

Court No. - 2

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 4112 of 2020

Petitioner :- Suo-Motu-With Regard To Filling Up All Vacancies In Revenue

Respondent :- State of U.P.

Counsel for Petitioner :- Suo Motu

Counsel for Respondent :- C.S.C.

Hon'ble Devendra Kumar Upadhyaya,J.

Hon'ble Subhash Vidyarthi,J.

Pursuant to the order dated 31.03.2022, learned members of the Bar Council of U.P., namely, Sri Janki Sharan Pandey, Sri Jai Narayan Pandey, Sri Akhilesh Awasthi, Sri Pradeep Kumar Singh, Sri Prashant Singh 'Atal' and Sri Paresh Mishra are present.

The issue which is engaging attention of the Court in this public interest litigation, especially the issue regarding uncalled for strike calls being given by the Bar Associations, has been deliberated. Learned members of the Bar Council of U.P. present have assured the Court to take appropriate measures to ensure that frequency of the strike calls, boycott calls and resolutions regarding abstinence from active work in the court is arrested.

Certain individual members have also made suggestions regarding steps which may be legally permissible to be taken at the end of Bar Council so that respective Bar Associations do not indulge in such frequent strike calls.

Some concern has been expressed by learned members of Bar Council about non-availability of the Presiding Officers in the courts, especially the revenue courts. Learned members have also stated that it has been noticed and observed that the Presiding Officers themselves normally avoid to sit in the courts for disposal of the judicial cases.

This issue of non availability of Presiding Officers in the revenue courts in the State of U.P. is to be addressed by the State and for that purpose the Court will pass separate directions and orders which may be called for looking to the circumstances. However, we have no reason to disbelieve the assurance given by the learned members of the Bar Council and accordingly we express our genuine hope and trust that for evolving appropriate measures to check frequency of uncalled

for strikes by the Members of the Bar Associations, the Members of Bar Council shall sit together and come forward with some concrete mechanism.

We have been informed that Sri Subhash Chandra Pandey, a practicing lawyer of this Court represents the Bar Council of U.P.

Accordingly, we request Sri Subhash Chandra Pandey to be present on each and every hearing of this case. He is also requested to apprise the Court by the next date of hearing of this case as to the steps which, in the meantime, might be taken by the Bar Council for addressing the issues as deliberated today in the Court.

Our attention has been drawn by learned State Counsel to a short counter affidavit filed on 17.02.2021 and also to an affidavit filed on 16.09.2021 on behalf of State authorities. The information contained in the said affidavits have now become stale by passage of time, as such we require the State Government to file an affidavit giving up-to-date information regarding the following facts;-

(1) As compared to number of districts how many Additional District Magistrates (Judicial) are presently working, how many posts of Additional District Magistrates (Judicial) have been sanctioned and what efforts have been/are being made to fill up rest of the vacancies against the posts of Additional District Magistrates (Judicial).

(2) Similarly, as against the number of Tehsils in the State of U.P., how many posts of Sub-Divisional Officers (Judicial) and those of Tehsildars (Judicial) have been sanctioned and out of total number of such sanctioned posts, how many Sub-Divisional Officers (Judicial) and Tehsildars (Judicial) are presently working.

(3) The affidavit to be filed under this order shall also indicate as to what efforts have been made/are being made to fill up rest of the vacancies for posting the Sub-Divisional Officers(Judicial) and Tehsildars (Judicial) in each Tehsil. The affidavit to be filed under this order shall also indicate as to whether the Additional District Magistrates (Judicial), Sub-Divisional Officers (Judicial) and Tehsildars (Judicial) are entrusted only with discharging judicial work or in addition to their judicial work, they are assigned any other duties in their respective areas.

(4) The affidavit shall also indicate as to what steps have been

taken at the level of State Government as also at the level of Divisional Commissioners and the District Magistrates to ensure that officers entrusted with discharge of judicial work sit in their courts throughout the working hours on every day. The State Government shall also indicate in the affidavit as to whether there is any mechanism available/evolved to ensure that judicial function by the officers entrusted with the judicial work is discharged during the course of full working hours. If there no such mechanism is available, the State Government shall evolve such a mechanism and enforce the same, details of which shall also be provided in the affidavit to be filed under this order.

List this case on 26.05.2022.

Before parting with this matter today, we would like to put our appreciation for learned Members of Bar Council of U.P., who are present before the Court on our simple request for their concern shown to the issues engaging attention of this Court. The Court reiterates its trust and faith on learned Members of Bar Council who in fact are the leaders of the Bar and expected to guide the profession at large.

When the case is next listed, name of Sri Subhash Chandra Pandey shall be shown as counsel for respondents. We also request that on the next date of listing, for assistance of the Court, one of the Members of the Bar Council shall be present.

Order Date :- 27.4.2022

Sanjay