

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 7318 of 2015 (O&M)

Date of Decision: 26.07.2018

DRT BAR ASSOCIATION CHANDIGARH AND OTHERSPetitioners

VS.

BAR COUNCIL OF PUNJAB AND HARYANA AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. I.P. Singh, Advocate for the petitioners.

Mr. B.S. Rana, Senior Advocate, with
Mr. Gagandeep Rana, Advocate for respondent No. 1.

Mr. Ashish Gupta, Advocate for respondent No. 4.

RAKESH KUMAR JAIN, J. (ORAL)

Petitioner No. 1 is the DRT Bar Association, Chandigarh who has challenged the issuance of provisional registration certificate dated 23.12.2014 (Annexure P-20) to respondent No. 2-DRT Bar (Punjab) Association, order dated 27.01.2015 (Annexure P-22) by which disqualification of respondents No. 3 and 4 has been stayed and the order dated 11.04.2015 (Annexure R1/10) by which order dated 07.10.2014 is reviewed.

The grievance of the petitioner is that as per the Bar Association (Constitution and Registration) Rules, 2009 (hereinafter referred to as Rules) framed by the Bar Council of Punjab and Haryana, Chandigarh, there can be only one Bar Association of the Tribunal and has referred to Rule 4 (a) of the Rules which read as under: -

4 (a) "There shall be one Bar association at High Court, any Bench of High Court, Central Administrative Tribunal, State Administrative Tribunal, State Consumer Commission, any other Tribunal created under any statute working within the territorial jurisdiction of Punjab and Haryana and U.T. Chandigarh, every district, Sub-District, Tehsil, Labour Court, Consumer Courts,

Taxation Bars, Revenue authority or any other Court or authority existing within the States of Punjab and Haryana and U.T. Chandigarh as recognized by the Bar Council.”

It is further submitted that respondent No. 2-DRT (Punjab) Bar Association has been given provisional recognition and registration by misinterpreting Rule 4 (a) of the Rules on the ground that respondent No. 2-Association is of the members who are appearing before a separate Bench of DRT in PNB House, Sector 17, Chandigarh in the cases of the State of Punjab whereas the petitioner-Association is in Sector 8, Chandigarh and has the jurisdiction over to the cases coming from the State of Haryana, Himachal Pradesh and Chandigarh.

It is also submitted that respondent No. 4 i.e. Harinder Pal Singh, Advocate who was otherwise a member of the petitioner's-Bar Association, was debarred from contesting any election of the DRT for five years vide order dated 07.10.2014 which has been reviewed by the impugned order dated 11.04.2015 (Annexure R-1/10) behind the back of the petitioners.

Mr. B.S. Rana, learned Senior Counsel, appearing on behalf of respondent No. 1-Bar Council of Punjab and Haryana has submitted that the impugned order dated 27.01.2015 is not relevant anymore because the same was passed on the ground that there are two separate benches of DRT in Chandigarh situated at different locations because at present all the three benches of the DRT are housed in the same building in Sector 17, Chandigarh.

Mr. Ashish Gupta, learned counsel appearing for respondent No. 4, has submitted that since Rule 4 (a) of the Rules would apply to the DRT, therefore there would be only one Bar Association of the Tribunal which may be called by any name. He has candidly stated that the said name

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may be the same which the petitioner No. 1 is having as DRT, Bar Association because it was the parent Bar Association out of which DRT (Punjab) Bar Association (respondent No. 2) had emerged.

Learned counsel for the petitioner has, thus, submitted that the petitioner No. 1 would keep the same name of the Bar Association called the DRT Bar Association, Chandigarh. It is also submitted that in the list circulated by the Bar Council, petitioner No. 1-Bar Association has only been recognized as respondent No. 2-Bar Association was provisionally registered on 23.12.2014 while interpreting Rule 4 (a) of the Rules, whereas, there is no such requirement now because all the Benches of the DRT are working in the same building/place.

Thus, it resolves the issue about the recognition of the petitioner No. 1-Bar Association as it is the parent Bar Association and that there would be no more DRT (Punjab) Bar Association.

Learned counsel for the petitioner has further submitted that respondent No. 4 has been banned from contesting the elections of DRT for five years in view of the settlement arrived at between the parties on 07.10.2014 but the said order was reviewed on 11.04.2015. He has, thus, submitted that the said review order is patently illegal because it has been passed behind their back.

Learned counsel for respondent No. 4 has submitted that the order passed on the review application, filed by respondent No. 4, may be set aside and submitted that he would not contest the election during the period of ban which was imposed upon him on 07.10.2014.

Thus, it is categorically observed that the order of review dated 11.04.2015 passed by Bar Council of Punjab and Haryana, Chandigarh, of

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order dated 07.10.2014, is hereby set aside and that respondent No. 4 would not contest the election of the DRT till 07.10.2019.

The last submission made by the learned counsel for the petitioner is that the disciplinary proceedings are pending against some members of the petitioner No. 1- Bar Association because of the present dispute, much less at the instance of respondent No. 4.

In order to bury the hatchet forever, learned Senior Counsel appearing on behalf of the Bar Council, Punjab and Haryana, Chandigarh has assured the Court that the Bar Council would withdraw all the disciplinary proceedings against the members provided a settlement is submitted to it.

Learned counsel for respondent No. 4 has fairly conceded that he would co-operate with the DRT Bar Association, Chandigarh/petitioner and would submit the settlement before the Bar Council of Punjab and Haryana within 15 days from the date of receipt of certified copy of this order for the purpose of settling all the disputes between the parties by way of mutual consent. If a settlement is submitted then it would tantamount to withdrawal of the complaint filed against the members of the Bar Association-petitioner No. 1.

It is made clear that the membership of members of respondent No. 2-DRT(Punjab) Bar Association shall be accepted by the Bar Council, Punjab and Haryana, Chandigarh as per Rules.

No other point is raised.

In view of the above, the present petition is disposed of.

July 26, 2018

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(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned :

✓
Yes / No

Whether Reportable :

Yes / No