

\$~3 to 5, 28 & 29

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 20th December, 2022

+ **W.P.(C) 11092/2022 & CM APPL. 32550/2022**
PRADEEP KUMAR AND ANR Petitioners
Through: Mr. Javed Ahmad, Mr. Pradeep Kumar with Mr. Amjad Khan, Advocates. (M-8077677734)

versus
THE CHAMBER ALLOTMENT COMMITTEE AND ORS. Respondents
Through: Mr. Satyakam for ASC, Mr. Garvit for R-1, Advocates.

4 **WITH**
+ **W.P.(C) 11454/2022**
ANIL SINGH Petitioner
Through: Appearance not given.

versus
THE REGISTRAR, DELHI HIGH COURT AND CHAIRMAN ALLOTMENT COMMITTEE, KARKARDOOMA COURTS, DELHI AND ORS. Respondents
Through: Mr. Satyakam, ASC with Mr. Garvit, Advocate for R-2.

5 **WITH**
+ **W.P.(C) 11347/2022 & CM APPL. 33412/2022**
ARUN KUMAR SHARMA Petitioner
Through: Mr. Saurabh Jhamb, Advocate with Petitioner in person.

versus
THE REGISTRAR, DELHI HIGH COURTS AND CHAIRMAN ALLOTMENT COMMITTEE DELHI HIGH COURTS, NEW DELHI AND ORS Respondents
Through: Mr. Satyakam, ASC with Mr. Garvit, Advocate for R-1 & 2

28 **WITH**
+ **W.P.(C) 10698/2019**
SH. SHYAM KUMAR Petitioner
Through: Appearance not given.

versus
THE CHAMBERS ALLOTMENT
COMMITTEE AND ANR.

..... Respondents

Through: Mr. Satyakam, ASC with Mr. Garvit,
Advocate for R-1.

29

AND

+

W.P.(C) 1433/2020 & CM APPL. 4968/2020

NARESH KUMAR GUPTA

..... Petitioner

Through: Appearance not given.

versus

THE CHAMBERS ALLOTMENT
COMMITTEE AND ORS.

..... Respondents

Through: Ms. Sanjana Nangia, Advocate for
Mr. Sameer Vashisht, Mr. Arvind
Sharma, Tehsildar for R-1-3

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through hybrid mode.
2. These are writ petitions filed by various lawyers challenging the procedure for allotment of chambers in the Karkardooma Court Complex, Delhi.
3. It is a matter of which judicial notice can be taken that lawyers' chambers is an issue that concerns the Bar across District Courts and High Court as, owing to the large influx of lawyers over years, sufficient numbers of chambers are not available.
4. The present litigation dates back to 2009 when lawyers' chambers of the Karkardooma District Court Complex were to be allotted. There were a total of 480 chambers to be allotted on twin sharing basis. In September, 2009, applications were called from the lawyers for chamber allotment by Shahdara Bar Association and a list of 1093 persons was drawn up. Out of

the said list of 1093 persons, 980 persons were allotted chambers and there was a balance of 113 lawyers who could not be allotted chambers due to lack of availability of chambers.

5. Challenges were raised by lawyers concerned with respect to the allotment list leading to decision dated 27th September, 2011 of the Id. Division Bench in ***W.P.(C) 4867/2011*** titled '***Karan Singh Kardam v. Chamber Allotment Committee, Karkardooma Courts***'. In the said order passed by the Id. Division Bench, the Petitioner in the said case was permitted to make a representation to the District Judge/Chamber Allotment Committee which was directed to consider his case on merits after examining all the documents. The Chamber Allotment Committee examined the matter and had placed the Petitioner - Mr. Kardam at the bottom of the list which led to another litigation being ***W.P.(C) 2819/2012*** titled '***Sh. Karan Singh Kardam v. The Chamber Allotment Committee & Ors***'. In the said writ petition, another order dated 10th October, 2013 was passed to the effect that the 980 persons who were already allotted chambers, would not be disturbed. However, a fresh seniority list would also be now prepared by the Chambers Allotment Committee of Karkardooma Court, Delhi.

