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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7871/2017**
SANJAY SEHRAWAT AND ORS

..... Petitioner

Through: Mr. Saqib, Advocate

versus

BAR COUNCIL OF INDIA AND ORS

..... Respondent

Through: Mr. R. Balasubramaniam & Mr. T.
Singhdev, Advocates for Respondent
No.2

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **06.09.2017**

CM No. 32545/2017 (exemption)

Exemption allowed, subject to all just exceptions.

The application stands allowed.

W.P.(C) 7871/2017

The present petition has been filed by the petitioners with the following prayers:

“In the premise aforesaid, it is most humbly prayed that this Hon’ble Court may graciously be pleased to:-

(a) Call for record of the case;

(b) issue writ, order or direction in the nature of certiorari thereby quashing/setting aside the impugned appointment of the respondents no.3

and 4, vide letter dt.01.05.2017, issued by the respondent no.2 to the post of Accountant and Record Room Incharge respectively declaring the same to be non est in law; and

(c) issue writ, order or direction in the nature of mandamus thereby directing the respondents no.1 and 2 to forthwith frame proper service rules for appointment, promotion, pay, discipline, allowances etc. for the staff of Bar Council of Delhi in accordance with section 15(2)(k) of the Advocate Act, 1961 in a time bound manner;

(d) pass such other order and further orders as this Hon'ble Court may deem fit and proper in the interest of justice in favour of the petitioner and against the respondents;"

It is the submission of Mr. Saqib that despite representations for framing proper service rules for appointment, promotion, pay, discipline and allowances etc. in view of the provisions of section 15(2)(k) of the Advocates Act, 1961, the same have not been framed. That apart he states till such time the service rules are framed, no regular appointments be made by the respondent No.2.

Mr. R. Balasubramaniam and Mr. T. Singhdev appearing for the respondent No.2 on advance notice state that a decision has been taken by the Chairman of the Special Committee constituted by the Bar Council of India after considering various aspects like representations made by the

employees from time to time; the workload of the Bar Council of Delhi etc.

on the following terms:

- (a) *“The wholesome HR exercise be undertaken by undertaking study of existing rules, terms and conditions of service including pay and allowances structure of the staff of BCD vis a vis the change that may be warranted, under the aegis of the Secretary of the BCD with the help of necessary support drawn from existing staff.*
- (b) *Upon completion of the study a detailed report be submitted to the Special Committee of the BCD for further examination and taking decision thereupon*
- (c) *As the exercise to be undertaken is likely to take some time, in the meanwhile, having regard to the aspirations of the staff and the need to keep up their morale, as also the financial implications involved, it is recommended that as an interim measure, a 20% hike in Basic Pay [excluding DA and other allowances that are currently payable] across the board to all employees of the BCD may be considered. This will be as an interim measure till the proposed study is undertaken and completed and the report is received, examined and final decision is taken. This would also deserve to be informed to the employees while extending the benefit of 20% hike as an interim measure.*
- (d) *The financial implications of interim relief, if approved will cost the BCD a sum of **Rs.66,817/- per month**. The interim relief may be made effective w.e.f 01.07.2017 since the last salary increase to the staff was done w.e.f 03.06.2015.”*

He states the aforesaid should satisfy the grievance of the petitioners

in their representations. He also states, the exercise in terms of the above decision shall be completed in six months. This period is opposed by Mr. Saqib learned counsel for the petitioners. Noting the submissions, this Court is of the view the process be hastened and be completed on or before 31st December 2017.

Insofar as the other plea of Mr. Saqib that no regular appointments be made till such time Rules are made is concerned, Mr. R. Balasubramaniam state that even though there is no proposal for making regular appointments, the respondent no.2 shall not make regular appointments till rules are framed in terms of the decision above. The statement is taken on record.

During the course of his submissions, Mr. Saqib, learned counsel for the petitioners has drawn my attention on page 210 of the paper book which is a representation made by the Petitioner No.2, on the action of the respondent no.2 deducting salary for 27 days for the months of May, June and July, 2014 when the petitioner was on leave because of an accident he suffered, even though he had sufficient leave to his credit.

Mr. R. Balasubramaniam states that the said representation shall be considered by the respondent No.2 in accordance with the rules and if any amount is to be refunded, same shall be done within two months from today.

Ordered accordingly. Mr. Saqib learned counsel for the petitioner states that the aforesaid shall satisfy the grievance of the petitioners in the writ petition and the petition be disposed of as such. Ordered accordingly.

CM No.32546/2017

Dismissed as infructuous.

V. KAMESWAR RAO, J

SEPTEMBER 06, 2017/akv