

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision:- 30.06.2020

1. LPA No. 401 of 2020 (O&M)

Punjab and Haryana High Court through its Registrar (Computerization)

.....Appellant

Versus

Zahur Haider Zaidi and others

...Respondents

2. LPA No. 402 of 2020 (O&M)

Punjab and Haryana High Court through its Registrar (Computerization)

.....Appellant

Versus

Sarotam Singh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present:- Mr. Kanwal Goel, Advocate, for the applicant-appellant.
Mr. Sumeet Goel, Advocate, for CBI.
Mr. Deepak Balyan, Addl. Advocate General, Haryana.

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RAVI SHANKER JHA, C.J. (ORAL)

With the consent of learned counsel for the parties, the matter is being taken up and heard via video conferencing (Webex App software).

CM No. 1013 of 2020 in LPA No. 401 of 2020

Allowed as prayed for.

CM No. 1014 of 2020 in LPA No. 401 of 2020

For the reasons mentioned in the application, delay of 8 days in filing the appeal is condoned. Application stands disposed of.

CM No. 1017 of 2020 in LPA No. 402 of 2020

Allowed as prayed for.

CM No. 1018 of 2020 in LPA No. 402 of 2020

For the reasons mentioned in the application, delay of 8 days in filing the appeal is condoned. Application stands disposed of.

LPA Nos. 401 of 2020 and 402 of 2020 (O&M)

Both these appeals have been filed by the Punjab and Haryana High Court being aggrieved by the orders dated 21.05.2020 and 10.06.2020 passed by the learned Single Judge in CRM-M No. 7051 of 2020 and CRM-M No.7434 of 2020 directing the High Court to ensure that technical persons are available at the time of hearing of cases through video conferencing and that such technical persons should ensure that every case is available on-line on the computer by downloading the cause list onto the laptop/computer and make an icon on the desktop of that computer as also download the pleadings of all the cases listed on that day onto the computer and make individual icons on the desktop so that the Court can access each case at the click of the mouse. It is also directed that such technical person should ensure that the cases so downloaded are as per the cause list and are properly and accurately uploaded.

It is submitted by learned counsel for the appellant that that the said directions were issued in the criminal matters that were being heard by the learned Single Judge. It is submitted that they have no grievance and have not challenged the orders passed in the criminal cases but are only aggrieved by the directions issued to the High Court regarding making available of technical persons for regular court work.

It is submitted that in CRM-M No. 7051-2020, the petitioner was praying for regular bail whereas in CRM-M No. 7434 of 2020, the order passed by the Special Judge, CBI Court, Chandigarh cancelling the bail of the petitioner therein was assailed. Thus, the High Court (appellant) was not a party to those proceedings. However, being aggrieved by the directions/orders that are being assailed in the present appeals, the High Court in the first instance moved two applications in each of the cases;

seeking to be impleaded as party and for recalling the order(s) dated 21.05.2020. Vide order dated 10.06.2020, the learned Single Judge impleaded the appellant as party to the proceedings. But the prayer for recalling/modifying the order dated 21.05.2020 has since been declined vide order dated 10.06.2020 and instead it was observed that *“as regards recalling/modification of the order, I see no reason to do so because if training had already been imparted to the staff of each Court, it is the duty of such court staff to ensure, in tandem with other officers/officials of the Registry, to upload all case files on to the computers/laptops/i-pads etc. available to each Court”*. Thus these appeals.

Learned counsel for the appellant having taken us through the grounds on which the order dated 21.05.2020 was sought to be recalled as also the grounds of appeal at hands has demonstrated that the impugned directions issued by the learned Single Judge are rather causing practical difficulties and have made it nearly impossible for the High Court (appellant) to regulate and manage the video conferencing process. He submits that the role of the technical staff of the Computer Section of the High Court is confined only to resolving the technical issues concerning connectivity or audio/video disturbances during the hearing. Whereas the task of downloading the cause list, pleadings, making individual icons on the desktop, downloading the cases as per the cause list, has specifically been assigned to the secretarial staff attached to each Court/Judge. Thus, he submits in the wake of the directions issued by the learned Single Judge, the technical staff is now required to take up even the secretarial work. It is, therefore, prayed that the impugned directions be set aside.

It is informed that the number of technical staff available in the High Court is very limited whereas adequate and sufficient trained staff including Special Secretary/Secretary/Private Secretary/Judgment Writer/Stenographers (stenography line) and Special Secretary/Court Secretary/Reader/Superintendent (Reader line) and Law Researchers have already been provided to each Court/Judge and they have also been directed to ensure that the Court is able to take up the video conferencing without any hindrance by downloading the paper books, providing e-paper books, making icons on the desktop and ensuring downloading of the cause list in accordance with the serial numbers notified. It is the secretarial staff that is responsible for the aforesaid task and has to be utilized for that purpose and not the technical staff of the High Court.

