

WPSS No. 1712 of 2020

Hon'ble Lok Pal Singh, J.

Mr. Amar Murti Shukla, Advocate for the petitioner.

Mr. P.S. Bisht, Addl. C.S.C. with Mr. Narain Dutt and Mr. Virendra Singh Rawat, Brief Holders for the State.

By means of present petition, petitioner has sought a writ in the nature of certiorari quashing the order dated 28.10.2020. A further prayer has been sought to direct the respondents to count the entire services rendered by the petitioner prior to his regularization in work charge establishment for all practical purposes/service benefits/post retiral dues in view of the judgment and order dated 6.10.2017 passed in writ petition no. 2372 of 2016 (S/S) Sangram Singh Vs. State & Others, judgment rendered by Hon'ble Supreme Court in Prem Singh's case and Government Order dated 4.2.2020.

Heard learned counsel for the parties and perused the record.

As prayed, six weeks' time is granted to learned counsel for the respondents to file counter affidavit.

List thereafter alongwith WPSS No. 1654 of 2020.

Perusal of the record of the writ petition would reveal that the petitioner has enclosed the following copies of the case laws alongwith the writ petition:

1. Xerox copy of the judgment and order dated 06.10.2017 passed by the coordinate bench of this Court (containing two pages).
2. Xerox copy of the judgment dated 05.06.2017 rendered in WPSS Nos. 1142 of 2016 and other analogous petitions (containing 36 pages).
3. Xerox copy of the judgment and order dated 26.04.2018 passed by Division Bench of this Court in Special Appeal No. 494 of 2017 and analogous appeals (containing 70 pages).
4. Xerox copy of the judgment of Hon'ble Apex Court passed in Civil Appeal No. 6789 of 2019 (containing total 27 pages).

5. Xerox copy of the judgment dated 07.09.2020 passed in Contempt Petition No. 308 of 2020 (containing total 9 pages).

In my opinion, learned counsel for the petitioner has unnecessarily enclosed the Xerox copies of the judgments with the writ petition. The practice of enclosing the copies of Act, Rules, notifications, Government Gazettes and Judgments with the petitions, which are otherwise available electronically, are prevailing in the Court which not only imposes financial burden upon the litigants but also causes great loss to environment. The Act, Rules, notifications, Government Gazettes and Judgments are admissible in evidence even in the absence of filing the photocopies of it. Sections 37 and 38 are relevant, which are extracted below:

37. Relevancy of statement as to fact of public nature, contained in certain Acts or notifications.—When the Court has to form an opinion as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of Parliament [of the United Kingdom], or in any [Central Act, Provincial Act, or [a State Act], or in a Government notification or notification by the Crown Representative appearing in the Official Gazette or in any printed paper purporting to be the London Gazette or the Government Gazette of any Dominion, colony or possession of His Majesty is a relevant fact.]

38. Relevancy of statements as to any law contained in law-books.— When the Court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed or published under the authority of the Government of such country and to contain any such law, and any report of a ruling of the Courts of such country contained in a book purporting to be a report of such rulings, is relevant.

It is well known that the paper production has enormous negative effects on the environment.

Article 48A of the Constitution of India provides that the State shall make endeavor to protect and improve the environment and to safeguard the forests and wild life of the country. Besides this, Article 51-A (g) states that it shall be the duty of citizen to protect and improve the natural environment including forests, lakes,

rivers and wild life, and to have compassion for living creatures. Throughout the world, the imbalance of ecology is being considered as a great threat to the future generations. We are losing the rivers and forests. The paper is the produce of forest and as we use the huge paper sometimes for no reason, it ultimately damages and affects the forest which effects the environment.

Off late, the Hon'ble Apex Court has also made a rule whereby a direction has been issued for filing of cases on A4 size papers and to use both sides of paper. The ultimate purpose is to save environment.

I personally, on several occasions have requested the Advocates to avoid the wastage of papers but despite that the lawyers are annexing the copy of the Act, Rules, Gazette Notification and Judgments passed by this court and Hon'ble Apex Court which not only makes the petition bulky but ultimately causes harm to the ecology. Not only unnecessary paper is used but the ink is also used which also creates a huge garbage. We have reached to an alarming position from where we cannot revive the environment and infact the situation is getting worse by each passing day. Thus, we have to make joint efforts to save the environment. The small steps to save the environment should be taken immediately. Otherwise, it will be too late to save the environment.

Registry is directed to circulate a copy of this order to office of the Bar Association and Bar Council of Uttarakhand to apprise the lawyers that the lawyers may not annex the copy of the Act, Rules, Gazette Notification and Judgments with the petitions.

Office of the Chief Standing Counsel is requested to accept only two copies of the writ petitions for all the parties for the State and not to insist the parties/litigants to supply more copies.

(Lok Pal Singh, J.)

15.12.2020