

(1996) 01 P&H CK 0065
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 8298 of 1995

Shailender Singh

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 31-01-1996

Acts Referred:

Citation : (1996) 1 CurLJ 407 : (1996) 3 RCR(Civil) 30

Hon'ble Judges : T.H.B.Chalapathi, J

Advocate : Mr. D.R. Bansal, Advocate., Advocates for appearing Parties

Judgement

T.H.B. Chalapathi, J.

1. This writ petition is filed by an advocate of this Court seeking a writ of mandamus to treat his application for connection of a telephone to be treated as 'Non OYT Special Category'.

2. According to the petitioner, he is a practising advocate in the High Court of Punjab and Haryana since 7 years and he applied for a telephone connection at his residence under 'Non OYT Special Category', but his application was registered only NonOYT General. Claiming that in view of the importance of his activities, his application should have been registered as 'NonOYT Special Category' and telephone connection should be given to him in accordance with the seniority of the application in 'NonOYT Special Category'.

3. In the written statement filed on behalf of the respondents it is contended, inter alia, that there is no provision to include the names of the practising Advocates for the registration of their applications for fresh telephone connection under 'NonOYT Special Category' and the advocates will not come in the said category who are entitled to be considered under 'NonOYT Special Category'.

4. Heard the learned counsel.

5. The learned counsel for the petitioner relied upon a Full Bench decision of Hon'ble Andhra Pradesh High Court in 1995(1) Civil Court Cases 235 : 1995(2)

RRR 470 (AP)(DB) in Mrs. K. Padamalatha, Advocate v. Government of India, represented by its General Manager, Telecommunication. In the said decision the High Court of Andhra Pradesh referring to in earlier Division Bench decision of that Court, in para No. 13 observed that :

``The advocates had to constantly keep in touch with their clients and other parties who are involved in the litigation and that in some cases the advocates have to be in touch with the officers of the Court with regard to the posting of the cases, adjourning and filing of the new cases in the Courts, etc. It is a well known fact of which we think we can take judicial notice that in the modern type of litigation the advocates who normally run offices after Court hours, in the night, require the presence of their clients urgently to file affidavits or take instructions in the matters. Further, clients who reside in different parts of State or even the country have to contact their advocate urgently on odd hours for appointment or giving instructions for drafting of pleadings or affidavits or for arguments in cases. The urgency is not only from the point of view of the advocates but also from the point of view of members of public who are involved in the litigation and also when the clients come from district or far off places into cities or from different parts of the State they would like to contact their advocate urgently on phone for appointment so that they can see the advocates and immediately go back to their places for attending to their works. Clients who are engaged in different walks of life would not find sufficient time to approach their advocates from time to time personally or enter into correspondence and wait for weeks together for reply. Therefore, the element of urgency in the public getting in touch with the Advocates or the Advocate getting in touch with the clients is also satisfied in the case of legal profession. For all these reasons, we are of the view that the rejection of the cases on these grounds is wholly arbitrary and unsustainable''''.

6. After considering the various aspects of the matter the Full Bench prescribed the following conditions :

(i) The Advocates should have a minimum of five years standing at the Bar or must be an income tax assessee for the past two years as on the date of application provided he does not have the facility of phone either at his office or residence on the date of the application for telephone connection;

(ii) the close relations of the petitioner, namely, husband/wife, son, unmarried daughter residing in the same house, are not already having telephone connection in his/her name in the same house;

(iii) if the advocate is having more offices than one and the facility of phone is already existing in any one of the offices or residence, he will not be eligible to be included in this category''''.

7. Accordingly, the Full Bench directed the authorities to register the application of the petitioner therein in `NonOYT Special Category" subject to the conditions as mentioned above. It is brought to my notice that a Special Leave Petition has

been filed in the Supreme Court against the judgment of the Full Bench of the Andhra Pradesh High Court, which has been dismissed by the apex Court. Therefore, the decision of the Full Bench of the Andhra Pradesh High Court covers the present writ petition, and I do not find any reason to differ with the well considered decision of the Full Bench of the Andhra Pradesh High Court.

8. Accordingly, I allow the writ petition, and direct the respondents to register the application of the writ petitioner in "NonOYT Special Category" and give the connection according to the seniority of the applicant as on the date of the application subject to the conditions imposed by the Full Bench of the Andhra Pradesh High Court, which have been extracted above. There will be no order as to costs.