

MINUTES OF THE MEETING OF LAWYERS' CHAMBERS ALLOTMENT COMMITTEE HELD ON 04.01.2016 AT 04:30 P.M. IN CONFERENCE HALL, 3rd FLOOR, SAKET COURTS COMPLEX, NEW DELHI.

Quorum:-

Ms. Anu Malhotra, District & Sessions Judge (South)	...Chairperson
Ms. R. Kiran Nath, District & Sessions Judge (South-East)	...Co-Chairperson
Mr. Rakesh Tewari, Spl. Judge (Electricity)	...Member/OIC
Mr. Rajpal Kasana, President, Saket Bar Association	...Member
Mr. Vipin Chaudhary, Secretary, Saket Bar Association	...Member

Mr. Rajpal Kasana and Mr. Vipin Chaudhary, who have been elected as a President and Secretary respectively of the Saket Bar Association (Regd.), were welcomed by the Chairperson, Co-Chairperson and Member of the Committee. They were briefed about the action taken so far.

Mr. Pawan Singh Rajawat, Administrative Civil Judge (South)/Member Secretary is on leave today.

I.Report of Sub-Committee of LCAC regarding Seniority List:-

It is observed by the Committee that vide minutes of meeting held on 18.11.2015, the report of the Sub-Committee in terms of minutes dated 05.08.2015 dated 28.10.2015 was received mentioning therein at Sl. No. 5 that there were various clerical errors noticed in the computer generated printout and that the office had been directed to carry out necessary corrections therein and to take fresh printout thereof.

The said clerical errors were reported to have been rectified in the data base of applications received for subsequent allotment of chambers at the District Court Complex, Saket. In view of the observations of the Sub-Committee qua Sl. No. 1 to 4, the Branch of the LCAC was directed to prepare the specific lists of details qua Sl. No. 1 to 4 mentioned in the report dated 28.10.2015 urgently and the same were directed to be put up before the Sub-Committee, already constituted of Mr. Rakesh Tiwari, Special Judge (Electricity) (South), Mr. Pawan Singh Rajawat, Administrative Civil Judge (South), Mr. Vinod Sharma, President, Saket Bar Association, New Delhi and Mr. Karnail Singh, Honorary Secretary, Saket Bar Association, New Delhi and the said lists on perusal of the Sub-Committee were put up before the Lawyers' Chambers Allotment Committee.

The five lists submitted by the Sub-Committee have been considered by the Committee i.e. List of applicants who have left the column blank in their respective application, List of applicants who have left blank some column and not submitted requisite documents in their respective application, List of applicants who have transferred to Delhi from other States and not submitted the date of transfer to the

Delhi Bar Council in the application form, List of applicants whose spouse are holding chambers in other Court Complex and the List of applicants who have mentioned either allotment or possession of chamber in different Court Complexes.

The list of applicants who have left blank some columns in their respective application and requisite documents viz. Certificate issued by the Bar Council of Delhi and Saket Bar Association have not been annexed, it has been reported by the office that in the last column of the list i.e. remarks deficiencies shown to have already been removed by some of the applicants by filing representations and the same was allowed by the Allotment Committee in its meeting held on 30.06.2015.

The matter has been discussed and it has been unanimously resolved that the Sub-Committee be reconstituted comprising Mr. Pawan Singh Rajawat, Administrative Civil Judge/ Member Secretary (LCAC), Mr. Rajpal Kasana, President, Saket Bar Association (Regd.) and Mr. Vipin Chaudhary, Hony. Secretary, Saket Bar Association (Regd.) to get the particulars/information furnished by the advocates submitting in the application forms for Subsequent Allotment duly compiled by being fed into the computer in terms of the seniority of the Saket Bar Association (Regd.) in terms of Rule 6 of the Saket District Court Lawyers' Chambers (Allotment and Occupancy) Rules, 2010 in the office of the Allotment Cell so as to prepare a detailed accurate database and to undertake the sorting of the data, under the overall control and supervision of Mr. Rakesh Tewari, Member/Officer In-Charge (LCAC), in the office of the Lawyers' Chambers Block. The Sub-Committee will submit its report on or before 01.02.2016.

II.W.P.(C) 9157/2015 titled Neelam Vs. Lawyers' Chambers Allotment Committee and Ors.

