

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

CWP-25269-2018 (O&M)
Date of decision : 28.03.2019

Baljit Singh Bajwa and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. M.K. Singla, Advocate,
for the petitioners.

Mr. Vikas Mohan Gupta, Addl.A.G., Punjab and
Mr. Navdeep Chhabra, DAG, Punjab.

Mr. R.S. Khosla, Sr. Advocate,
with Mr. Sarvesh Malik, Advocate,
for respondent No.3.

Mr. Arshdeep Bhullar, Advocate,
for respondent No.4.

Mr. Divanshu Jain, Advocate,
for respondent Nos.4A to 37.

JITENDRA CHAUHAN, J.

Prayer in the instant petition preferred under Articles 226/227 of the Constitution of India is for issuance of a writ of Certiorari quashing order dated 14.09.2018 (Annexure P-9), passed by respondent No.2, whereby, undated Rules (Annexure P-5), allegedly formulated by District Bar Association, Kapurthala-respondent No.3, have been wrongly and illegally approved.

It is contended that the petitioners are lawyers by profession

practicing regularly in District Court at Kapurthala. The dispute relates to the manner in which the newly-constructed chambers for advocates have been allotted by the respondents without adhering to the rules on the subject as also the guidelines contained in the letter issued by the Registrar General of this Court dated 11.07.2018 (Annexure P-7). The impugned order (Annexure P-9) also ignores the seniority position of the practising advocates.

On the other hand, learned counsel for respondent No.3 refers to Clause VI of notification dated 11.11.2002 (Annexure P-1) to contend that the same has been stipulated for the sole purpose of allotment of the individual chambers and not for allocation of the same. As far as the Bar Association of Kapurthala is concerned, 119 chambers have been constructed for 238 members on twin-sharing basis. Thus, there exists no situation where a junior member would be allotted a chamber to the exclusion of any senior members.

Heard.

Before proceeding further, it would be apt to refer to the provision of Clause VI of Notification dated 11.11.2002 (Annexure P-1), which reads thus:-

“VI. That once the Bar Association gets possession of land, it will frame rules for the allotment of individual chambers to its members with the approval of the Deputy Commissioner clearly mentioning about the seniority of lawyers at the Bar and eligibility criteria and ensuring that no violation of rules is made and code of conduct

prescribed for the lawyers is strictly implemented.”

It is thus, clear from the above provision that while making allotments of the chambers, the seniority of the Bar members has to be taken into account. However, no preferential right has been prescribed in the matter of allocation of the chambers. It has been brought to the notice of the Court that each chamber would be allocated as per draw of lots so that no individual gets any preference in the same. Further, due reservation has been provided for physically challenged Bar members and in case, anyone is keen to get a chamber on the ground floor, an additional deposit of ₹50,000/- has been prescribed for the purpose. As per record, a total of 119 chambers has been constructed for 238 members which makes it clear that each member will get the chamber. The respondents have also assured that the complex would be equipped with sufficient number of lifts so that there is no inconvenience to any of the members who would be allocated chambers on upper floors.

In view of the above, this Court does not find any ground for interference as sought by the petitioners.

The instant petition is, accordingly, dismissed.

28.03.2019
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No