



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107

CWP-12713-2024 (O&M)
Date of decision: 04.09.2024

Sandeep Singh and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Rishu Garg, Advocate for the petitioners.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present petition is to the order dated 04.04.2024 passed by respondent No.3-the Additional Deputy Commissioner, Barnala and the notice dated 15.05.2024 issued by respondent No.6-the Building Committee, District Bar Association, Barnala whereby the new applications for allotment of chambers in Phase-II (3rd and 4th Floor) of the Lawyer's Chambers building have been invited by the District Bar Association, Barnala.

2. The petitioners are practicing Advocates and members of District Bar Association, Barnala and have approached this Court averring that the Executive Committee of the District Bar Association, Barnala had invited applications for allotment of chambers in Phase-II (3rd and 4th Floor) in Barnala for 102 chambers to be allotted to 204 applicants, on the basis of pre-determined criteria. It is contended that various eligible members



submitted their applications along with cheques/Demand Drafts in the name of the District Bar Association, Barnala. However, on 04.04.2024, the Additional Deputy Commissioner, Barnala (D)-cum-Chairman of the Building Committee passed an order, in pursuance of the complaint of the members of the Bar Association, Barnala, that fresh applications relating to Lawyer's Chambers Phase-II (3rd and 4th Floor) be invited as per the instructions issued by the Punjab Government and that the allotment be made fairly.

3. Learned counsel for the petitioners contends that vide order dated 15.05.2024, the Building Committee of the District Bar Association, Barnala had extended the date for submission of applications for allotment of chambers in the second Phase.

4. Aggrieved by the extension of the date of submission of applications and the decision taken by the Building Committee, the petitioners have approached this Court.

5. Learned counsel appearing on behalf of the petitioners has raised the following arguments:-

(i) That there was no error or illegality pointed out in the earlier notice inviting applications for allotment of chambers and that in the absence of any illegality, the Additional Deputy Commissioner was not justified in extending the time for submission of application for allotment of the chambers.

(ii) That the right of the petitioners for allotment of chambers



is severely prejudiced on account of extension of time for submitting applications and allowed new applicants to participate.

- (iii) That the Additional Deputy Commissioner has no powers for directing extension of time for submission of applications and as such the said order suffers from an illegality.

6. I have heard the learned counsel appearing on behalf of the petitioners and have gone through the documents appended alongwith the present petition.

7. The prime grievance which the petitioners have espoused before this Court is that the Bar Association should not allow an opportunity of submitting application, to other members of the District Bar Association, who had not submitted an application pursuant to the notice dated 29.05.2023 and have now been granted an opportunity to submit such application pursuant to the notice dated 15.05.2024.

8. The learned counsel for the petitioners has failed to establish any exclusive right of the petitioners for allotment of the chambers. Their entitlement is only for consideration of their cases of allotment of chambers, along with all other similarly placed persons, who may be held eligible to apply. There is nothing on record to show that only 204 persons had submitted an application for allotment of the Chamber and that it was a case of a confirmed allotment of chamber. Besides, nothing has also been explained as to what criteria and procedure for allotment of chamber was



prescribed by the Committee. Learned counsel for the petitioners on a specific query posed to him whether the last date for submission of application can be extended or not, has failed to refer to any law to the effect that the last date once notified, cannot be extended. The only argument advanced is that no illegality in the earlier process has been pointed out. I am however of the opinion that existence of an illegality in the notice inviting applications is not a pre-requisite and that such dates can be extended even with an object of enabling greater participation. Thus, the action *per se* cannot be said to be illegal.

9. Besides, a perusal of the proceedings shows that it was not an order passed by the Additional Deputy Commissioner (D), Barnala but the complaint was pointed out to have meant, whereupon the Bar Association conveyed its decision to extend the date. Hence, it was moreso of an option given by the Bar itself.

10. In so far as the order by the Additional Deputy Commissioner (D), Barnala is concerned, the observations recorded in the order dated 04.04.2024 are on an assurance given by the members of the Bar Association itself for extension of the date of submission of application for allotment of chamber and the same cannot *ipso facto* be held as an order passed by the Additional Deputy Commissioner in his own capacity. Even otherwise, the Building Committee of a District is vested with the responsibility of initiation of acts/conducts in relation to the construction and allotment of the chambers. It is within its competence to also extend the time for submission of applications or to carry out appropriate modifications



107

CWP-12713-2024 (O&M)

and would have the power in view of the General Clauses Act.

11. Even otherwise, the petitioners cannot contend that their rights have been prejudiced in any manner since they have not been ousted from the zone of consideration and it is only that certain new members, who have been inducted in the meanwhile, would also be in a capacity to submit an application for consideration of their claims.

12. I find that the present writ petition is based on misconceived understanding of law and legal interpretation. **The same is accordingly dismissed.**

13. All pending civil misc. application(s), if any, stand disposed of.

CM-14279-CWP-2024

Prayer in the application is for impleading Mr. Nitin Bansal, Advocate, Ex. President, District Bar Association, Barnala as respondent No.7 in the main petition.

In view of the fact that the main writ petition has been dismissed by this Court, there is no occasion for allowing the instant application for impleadment of any other person as necessary party in the petition. The application is dismissed.

(VINOD S. BHARDWAJ)
JUDGE

04.09.2024

Mangal Singh

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