

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

CWP No. 15157 of 2020
Date of Decision: 22.09.2020

JAGTAR SINGH SIDHU

...Petitioner

VS.

***PUNJAB AND HARYANA HIGH COURT BAR ASSOCIATION
THROUGH ITS SECRETARY, PUNJAB AND HARYANA HIGH COURT
BAR ASSOCIATION AND OTHERS***

...Respondents

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN**
HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Jagtar Singh Sidhu, Advocate,
Petitioner-in-person.

Mr. Gaurav Chopra, Advocate,
for respondent No. 1.

Mr. C.M. Munjal and Mr. Jai Vir Yadav, Advocates,
for respondent No. 2.

Mr. K.S. Sidhu, Senior Advocate,
with Mr. G.S. Benipal, Advocate,
for respondent No. 3.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner, a member of the Punjab and Haryana High Court Bar Association (hereinafter referred to as “the Association”), has prayed for the issuance of a writ in the nature of *mandamus* to declare the resolution dated 15.09.2020 (Annexure P-4), passed by the Association as illegal because the meeting in which the said resolution was passed was called by a non-existing Executive Committee because its term had expired way back on 08.04.2020, in view of Rule 12(1)(d) of the Punjab and Haryana High Court Bar Association, Chandigarh Rules and Regulations (hereinafter referred to

as “the Rules”) and also to declare the continuation of the Executive Committee by virtue of impugned resolution as illegal, null and void. He has further prayed for the issuance of a direction to respondent No. 3 i.e. the Election Committee of the Association to immediately call for a meeting of the General House for appointment of Ad hoc Committee in view of Rule 12 of the Rules to replace the non-existing Executive Committee.

In brief, election of the Executive Committee of the Association for the year 2019 was held on 05.04.2019. It was constituted for a period of one year. The Executive Committee of the Association comprises of the President, Vice President, Secretary, Joint Secretary, Treasurer and 20 other members out of which 2 are the designated Senior advocates, one lady member, ten members having not less than 10 years of membership of the Bar and seven having less than 10 years practice.

As per Rule 12(1)(d), the Executive Committee of the Association was required to be formed for the year 2020 w.e.f. 08.04.2020 but because of unprecedented situation arisen due to COVID-19 pandemic, the elections were not held and the Executive Committee elected in the year 2019 continued to manage the affairs of the Association.

The present controversy has triggered because of the impugned resolution, passed on 15.09.2020 at 12.45 P.M., in the General House Meeting of the Association. It is needless to mention that four decisions were taken in the said meeting, recorded in the resolution but the petitioner is aggrieved only against one of the decisions which read as under:-

“It was further resolved that as the term of the present Executive Committee has already expired, as an interim arrangement, the term of this very Executive

Committee is extended till the situation normalize and the Election for New Executive Committee is held by the Election Committee appointed by the General House of Punjab and Haryana High Court Bar Association.”

The petitioner has challenged the aforesaid part of the impugned resolution, raising two issues, that the said resolution has been passed without circulating the agenda and the General House had no jurisdiction to infuse life in a defunct Executive Committee of the year 2019 because period of one year has since been expired.

The petitioner had served advance notices to all the respondents. The respondents have put in appearance through their counsel i.e. Mr. Gaurav Chopra, has appeared on behalf of respondent No. 1, Mr. C.M. Munjal and Mr. Jai Vir Yadav have put in appearance on behalf of respondent No. 2 and Mr. K.S. Sidhu, Senior Advocate has appeared on behalf of respondent No. 3

After lengthy arguments, Gaurav Chopra, counsel appearing on behalf of respondent No. 1-Association has graciously conceded that the offending part of the impugned resolution, referred to hereinabove, may be declared as withdrawn and non-existent. This stand taken by the Association is accepted by all the parties before us. We really appreciate the conciliatory approach of the parties. Counsel for respondent No. 1-Association has further agreed that a meeting of the General House shall be held in terms of Rule 12(1)(d) for appointing an Ad hoc Committee comprising of five designated Senior Advocates and ten Members of the Association to perform the functions as mentioned in Rule 12(1)(a) of the Rules. He further submitted that the meeting of the General House shall be called by circulating necessary requisition at least by giving 7 days' prior notice. However, he has expressed

his concern as to who would convene the meeting of the General House because the Executive Committee elected in the year 2019 is no more in existence.

After hearing learned counsel for the parties, we propose that the General House Meeting shall be convened under the Chairmanship of K.S. Sidhu, Senior Advocate who may take the help of two more seasoned members of the Bar for conducting the said meeting for appointing Ad hoc Committee in terms of Rule 12(1)(d) of the Rules.

This proposal is also accepted by the petitioner, Council and the Association.

Now the next issue is as to when the meeting of the General House should take place?

All the parties to this *lis* are *ad idem* that meeting of the General House may take place on 29.09.2020 at 11.00 A.M. in the New Bar Complex of the Punjab and Haryana High Court.

Thus, in view of the consensus arrived at between the parties, we direct that the meeting of the General House shall be held on 29.09.2020 at 11 A.M. under the Chairmanship of K.S. Sidhu, Senior Advocate in the new Bar Complex of the Punjab and Haryana High Court only for appointing an Ad hoc Committee in terms of the Rule 12(1)(d) of the Rules and for this purpose, K.S. Sidhu, Senior Advocate may associate two more members of the Bar of his choice with him.

We also direct that the Association shall assist K.S. Sidhu, Senior Advocate, in circulating the requisition of the meeting, by way of

electronic media to all the members of the Association so that nobody may make a complaint of not being informed.

It is also made clear that we have not made any observation or opinion about any other part of the resolution and any other issue raised in this petition.

We also observe that any observation or remarks made by the petitioner against K.S. Sidhu, Senior Advocate is hereby expunged.

In the end, we again put on record our appreciation for the efforts made by the parties to the *lis* and their positive attitude in resolving this issue themselves in a very cordial manner.

With these observations, the present petition is hereby disposed off.

[RAKESH KUMAR JAIN]
JUDGE

September 22, 2020
Ess Kay

[JASWANT SINGH]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>