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

% Date of Decision: 4th September, 2020

+ W.P.(C) 3710/2020

VAIBHAV SHARMA

..... Petitioner

Through: Mr. N. Hariharan, Sr. Advocate with
Mr. Vaibhav Sharma - Petitioner in person.

versus

ADVOCATES WELFARE TRUST AND ORS

..... Respondents

Through: Mr. Sanjay Jain, ASG (appearing as
Chairperson of Committee of Advocates Welfare
Trust/ R-1.

Mr. K. C. Mittal, Advocate for BCD.

Mr. Jatin Puniyani, GP for UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

: **D. N. PATEL, Chief Justice (Oral)**

Proceedings in the matter have been conducted through video conferencing.

1. This Public Interest Litigation has been preferred with the following prayers:

“A) *Issue a writ of mandamus or any other appropriate writ/ direction(s) / order(s) to the respondents or any other appropriate Authority, this Hon'ble Court deems fit and thereby directing instant release of the ex-gratia funds for a minimum amount of Rs. 25,000/- per member pursuant to his/her making such request in the hazzle free manner/ format preferably single window e- transfer*

of funds as may be prescribed by the respondent so as to enable the swift disbursement of the amount, the same day or within an outer limit of 3 days pursuant to making such request.

B) Any other / further order(s), this Hon'ble Court deems just and proper in the given circumstances of the case."

2. At the outset, learned counsel for the parties jointly submitted that the relief pressed in the present petition concerns disbursement of funds by the Advocates Welfare Fund Trustee Committee (AWFTC), which is not the subject matter of proceedings pending before the Hon'ble Supreme Court. As such, they submitted that there is no stay by Hon'ble Supreme Court with regard to the issues raised in the instant writ petition and, therefore, the same may be adjudicated upon.

3. Mr. Sanjay Jain, learned ASG, appearing as Chairperson of the Committee of respondent No.1, submitted that *vide* minutes of the meeting of AWFTC held on 2nd September, 2020, ₹1 crore has been allocated for the welfare of the advocates who are members of the Advocates Welfare Trust, and are suffering indigent situation on account of the pandemic. He further submitted that relief to the extent of Rs.10,000/- per person would be provided to such advocates.

4. Mr. Sanjay Jain, learned ASG, appearing as Chairperson of the Committee of respondent No.1 further submitted that the medical expenses are being reimbursed by respondent No.1 to those members who are suffering from Covid-19 through RTGS (Real Time Gross Settlement).

5. Similarly, Mr. K.C. Mittal, learned Counsel appearing for Bar Council of Delhi (BCD) submitted that Bar Council of Delhi has deposited the

amount of Rs.93,00,000/- with the AWFTC towards its share under Section 15 of the Advocates Welfare Fund Act, 2001.

6. However, Mr. N. Hariharan, learned Senior Counsel appearing for the petitioner submitted that the aforesaid amount is insufficient looking to the number of advocates. He further submitted that the information with regard to the welfare activities be disseminated to the members of the Trust widely so that maximum members may avail the facility, and that Advocates who are not members of the Trust should also be encouraged to join so that they can also avail the benefits.

7. Looking to the steps taken by respondent No.1, it appears that, for the time being, adequate steps have been taken by respondent No.1 for the welfare of the advocates. Huge funds have been allocated for disbursement to the advocates who are in indigent situation and also infected by Covid-19.

8. However, we expect from respondent No.1 that they shall continue to monitor the situation and, as and when their financial position permits, they shall increase the amount to be given to the advocates. It is also expected that the respondent-Trust will disseminate the information about the welfare activities carried on by respondent No.1 to its members widely. Further, it also ought to be kept in mind that those who are members of respondent No.1 are being provided the aforesaid benefits by respondent No.1 and therefore, more membership is expected from lawyers with respondent No.1. The respondents will take all necessary measures to encourage lawyers to avail of membership of the Trust, and make themselves eligible for the benefits being offered.

9. In view of the aforesaid, learned counsel for the parties state that it is

not necessary to pass any further directions in this petition.

10. With these observations this writ petition is hereby disposed of.

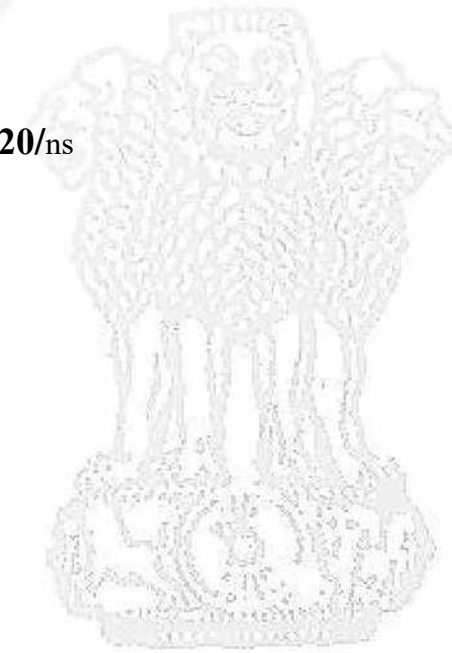
CM APPL.21602/2020(urgent directions)

In view of the final order passed in W.P.(C) 3710/2020, this application stands disposed of.

CHIEF JUSTICE

PRATEEK JALAN, J

SEPTEMBER 4, 2020/ns



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