

(2013) 08 JH CK 0033

Jharkhand High Court

Case No: Writ Petition (PIL) No. 1057 of 2013

Anjan Kr. Khan

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision: Aug. 16, 2013

Hon'ble Judges: Dhirubhai Naranbhai Patel, Acting C.J.; Shree Chandrashekhar, J

Bench: Division Bench

Advocate: M.M. Pal, A.C. Mahata and Ruby Pandey, for the Appellant; M. Khan, A.S.G.I., for the Respondent

Judgement

Dhirubhai Naranbhai Patel, Actg.C.J.

1. Counsel for the petitioner has submitted that since the year 2000 onwards, the respondent-Union of India has not taken any step to establish Circuit Bench of the Central Administrative Tribunal within the State of Jharkhand. The persons attached to the Central Administrative Tribunal at Ranchi Bench are sitting at Heavy Engineering Corporation Training Institute at Dhurwa, Ranchi. In that very building, there is Board of Revenue also functioning and in the same Courtroom, Central Administrative Tribunal, Circuit Bench, Ranchi is also sitting. There is no infrastructure which is bare minimum requirement for Advocates, male and female both, etc., nor there is any room for the litigants to come and sit. No care has been taken by the Union of India at all for those who are coming to Court either as a petitioner or as a respondent. The entire proceeding of the Central Administrative Tribunal is being run in a room which is a common courtroom. Thus, the Central Administrative Tribunal is sharing a common courtroom with the Board of Revenue. If one Judge is present, another has to remain absent and if the Board of Revenue's Judge is present, the Central Administrative Tribunal's judge has to remain absent. Both cannot sit together. This type of ad-hoc arrangement is going on since long and the Union of India has no time to resolve this type of ad-hoc mechanism adopted for the Central Administrative Tribunal. The petitioner has waited enough thinking that the Union of India will give bare minimum infrastructure and security

of the petitioners, respondents, Judicial Officers and Non-judicial staffs. In fact, this type of premises should be in the near vicinity of the High Court. To impart the justice is a sovereign function of the Union of India and it has failed to perform this duty as a State and, therefore, petitioner is seeking a direction upon the Union of India that firstly let there be a Circuit Bench of Central Administrative Tribunal haying bare minimum requirement of:

- (a) a separate Court Room for its Judges,
- (b) Male Advocates" Room with Bathroom,
- (c) Female Advocates" Room with Bathroom,
- (d) Room for non-judicial staffs of the Central Administrative Tribunal,
- (e) Record room,
- (f) Waiting room for the litigants,
- (g) Proper water drinking facility and sanitation facility with adequate parking,

2. These are the bare minimum requirement required for smallest courts which the Assistant Solicitor General of India is also not in a position to deny.

3. It is submitted that the Union of India is in search of better premises, but, what is required is a good premises, may be even on rent. The better and the best may come later on. At present, the working facility of the Central Administrative Tribunal is so negligible that it is very difficult for the litigants and the lawyers and for the Judges to work at the existing premises.

4. The Assistant Solicitor General of India is seeking time and submitting that they are in touch with the Chief Secretary of the State.

5. We are not satisfied with the answer like "touch". Actually, we are touched by the response of the Union of India in such reference. This type of answer is an evasive answer. This reflects casual and negligent approach on the part of the Union of India. They could have got such premises on rent. It appears that the efforts put by the high ranking officers of the Union of India is not sufficient. Before we give mandatory direction, one more chance we are giving to the Union of India to provide bare minimum requirement for the Central Administrative Tribunal.

6. Registry is directed to send a copy of this order to;

- i) the Cabinet Secretary of the Central Government;
- ii) Secretary, Department of Personnel Training and Public Grievances, Government of India;
- iii) Chairman, Central Administrative Tribunal;
- iv) Director, Department of Personnel and Training, Government of India,

Matter is adjourned to be enlisted on 26th August 2013.