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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 2195/2018 and CM No. 9088/2018**

PRAVEEN THUKRAL AND ORS.

..... Petitioners

Through: Mrs Mini Pushkarna, with Mr Uma Kant, Mr K. Raj, Ms Swagata Bhuyan, Mr Shiva Pandey and Ms Neha Goel, Advocates.

versus

THE CHAMBERS ALLOTMENT COMMITTEE
AND ORS.

..... Respondents

Through: Mr Sanjay Dewan and Ms Nishima Arora, Advocates for R-1 & 3.
Mr Naveen Kumar Goyal, Advocate for R-2.

AND

+ **W.P.(C) 9371/2018 and CM No. 36324/2018**

KARAN SINGH KARDAM

..... Petitioner

Through: Petitioner in person.

versus

THE CHAMBERS ALLOTMENT COMMITTEE,
THROUGH THE DJ & ASJ, EAST DISTRICT,
KARKARDOOMA COURTS, DELHI.

..... Respondent

Through: Mr Sanjay Dewan and Ms Nishima Arora, Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **10.12.2018**

CM No. 36105/2018 in W.P.(C) 2195/2018

1. This is an application filed by six advocates seeking impleadment in the present petition as petitioners.
2. For the reasons stated in the application, the same is allowed.
3. The Amended Memo of Parties is taken on record.

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W.P.(C) 9371/2018 and CM No. 36324/2018

4. The petitioners in the present petition impugn the list containing the names of 150 advocates (hereafter the 'impugned list') selected for allotment of lawyers chambers in the Karkardooma court complex. The impugned list was published and uploaded on the website of Shahdara Bar Association on 05.02.2018.

5. The petitioners claim that the impugned list also includes names of advocates that had not applied for allotment of a chambers pursuant to the invitations for application that were issued in September, 2009.

6. The controversy in the present case arises in the backdrop of the following facts:

6.1 The applications for lawyers chambers were invited by the Shahdara Bar Association in September, 2009. Pursuant to the said invitation, several advocates applied for allotment of chambers. At the material time, only 960 advocates could be accommodated on a twin sharing basis.

6.2 The Minutes of the Chamber Allotment Committee held on 09.03.2010, indicate that a total number of 1265 advocates had submitted their affidavits within the time extended for the said purpose. This also included a list of 245 advocates who had applied after the due date of submission of the application. Out of 1092 applicants who had applied initially, 175 applicants were found to be ineligible on the anvil of the criteria as set out in the said minutes. Out of the 245 applicants that had applied subsequently, 72 applicants were found to be ineligible on the basis

of the said criteria. A final list of 1090 eligible advocates was prepared. This included 917 advocates out of the 1092 advocates that had applied initially and 173 advocates out of 245 applicants who had submitted their affidavits subsequently. The said list was also published on the website of the Shahdara Bar Association.

6.3 One of the applicants, Mr Karan Singh Kardam, was aggrieved by the said list to the extent that his name was not included. He filed a writ petition (*W.P.(C) 4867/2011* captioned ***Karan Singh Kardam v. The Chambers Allotment Committee, Karkardooma Courts and Ors.***) impugning the said list. He claimed that he was eligible for being allotted a chamber as per the criteria set out and had unjustifiably being excluded from the list of eligible candidates. Essentially, the controversy in the said case was whether Mr Karan Singh Kardam had annexed the relevant documents; whereas Mr Kardam insisted that he had, the respondents disputed the same.

6.4 The said writ petition was disposed of by an order dated 27.09.2011 by giving liberty to Mr Kardam to provide the missing annexures to the District Judge/Chambers Allotment Committee alongwith representation within a period of two weeks of the said date and the District Judge/Chambers Allotment Committee was directed to consider his case on merits by examining the particulars furnished by him.

6.5 The Lawyers Chambers Allotment Committee (LCAC) examined Mr Karan's case and placed him at the bottom of the list, that is, at Serial No. 1091. Aggrieved by the same, he once again approached the Court by filing a writ petition (*W.P.(C) 2819/2012*). The said writ petition was disposed of

by the Division Bench of this Court on 10.10.2013. The Court held that since the list of 980 lawyers had been updated and the chambers then available were exhausted, the said list could not be altered. However, the Court also directed that an updated list beyond the seniority of 980 persons be drawn up with reference to the left out cases on the principle of the date of joining the Bar Association as the criteria for assigning the seniority. The operative part of the the said decision is set out below:-

“9. Under the circumstances the only relief which can be granted to the petitioner is to direct the respondents to ensure that the further updated list beyond seniority No.980 is drawn up with reference to left out cases on the principle of date of joining the Bar Association as the criteria for assigning seniority. To put it pithily, the seniority list up till 980 shall be treated as exhausted. A further but separate seniority list of the left over cases including fresh members inducted would be drawn up with reference to the date of joining the Bar Association as member thereof.”

7. Mr Kardam (the petitioner therein) filed yet another application seeking clarifications (CM No. 22824/2016 in W.P. (C) 2819/2012). The same was disposed on by an order dated 03.06.2016. The Court reiterated the earlier directions that a separate seniority list of the left over cases was required to be drawn up and future allotments were to be made that basis.

8. In view of the above, there can be no controversy that the separate list referred to, related to only the left out cases of advocates who had applied for allotment of a chamber but were not allotted chambers on the basis of the list drawn out at the material time (List of 980 Lawyers). It is clear that the respondents were not required to entertain further applications beyond that

date. It is the petitioners' case that such advocates – who had not submitted any application – have also been considered and included in the impugned list.

9. This is stoutly disputed by the learned counsel appearing for the respondents. They claim that the list now drawn up is amongst only those advocates, who had applied at the initial stage, that is, pursuant to the notice issued in September, 2009. It is relevant to note that the respondents do not dispute that no fresh applications were invited and that the advocates who had not submitted any application are not eligible for allotment of a chamber.

10. In view of the above, this Court considers it apposite to direct the concerned District Judge to re-examine the impugned list and ensure that the impugned list does include only the names of advocates who had initially applied pursuant to the notice issued in September, 2009. It is so directed. If necessary, a fresh list be drawn up having regard to the orders passed by this court.

11. The petitions are disposed of with the directions as aforesaid. All pending applications are also disposed of.

VIBHU BAKHRU, J

DECEMBER 10, 2018
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