We have heard learned counsel for the parties via video conferencing (Webex App software).

Learned counsel appearing for the Central Bureau of Investigation (CBI) as also the State of Haryana, in the given circumstances, have expressed their disconcert for the issue in question because it was neither the subject matter of the above said two cases nor anything to do therewith on-merits.

Having heard learned counsel for the appellant, it is observed that as per the orders issued on the administrative side by the Chief Justice/High Court, the role of the technical staff attached to the Computer Committee and the task vis-vis the computerization of the High Court is limited. Further, the role of the technical official deputed for managing the video conferencing is confined only to sort out the technical glitches, if any, concerning connectivity or audio/video disturbances during the court proceedings.

On the contrary, in terms of the orders passed by the High Court and the Chief Justice, the works as regards managing the Court vest exclusively with the secretarial staff/court concerned. Infact, the secretarial staff which has specifically been trained by the High Court for this purpose is tasked to carry out the following functions:-

Role of the Court officials

1. Tracing the Phone numbers of the respondent Advocates from database, coordinating with Advocates for video conference facility and sending them web link etc.

2. Downloading the e-paper books from the Data Management System or portal of e-Dairy of the Hon'ble Judges and thereafter providing the e-paper books to the Hon'ble Judges through e- mail/desktops of the Hon'ble Judges etc.

3. Helping the Hon'ble Judges during hearing of the cases for scrolling the softcopy of case files and finding the relevant applications/written statement /rejoinder etc. from the softcopy of the cases.

4. Conducting of video conference.

The name and phone number of the designated official of the Hon'ble Court who will be responsible for coordinating with the learned Advocates for hearing of the cases listed before the said Hon'ble Court will be intimated to the learned Registrar General and the list of the officials along with phone numbers shall be published on the website for the information of learned Advocates.”

Thus, the secretarial staff attached to each Court/Judge that consists of Special Secretary/Secretary/Private Secretary/Judgment Writer/Stenographers (stenography line) and Special Secretary/Court Secretary/Reader/Superintendent (Reader line) and Law Researchers is obliged to ensure that the court proceedings through video conferencing are held unhindered. Undoubtedly, the technical staff of this Court are fully

skilled/trained to deal with any technical snag/issue during the video conferencing but not equipped to manage the procedural functioning of the Court which is a specialized task of a regular court staff. In the circumstances, we are of the considered opinion that the impugned directions deserve to be set aside.

We are also impelled to observe that of the two matters listed before the learned Single Judge, in one regular bail was prayed for and in the other the order of cancellation of bail was under challenge in which the issues regarding the problems arising in the video conferencing were neither involved nor raised. In such circumstances, if any inconvenience was faced by the learned Single Judge owing to lack of any technical/secretarial assistance, the proper course that should have been adopted was to bring the problem to the notice of the Registrar General of this Court for its resolution.

We are of the considered and firm opinion that the learned Single Judge exceeded his jurisdiction in issuing directions purely relating to the administration of the High Court “in a criminal matter” as the extraordinary and inherent powers of the Court cannot be invoked in purely administrative matters. Judicial powers cannot be invoked to run the administration of the High Court, which task vests in the Chief Justice or in the Full Court of the High Court and is regulated by Rules and instructions issued in that regard.

Running of the High Court on the administrative side cannot be permitted to be taken up by each and every Judge on the judicial side as he thinks fit as that would lead to collapse of the system of the administration of the High Court.

Moreover, as the issue in respect of which the impugned directions have been issued was neither subject matter of challenge nor within the roster assigned to the learned Single Judge and therefore, the learned Single Judge exceeded the jurisdiction vested in him rendering the directions nonest. The law in respect of the issue has been clarified by the Supreme Court in the case of *Campaign for Judicial Accountability and Reforms v. Union of India and another (2018) 1 SCC 196*.

In the circumstances, the impugned directions issued by the learned Single Judge vide orders dated 21.05.2020 and 10.06.2020 to the extent that the technical staff of the High Court has been directed to take up the secretarial work are set aside. It is made clear that the responsibility as delineated in the preceding paragraphs about the technical staff and secretarial staff shall be followed and implemented by the Registry subject to any modification or change that shall be caused by orders passed subsequently on the administrative side.

Both the appeals are accordingly allowed and stand disposed of in the above terms.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

30.06.2020
ravinder

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No