6. The matter was again considered by the Chamber Allotment Committee and a fresh seniority list dated 5th February, 2018 was prepared which was challenged before this Court in ***W.P.(C) 2195/2018*** titled '***Praveen Thukral & Ors. v. The Chambers Allotment Committee & Ors.*** and ***W.P.(C) 9371/2018*** titled '***Karan Singh Kardam v. The Chambers Allotment Committee, Through the DJ & ASJ. East District, Karkardooma Courts, Delhi.*** After considering the entire matter, the Id. Single Judge passed the following order:

“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 is 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.”*

7. Thereafter, a **Contempt Petition no. 803/2019** titled as ***Naveen Kumar Goyal & Ors. v. The Chamber Allotment Committee*** and **Contempt Petition No. 96/2020** titled as ***Praveen Thukral and Ors. v. The Chamber Allotment Committee*** came to be filed for non-implementation of the order dated 10th December, 2018. Vide order dated 27th April, 2022 some parties were referred to mediation. The said order reads as:

“1. Learned counsel for the parties state that efforts can be made to settle the matter amicably and the same can be referred to mediation.

2. Let the parties appear before the Delhi High Court Mediation & Conciliation Centre on 29.04.2022 at 3:00 PM.

3. List on 02.02.2023”

8. In the meantime, the Building Maintenance and Construction Committee, (Karkardooma Court Complex) of this Court is also stated to be looking at the issue of chamber allotments to lawyers. Certain representations were also made to the said Committee which led to a settlement before the Delhi High Court Mediation and Conciliation Centre dated 24th May, 2022. In the said settlement, it is the grievance of the

Petitioners that their standing as the original 113 persons was not considered, and their seniority was also disturbed. Hence, these writ petitions challenging the said settlement were filed. For instance, the Prayer in **W.P. 11092/2022**, titled '**Pradeep Kumar & Anr. v. The Chamber Allotment Committee and Ors.**' is to the following effect:

"In view of the facts and circumstances may kindly allow the writ petition (civil) under article 226 of The Constitution of India r/w section 151 of code of civil procedure for allotment of chamber to the petitioners as per their respective seniority in the waiting list of left over cases wherein the name of the petitioners mentioned on serial no. 1064 and 1070 and in pursuance of order dated 10/12/2018, passed by Hon'ble Justice Vibhu Bakhru and the letter dated 28/08/2019 issued by the office of the District & Session Judge, East District, Karkardooma Court, Delhi in the name of the petitioners thereby may kindly direct the chamber allotment committee to allot the chamber to the petitioner as per seniority and also may kindly direct to the chamber allotment committee to consider the seniority of the petitioners at the time of allotment of chamber in karkardooma court premises and further may kindly direct to the chamber allotment committee not to supersede the waiting list of left over cases."

9. All the Petitioners who are appearing in person today have made their submissions. Mr. Satyakam, Id. Counsel appearing for the Chamber Allotment Committee has also submitted that the matter is currently under consideration of the Building Maintenance and Construction Committee, (Karkardooma Court Complex) as also the Chamber Allotment Committee of the Karkardooma Court.

10. The chronology of events which has taken place in these matters

leaves no manner of doubt that post the passing of the order dated 10th December, 2018, the lawyers whose names were figuring in the list of 113 members would have priority in future allotment of chambers. This would be subject to the request of senior members who had filed their applications in 2009, being considered and the list being drawn up accordingly.

11. The order dated 10th October, 2013 passed in ***Karan Singh Kardam (supra)*** case which requires the seniority list to be drawn up, would have to be read in the context of the subsequent order dated 10th December, 2018. Insofar as the settlement is concerned, it is the submission of the Petitioners that the same was entered into without notice to them and such a settlement cannot deprive the Petitioners of their rights, owing to the fact that their names were part of the original list of 113 members. The said issue is stated to be before the Building Maintenance and Construction Committee (Karkardooma Court Complex) which has requested the Chamber Allotment Committee of Karkardooma Court Complex to prepare a concrete plan as per Mr. Satyakam, Id. Counsel.

12. In these facts and circumstances, the present writ petitions are disposed of with the direction to the Chamber Allotment Committee of Karkardooma Court Complex to not disturb the inter-se seniority of the members who were originally part of the list of 113 persons drawn in September, 2009. If any persons are to be added to the said seniority list, based upon the eligibility, the said seniority list shall be drawn up without disturbing the original list of 113 members, in terms of the direction given in paragraph 10 above.

13. It is made clear that upon the drawing of the list by the Chamber Allotment Committee, if the Petitioners or any other members have any

grievance, they are permitted to make a representation before the Building Maintenance and Construction Committee (Karkardooma Court Complex), of the Delhi High Court, which would consider the said representation. The decision taken by the Building Maintenance and Construction Committee (Karkardooma Court Complex), Delhi High Court, shall be adhered to by all the parties concerned.

14. With these observations, all the writ petitions are disposed of. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

DECEMBER 20, 2022

Rahul/AM