

(2002) 04 AHC CK 0185

Allahabad High Court

Case No: Civil Misc Writ Petition No. 12327 of 2002

Dhruv Narain Pandey

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision: April 1, 2002

Citation: (2002) 3 UPLBEC 2108(2) : (2002) 3 UPLBEC 2108

Hon'ble Judges: Rakesh Tiwari, J; M. Katju, J

Bench: Division Bench

Final Decision: Disposed Of

Judgement

M. Katju and Rakesh Tiwari, JJ.

Learned Standing Counsel and Sri N. Mishra may file counter affidavit within three weeks. List thereafter.

2. Sri Pradeep Kumar, learned Additional Chief Standing Counsel appearing for the State has stated before us that in many cases letters could not be sent from the office of the Chief Standing Counsel to the concerned Departments and its officers regarding the orders of the Court for filing counter affidavit etc. because there is no money to pay for the postage. He has also stated that the Government Counsels/Standing Counsels have great difficulty in their functioning because there are no fax machines as well as no official telephones at the residence of the Additional Chief Standing Counsels, the Standing Counsels and also the Additional Government Advocates. They have no individual P.S. or Peon and even their scales and fee have not been properly revised. There is no library budget since 1998 for purchase of books for the State Law Officers Library in the High Court. There are no proper Chambers with A.C./Coolers form them, and sufficient ministerial staff is not given to them.

3. In our opinion, unless the Addl. Chief Standing Counsels, the Standing Counsels and Addl. Government Advocates are given proper facilities, the interest of the State will suffer. It is a pennywise pound foolish policy which is presently being followed.

Merely for saving a few thousand rupees the Government may be suffering loss of lacs of crores of rupees in this connection. The Government/Standing Counsels often have to cut a sorry figure in Court because they are not properly equipped to assist the Court and take timely action. We are informed that since the second week of December, 2001 notices of petitions received in the office of the Chief Standing Counsel could not be sent to the Departments concerned due to lack of postal stamps and non-availability of budget. As a result, a large number of counter affidavits have not been filed inspite of repeated orders and even after stop orders of the Court.

4. We, therefore, direct the State Government to supply the above mentioned facilities to the Chief Standing Counsel, Additional Chief Standing Counsels, Standing Counsels as well as the Additional Government Advocates forthwith the Compliance report be submitted to us by the Chief Secretary within a month from today.

5. List on 13th May, 2002 before us.

6. A copy of this order shall be communicated by Sri Pradeep Kumar, learned Additional Chief Standing Counsel to the Chief Secretary, the Principal Secretary to the Governor and the L.R., U.P. Government forthwith and the Chief Secretary to the Government will ensure compliance of this order.

7. Let a copy of this order be given to the learned Addl. Chief Standing Counsel today fee of cost.