offices.
5. In challenging the above order of the High Court, the submission of learned counsel for the appellant(s) is that the Swamy's Complete Manual on Establishment and Administration for Central Government Offices nowhere contains any rules which may have been formulated and followed by the Office of the Principal Accountant General (A&E) and therefore, the introduction of the Biometric Attendance System cannot be said to be in violation of any rules of the Department. Furthermore, it has been contended that the employees are not opposed to the introduction of the Biometric Attendance System as it is for the overall benefit of the employees as well as the department.
6. Learned counsel for the respondents accepts that the employees are not opposed to the introduction of the Biometric Attendance System. 7. Once the employees have no reservation on the introduction of the Biometric Attendance System, we are of the opinion

that no controversy in this regard survives and the department can very well go ahead with the implementation of the above system.

8. Accordingly, the exercise undertaken by the High Court appears to be totally unnecessary.

9. Therefore, in the facts and circumstances of the case, when the introduction of the Biometric Attendance System is for the benefit of all the stakeholders, merely for the reason that the employees were not consulted before implementing the same does not render the introduction of the system to be illegal.

10. In the facts and circumstances, we allow the appeal and set aside the order impugned passed by the High Court and permit the Office of the Principal Accountant General, (A&E) to implement the Biometric Attendance System as envisaged by its Circulars dated 01.07.2013, 22.10.2013 and 06.11.2013.

11. Pending application(s), if any, shall stand disposed of.

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