

Addition Of The Applicants As ... vs Ms. Preety Vaid & Ors on 21 October, 2020

Author: Hima Kohli

Bench: Hima Kohli, Subramonium Prasad

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3227/2020 & CM APPL. 15113/2020 (U/o 1 Rule 10 seeking addition of the applicants as respondent to this petition)

MR. ANAND VAID

.....Petitioner

Through: Mr. Ankur Mahindro, Mr. Ankush Satija & Ms. Sanjoli Mehrotra, Advocates

versus

MS. PREETY VAID & ORS.

....Respondents

Through: Mr. Santosh Kumar Tripathi, ASC, GNCTD

Mr. Sanjoy Ghose with Mr, Naman Jain, Advocates for R-6/Delhi High Court.

Mr. Reetesh Singh, OSD (Examination), Delhi High Court.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% 21.10.2020 HEARD THROUGH VIDEO CONFERENCING.

1. Several directions have been issued in the recent past to the Delhi Government to clear the pending files relating to sanctions/revalidations for providing facilities to the District Courts for efficient discharge of judicial obligations. The said pending sanctions/revalidations include providing adequate support staff including group 'C' staff and official vehicles for the Judges to commute to court. All the said issues have been hanging fire for a fairly long time.

2. We may note that vide order dated 16.06.2020, Delhi Government was directed to process the pending sanctions/validations relating to other branches and projects of the District Court, detailed in the subsequent order dated 01.09.2020, within four weeks i.e. by mid of July 2020, but for reasons best known to it, the Government has been procrastinating. Even on 21.09.2020, this court had expressed its dismay on the Status Report filed by the Delhi Government under index dated 19.09.2020, which revealed that no decision had been taken regarding the pending sanctions/revalidations and instead, the last column in para 3 of the said Status Report had simply stated that :-

"In view of the decline in the revenue collection for the first four months of the current Financial Year by 57% against the budget estimate, the file of the proposal continues to remain under consideration of the Deputy Chief Minister, who will take a decision after seeing the revenue position."

3. On the aforesaid date, in view of the submissions made by Mr. Gautam Narayan, learned ASC appearing for Delhi Government that sanctions were pending with the Deputy Chief Minister, GNCTD, who was suffering from COVID-19 infection, at his request, the matter was adjourned to 14.10.2020 and is listed today only be told that all the sanctions/revalidations are still pending at the end of the Delhi Government.

4. Mr. Santosh Kumar Tripathi, learned ASC enters appearance for the GNCTD and states that he has apprised the highest authorities about the impasse in the present case. He assures the court that if granted two more weeks, the pending matters will be placed before the cabinet of the Delhi Government for consideration. He is, however, not in a position to give a firm timeline within which Delhi Government will act on all the pending issues relating to the District Courts.

5. Counsel for the respondent No.6/High Court of Delhi states that he has filed copies of the letters dated 15.10.2020 and 17.10.2020, issued by the Principal District & Sessions Judge (West), who is the Chairman of the Recruitment Committee, Tis Hazari Court, addressed to the Registrar General of the Delhi High Court, stating inter alia that an agency was engaged for conducting recruitment to vacant posts of Senior Personal Assistant (SPA), Personal Assistant (PA), Junior Judicial Assistant (JJA) and Data Entry Operators (DEO) in the District Court and Family Court establishments in terms of the directions issued by the Supreme Court of India in Civil Appeal No. 1867/2006 entitled Malik Mazar Sultan & Anr. v/s U.P. Public Service Commission & Anr.; that the written examination/MCQ test for the aforesaid post was conducted on various dates; that skill test/typing test had also been conducted for the post of JJA and the results were declared for the said tests before the lock-down was effected i.e. prior to 25.03.2020. Recently, virtual interviews for the post of JJA were conducted between August 2020 to September 2020 but the final results have been kept in abeyance in view of a pending petition. Thereafter, the agency engaged has proposed a schedule for conducting the third phase of examination i.e. skill test/typing test for the post of SPA and DEO from 23.10.2020 to 29.10.2020 and skill test/typing test for the post of PA is scheduled in the last week of November 2020. But due to lack of financial sanctions/revalidation from the Delhi Government, the whole recruitment process has been brought to a grinding halt.

6. The court is informed that the budget for the recruitment has been slashed from Rs. 26,32,48,270/- to Rs. 5,32,02,041/-. Out of the aforesaid amount, a sum of Rs. 2,79,91,863/- has already been incurred and paid towards the expenditure incurred for holding the on-going recruitment process, thus leaving an estimated amount of Rs. 2,52,10,178/- for clearing the past bills and for expenditure to be incurred towards the on-going recruitment process.

7. It is noteworthy that the candidates, who had applied for the aforesaid posts, had deposited a fixed fee in the District Court totalling to a sum of Rs. 3,40,00,000/-, which amount already stands transferred into the account of the Delhi Government and yet, the Delhi Government has been

sitting over the pending sanctions/revalidation of the budget for all this while. If a sum of Rs.3,40,00,000/- already received by Delhi Government is adjusted from Rs.5,32,02,041/-, the remaining amount comes to Rs.1,92,0,041/- which alone would be required to be incurred by the Delhi Government for completing the recruitment process.

8. We are informed by Mr. Reetesh Singh, OSD (Examination) that in the year 2018-19, the District Courts had collected fines to the tune of Rs.80 crores, which was remitted to the Delhi Government and court fee worth Rs.96 crores was sold in the said year. In the year 2019-20, fines worth Rs.89 crores was collected by the District Courts and court fee worth Rs.102 crores was sold. Between 01.07.2019 to 12.10.2020, traffic fines to the tune of Rs.115 crores have been collected by the virtual Traffic courts and deposited with the Delhi Government. Despite the aforesaid revenue generated by the District Courts over the past three years, they are being starved of finances for the basic facilities required to run the courts efficiently, which cannot be countenance. Any obstruction in the discharge of constitutional function of the courts must be viewed seriously.

9. Keeping in mind the request made on behalf of the Delhi High Court that no further delay can be brooked as 150 Judicial Officers are due to be posted in the next couple of months and their courts cannot be made functional without adequate support staff, it is deemed appropriate to direct the Delhi High Court to release the required sum of Rs. 2,52,10,178/- from its budget to the District Court without any delay with a condition that the said amount shall be returned to the Delhi High Court immediately on funds being made available by the Delhi Government to the District Court, which exercise shall be completed on or before 31.12.2020.

10. As for the requirement of 119 cars pending at the end of the Delhi Government since the year 2018, it is deemed appropriate to direct the Delhi Government to start with releasing funds for purchasing 20% of the required pool cars, which will come to 23 cars, within three months from today.

11. Orders relating to the remaining proposals pending at the end of the Delhi Government are being deferred for the present in view of the assurance given by Mr. Santosh Kumar Tripathi, learned ASC that this court may not need to pass any further orders on the judicial side as the pending matters will be examined with all seriousness by the Cabinet and resolved satisfactorily in a time bound manner.

12. A fresh Status Report shall be filed by the Delhi Government before the next date of hearing. The Delhi High Court will also file a Status Report as to the progress made with regard to filling up of the posts of support staff in the District Courts and Family Court and purchase of pool cars.

13. List on 03.12.2020.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

OCTOBER 21, 2020 kk/rkb