It is apprised to the Committee that the aforesaid Writ Petition was fixed for hearing before the Hon'ble High Court of Delhi on 02.12.2015 and the counsel for the petitioner contended that Rules 4 & 5 of the Saket District Court Lawyers' Chambers (Allotment and Occupancy) Rules, 2010 are arbitrary and he further sought time to amend the prayer in the Writ Petition and to plead a case for challenge to the said Rules.

It is further informed by the Office that now, the petitioner has moved an application dated 08.12.2015 under Section 151 CPC for amendment of the Writ Petition, which is now fixed for hearing before the Hon'ble High Court of Delhi on 15.01.2016.

The existing Saket District Court Lawyers' Chambers (Allotment and Occupancy) Rules, 2010, *inter alia*, contain the following provision:-

Rule 4

- "b) In respect of subsequent allotments:- After the Saket Bar Association is formed:-**
(i). The advocate must be enrolled with the Bar Council of Delhi and must be a member of the Saket Bar Association practicing at the Saket District Court; and
(ii). Such an advocate should not have acquired, built or have been allotted a lawyer's chamber in any court complex in Delhi."

It is noticed by the Committee that the Saket Bar Association (Regd.) had also made a representation dated 30.07.2014 No. SBA/2014/23 to amend the Rule 4(b)(ii) of the Saket District Court Lawyers' Chambers (Allotment and Occupancy) Rules, 2010, which is pending.

The matter was discussed with the Members of the Allotment Committee having regard to the letter and spirit of Rule 30 which vests the power in the District Judge (Saket) of amendments and additions to these Rules, as may be necessary and expedient, to be exercised 'in consultation with the Allotment Committee'.

It was resolved that existing Rule 4 (b) be amended so as to insert the following proviso after Rule 4(b)(ii) as under:-

"PROVIDED THAT if the advocate has been enrolled with the Saket Bar Association (Regd.) till the date 30.08.2014 (i.e. the last date of receipt of application for Subsequent Allotment invited vide notice dated 26.05.2014 and subsequent notices dated 05.07.2014 & 31.07.2014) and such an advocate has been allotted or in possession of a chamber in any other Court Complex in Delhi, New Delhi, he/she shall be eligible to allotment of the chamber subject to his/her surrendering the physical possession of the chamber to the concerned District Judge or his/her duly appointed nominee and also submit a certificate from the President or the Secretary of the said Bar Association confirming that such advocate was in actual physical possession of the said chamber and has surrendered the same as provided above.

PROVIDED FURTHER that there is no dispute of any nature with regard to the chamber so surrendered."

The Allotment Committee recommends to the District & Sessions Judge (South) to amend the Allotment Rules accordingly.

III.Fresh Allotment of Chamber of Mr. Babu Lal, under Rule 8 (ii) (Category reserved for Retired Judicial Officers):-

The office has reported the receipt of an application of Mr. Babu Lal against the reserved category of Retired Judicial Officers with reference to notice published on 21.08.2013.

The application was subjected to scrutiny and considered. It was resolved that the applicant, whose name is mentioned in **List FF2/F** be offered allotment of chamber (on

double occupancy basis) against the said reserved category subject to the same terms and conditions as contained in the notice dated 23.10.2013 to be fulfilled on or before 07.02.2016. List CC-3/F has been prepared by the office in such regard and enclosed to these minutes. The Branch In-Charge, LCAC was asked to take follow up action.

IV. Additional Agenda:-

Mode of payment of Licence Fee.

It is suggested by the President and Secretary of the Bar that provision of ECS facility be also included for the willing bar members for the payment of licence fee of the chambers. Members of the Committee are unanimously agreed and resolved that a feasibility report be submitted by the Asstt. Accounts Officer (South) on or before the next meeting.

Sd/-
(Vipin Chaudhary)
Secretary, Saket Bar Association-Member

Sd/-
(Rajpal Kasana)
President, Saket Bar Association-Member

Sd/-
(Rakesh Tewari)
Spl. Judge (Electricity)-Member/Officer In-Charge

Sd/-
(R.Kiran Nath)
District & Sessions Judge (South-East) -Co-Chairperson

Sd/-
(Anu Malhotra)
District & Sessions Judge (South) -Chairperson