

ITEM NO.27

COURT NO.1

SECTION III-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s).1867/2006

MALIK MAZHAR SULTAN & ANR.

Appellant(s)

VERSUS

U.P. PUBLIC SERVICE COMMISSION
THROUGH ITS SECRETARY & ORS.

Respondent(s)

(for considering the position in relation to the NCT of Delhi along with IA Nos. 37616 of 2021, IA. Nos. 51919,51992 and 52071 of 2023(Name of Amicus Curiae i.e. Mr Vijay Hansaria, Mr. Shyam Divan and Mr. Gaurav Agrawal)

IA No. 52071/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 37616/2021 - INTERVENTION APPLICATION
IA No. 51992/2023 - INTERVENTION/IMPLEADMENT
IA No. 51919/2023 - INTERVENTION/IMPLEADMENT)

Date : 11-12-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

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**UPON hearing the counsel the Court made the following
O R D E R**

NCT of Delhi

- 1 The availability of infrastructure for members of the judicial service in Delhi is reflected in the note which has been tendered by Mr K Parameshwar, counsel appearing on behalf of the High Court.
- 2 Mr Bharat Parashar, Principal Secretary (Law) and the Registrar General of the High Court of Delhi are both present online.
- 3 The note alludes to the following factual position:
 - “a. Total sanctioned working strength of Judicial Officers is 887+16 FTSCs i.e., 903. Working strength of Judicial Officers is 813. Out of this, there is a deficiency of 188 courtrooms against the sanctioned strength of Judicial Officers and 114 courtrooms deficiency against the working strength. It may be noted that 99 Judicial Officers who are undergoing training will complete such training by September 2024 and that will present an acute shortage of courtrooms. As indicated above, process for recruitment of 69 officers has also started.
 - b. It may be noted that 34 Digital NI Act Courts were created in Delhi pursuant to the initial decision taken on 09.10.2020 and due to non-availability of court rooms, the Presiding Officers of the Digital NI Act Courts were asked to operate from their residential offices. The High Court of Delhi was also constrained to opt for construction of new/ additional court rooms at Karkardooma Court Complex, Tis Hazari Court Complex and Saket Court Complex through pre- fabricated structure method. However, after the possession of 44 rooms at Karkardooma Court Complex and 46 rooms at Saket Court Complex was received in the year 2022 and the possession of 50 rooms at Tis Hazari Court Complex was received in the year 2023, the Digital NI Act Courts at these court complexes have been given individual court rooms and chambers.
 - c. Currently, the presiding Officers of 17 Digital NI Act Courts in Rohini (4), Patiala House (3), Dwarka District (9) do not have individual courtrooms and chambers and are using Court Rooms/ Chambers on sharing basis or operating from residence. Further the Presiding Officers of 3 Virtual Traffic Courts of Delhi are also operating from their residence.

- d. There are 4 projects which are of immediate concern to the High Court of Delhi, details of which are provided as under:

Project	Date of approval of plan	Estimated cost (in Rs.)	Number of courtrooms	Remarks	Status Report dt. 05.12.2023 by Govt. of NCT of Delhi
District Centre, Shastri Park	25.03.2021	184 Crores	48	Pending approval of funds. Revised estimate submitted by PWD on 20.06.2023.	<i>Law Minister has approved on 13.09.2023 and matter is pending before the Finance Department.</i>
Karkardooma Complex	25.03.2021	178 Crores	50	Pending approval of funds. Revised estimate submitted by PWD on 20.06.2023	<i>Law Minister has approved on 01.09.2023 and matter is pending before the Finance Department. Finance Dept. has pointed out certain issues on 11.10.2023.</i>
Sector 26, Rohini	25.03.2021	663 Crores	102	Pending approval of funds. Revised estimate submitted by PWD on 20.06.2023	<i>Matter pending before Law Minister 17.08.2023.</i>
Rouse Avenue	26.09.2019	243 Crores	55	Pending approval of funds. Revised estimate submitted by PWD on 20.06.2023	<i>Law Minister approved on 15.09.2023. GNCTD has already paid consideration to land owning agency. Possession of</i>

					<i>the plot is yet to be taken."</i>
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- 4 The above extract indicates that plans were approved for three of the four projects (District Centre, Shastri Park; Karkardooma Complex; and Sector 26 Rohini) on 25 March 2021, while for the Rouse Avenue establishments, plans were approved on 26 September 2019. It is a matter of regret that these plans are still pending approval for the grant of funds. The status as of 5 December 2023 has also been reflected in the above extract.
- 5 The status report filed by the High Court of Delhi indicates that the sanctioned strength of Judicial Officers is 887. In addition, there are 16 Fast Track Special Courts. The working strength of judicial officers is 813. At present, there is a shortage of 188 court rooms in relation to the sanctioned strength and of 114 court rooms in relation to the working strength. There is also an acute shortage of residential units:
- 539 in relation to the sanctioned strength and 465 in relation to the remaining strength.
- 6 We find no reason for the Government of NCTD to keep proposals pending for such an inordinate long period of time. The consequence of this is that there is an acute shortage of court rooms. In addition, with new recruits coming into the service in the foreseeable future, there will be a further deficiency and a serious dearth of judicial infrastructure.
- 7 We are of the view that this situation must be remedied at the earliest. We accordingly request the Acting Chief Justice of the High Court of Delhi to convene a meeting tomorrow (12 December 2023) at his reasonable

convenience. The meeting shall be attended by the:

- (i) Chief Secretary, GNCTD;
 - (ii) Principal Secretary (Law);
 - (iii) Principal Secretary (Finance); and
 - (iv) Secretary, in-charge of PWD.
- 8 A fresh stock shall be taken at the meeting of the steps which need to be taken by the Government of NCTD to ensure that all the legitimate demands of the High Court are duly sanctioned.
- 9 We direct that the proceedings be listed on 14 December 2023 on which date Mr Wasim Quadri, senior counsel appearing on behalf of GNCTD shall apprise this Court of the sanctions which have been issued in the meantime and steps taken for release of funds for pending projects.
- 10 We expect that this shall be complied with at the earliest and the Court shall be duly apprised of the decisions which have been taken and the sanctions which have been issued in the meantime.
- 11 List the proceedings on 14 December 2023.

IA Nos 37616 of 2021 and IA Nos 51919, 51992 and 52071 of 2023

- 12 List the applications on 14 December 2023.

**(SANJAY KUMAR-I)
DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR**