

Via Video Conferencing

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

+ W.P.(C) 3695/2020

DELHI HIGH COURT BAR CLERKS ASSOCIATION

....Petitioner

Through: Mr.Inder Singh Alag, Sr. Adv.
with Mr.N.K. Aggarwal,
Ms.Sanjana Antil, Ms.Yogita
Sunaria, Mr.Atul Tanwar, Adv.
& Mr.Lokesh Kumar, Secretary
of the petitioner.

Versus

UNION OF INDIA & ORS.

.....Respondents.

Through: Mr.Kirtiman Singh, CGSC with
Mr.Rohan Anand, Adv. for R-1
Mr.Satyakam, ASC for R-2.
Mr.Mohit Mathur, Sr.
Adv./President and Mr.Abhijat,
Secretary of R-3.
Mr.Sanjoy Ghose with
Mr.Naman Jain, Adv. for R-6.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **23.06.2020**

CM APPL. 13220/2020 (for exemption from filing certified/true typed/translated/legible copies of annexures), CM APPL. Nos.13221/2020 (for exemption from filing board resolution) & 13222/2020 (exemption from filing attested copy of application and supporting affidavits)

1. Exemption allowed, subject to all just exceptions.
2. The applicant will file board resolution, attested copy of

applications and requisite supporting affidavits within two weeks of the normal functioning of the Court being restored.

3. The applications stand disposed of.

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4. The present petition under Article 226 of the Constitution of India has been preferred by Delhi High Court Bar Clerks Association seeking the following reliefs:-

“a. Issue a writ of mandamus or any other appropriate writ, order or direction to the Respondents to form a Rs.5 crore fund for the welfare of the clerks who are members of the Petitioner Association, as to ensure that subsistence during the period of COVID-19 lockdown.

b. Issue a writ of mandamus or any other appropriate writ, order or direction to the Respondents to immediately pay Rs.20,000/- to the members of the Petitioner Association, who are suffering financial distress amid COVID-19 lockdown, as interim relief, in a time bound manner;

c. Issue a writ of mandamus or any other appropriate writ, order or direction to the Respondents to formulate a scheme for the welfare of the members of the Petitioner Association so as to come out from the effect of COVID-19.”

5. Learned Senior counsel for the petitioner submits that the petitioner/association is a registered association which is duly recognised by the Delhi High Court Bar Association (DHCBA), i.e., respondent no.3. He submits that on account of the ongoing pandemic of COVID-19, the 3500 members of the

petitioner/association are finding it very difficult to survive during this grim period when their employers, who are Advocates practising in this Court, are not in a position to pay them any salary because of insufficient availability of work. He submits that not only do these members of the petitioner/association have families to support but they also have to pay rent for the premises they are residing in, yet despite their repeated representations, they have not received any assistance from any of the authorities, including the Government of NCT of Delhi. He further submits that in any event, since the DHCBA has already set up a COVID Relief Fund, out of collections received from members of the Bar, for rendering assistance to Advocates in need, there is no reason to deny creation of a similar fund to help these clerks during this difficult period, especially since they are assisting these very advocates in discharging duties before this Court.

6. Mr. Mohit Mathur, President of the Delhi High Court Bar Association, who appears on advance notice, prays for a short adjournment and assures this Court that the Bar Association will expeditiously examine the aspect of setting up a separate fund to provide aid to needy members of the petitioner association as well. Furthermore, Mr. Mathur, with his usual generosity, volunteers to donate a sum of Rs. 2 lakh to the fund, as soon as it is set up. He also informs this Court that in a similar vein of magnanimity, Mr. Dayan Krishnan learned Senior Counsel has already pledged a sum of Rs. 2 lakh while Mr. Alag, learned

Senior Counsel who is appearing for the petitioners herein has volunteered to donate a sum of Rs. 1 lakh to this fund as well.

7. This Court appreciates the voluntary offers made by these learned Senior Counsel and hope that their generosity motivates other senior members of the Bar, especially those who are regularly appearing before Courts in video conferencing hearings for the last few months, to contribute benevolently and unsparingly to this fund, as and when it is created.

8. Needless to say, the core issue which this petition espouses cannot be dismissed summarily and merits our immediate attention. The members of the petitioner association serve a crucial role and are so intrinsically linked to the work discharged by the Bar that they are indispensable to the smooth functioning of this entire institution. While considering the matter of setting up such a fund or making contributions to it, this Court hopes that all members of the Bar Association, including its senior-most members, will remain conscious of this fact and that, without the assistance rendered by the members of the petitioner association, no member of the Bar could effectively discharge their duties.

9. Mr.Satyakam, learned ASC, who appears on behalf of respondent no.2, also assures the Court that, by the next date, he will obtain instructions regarding the outcome of the representations claimed to have been made by the petitioner.

10. It is made clear that, for the time being, this Court has not examined the remaining reliefs sought in the present petition

and in case the need to do so arises, the same will be considered on the next date.

11. At request, list on 01.07.2020 at 2.30 p.m.

JUNE 23, 2020
gm

REKHA PALLI, J