



(221)

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

CWP-PIL-215-2019 (O&M)
Date of decision:- 03.09.2024

N.K. Nanda and another

...Petitioner(s)

Versus

Union of India and others

...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE**
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Tushaar Madaan, Advocate,
for the petitioners.

Mr. Satya Pal Jain, Additional Solicitor General of India (UOI),
with Mr. Rohit Verma, Senior Panel Counsel,
Mr. Maneesh Bali, Senior Panel Counsel,
for respondents No. 1 and 2.

Mr. Jaivir Singh Chandail, Additional Standing Counsel,
for respondents No. 3 to 5 – U.T., Chandigarh.

* * * *

SHEEL NAGU, C.J. (ORAL)

1. The cause raised in this Public Interest Litigation is of deficiencies in the cadres of District Attorney, Deputy District Attorney and Assistant District Attorney in the U.T. Administration.
2. The pleadings of the learned counsel for rival parties reveal that there are 30 posts at the District Judiciary Level in the Union Territory, Chandigarh against which 02 posts of District Attorney are filled, whereas as against sanctioned strength of 12 Deputy District Attorney, 03 posts are vacant and as regards Assistant District Attorney, against 20 sanctioned posts, 05 vacancies remain unfilled.



3. The obstacle in the path of filling up of the vacancies, as informed by learned Additional Standing Counsel appearing for respondents No. 3 to 5 - U.T., Chandigarh, is that policy decision had been taken in 2022 that the Central Government Rules would be followed henceforth for recruitment to the cadres of District Attorney, Deputy District Attorney and Assistant District Attorney. Pertinently, till 2022, the Punjab Rules were in vogue. Learned Additional Standing Counsel further informs that the draft rules have been prepared and the same are in the process of being finalized.

4. In view of the above, since the appointment and functioning of the District Attorney, Deputy District Attorney and Assistant District Attorney is directly relatable to speedy dispensation of justice in District Courts in the City of Chandigarh, this Court deems it appropriate to direct the U.T. Administration to fill up the vacancies in the cadres of Deputy District Attorney and Assistant District Attorney in a time bound manner stipulated below:-

- (i) The draft rules shall be finalized latest by 30.09.2024.
- (ii) The advertisement be issued as soon as the draft rules are finalized and notified, but not later than 15.10.2024.
- (iii) Thereafter, the process of recruitment to the vacancies in the cadres of Deputy District Attorney and Assistant District Attorney be completed latest by 30.11.2024.

5. If the aforesaid time-line is not followed, then serious view would be taken and the Secretary Home/Law, Chandigarh Administration will be personally held liable and this Court may take contempt action against the said officers.



6. With the aforesaid directions, the petition stands disposed of with liberty to the petitioners to file Civil Miscellaneous Application in case the aforesaid time-line is not adhered to.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

03.09.2024
Amodh Sharma

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