
(2013) 08 PAT CK 0031
In the Patna High Court
Case No : CWJC No. 5197 of 1987

Sita Ram Mistry and Others	Vs	APPELLANT
The State of Bihar and Others		RESPONDENT

Date of Decision : 29-08-2013

Acts Referred:

Citation : (2013) 4 PLJR 395

Hon'ble Judges : Birendra Prasad Verma, J

Bench : Single Bench

Advocate : Nawal Kishore Singh in 5197, Mr. Ravindra Kumar Rai in 6968, Mr. Manoj Kumar Ambastha, in 10357, Mr. Ram Shankar Das in 4794, 4795, 4797 and Mr. Arun Kumar Singh-2 in 8871, for the Appellant; Rajiv Kumar Singh for the Respondents 1 and 2 (in 5197), Mr. Shyameshwar Dayal for the Respondents 3 to 41 in 5197, Rajesh Kumar Verma, R.K. Sharma for the Respondents 1 to 4 in 6968, 7036, Mr. Aditya Nath Pandey for the Respondents 1 to 4 in 10357, Mr. SC-9 in 4794; Mr. GP-1 in 4795, 4797 and Mr. GP-2 in 8871, for the Respondent

Judgement

Birendra Prasad Verma, J.—By orders dated 15.4.2013 as also 14.5.2013 passed in C.W.J.C. No. 5197 of 1987 by a Bench of this Court (Coram: Hon'ble Rakesh Kumar, J.). The Registrar General of this Court was directed to hold an inquiry as to why the aforesaid writ petition was not placed for consideration before the Bench for long 22 years and further to submit an explanation as to why order dated 15.4.2013 was not complied with. In the remaining matters of this batch of cases, identical problems and inaction of the office in listing those matters in promptitude were noticed by this Court, therefore, those matters were also directed to be listed alongwith C.W.J.C. No. 5197 of 1987, so that comprehensive enquiry is conducted by the Registrar General. Though by the aforesaid orders passed by a Bench of this Court, learned Registrar General was directed to hold an inquiry, but it appears that instead of holding an inquiry himself, the Registrar General authorized Shri A.N. Lall, the Deputy Registrar-I and In-charge of Writ Section to hold an inquiry and submit his report.

2. Now, in the aforesaid background, an inquiry report prepared by the Deputy

Registrar-I with the notes of Registrar General of this Court has been placed for consideration by the Court.

3. At the very outset, I may indicate that the inquiry report submitted by the Deputy Registrar-I is not the true compliance of the orders passed by the Court on 15.4.2013 as also on 14.5.2013. The Registrar General could not have delegated his power to the Deputy Registrar-I for holding such an inquiry, contrary to aforesaid judicial orders passed by this Court.

4. From perusal of the inquiry report submitted by the Deputy Registrar-I, kept at Flag "R", it is apparent that there has been gross negligence and laches on the part of several Dealing Assistants as well as Section Officers, who were in-charge of the records of these cases for some period or the other. The Inquiry Officer has come to a finding that it was the cumulative effect of sluggish approach of the concerned Dealing Assistants of the cases and further due to imprudent action of the Section Officers managing the affairs of the Section at the relevant time, a long delay of 22 years has been caused in placing these cases before the Bench causing inconvenience to the Court. However, on perusal of records, this Court finds that the Inquiry Officer was not fully justified in coming to such conclusions. In fact, there has been practically no movement of many of the aforesaid cases for quite a long period.

5. This is a matter of great concern for whole Institution. This Court has noticed that the old writ petitions are not being listed under appropriate heading for final disposal with all promptitude by the Registry, but the situation does not appear to be different with respect to other matters as well namely criminal and civil particularly First Appeals and Second Appeals. In all those matters, it appears that the Dealing Assistant concerned as also the Section Officer and Administrative Officers are not taking pains in physically searching and verifying the records of old cases/appeals and finding out the reasons as to why those matters are pending for a quite long time. In view of the aforesaid dilatory and negligent approach of the Officers and Staff of the Registry, many old matters are pending before this Court for their final disposal for last several decades.

6. In the aforesaid background, there are two options before this Court;--

First option is that this Court should direct further inquiry or should direct initiation of disciplinary proceedings against the guilty and negligent officials for punishing them for the negligence or laches on their part, so that such negligence or misconducts are not repeated and old matters are not forgotten by those Dealing Assistants/Section Officers/Administrative Officers etc., who are part of the Registry.

Second option is that this Court should give an opportunity to the members of Registry including all the Dealing Assistants, Section Officers and other officials to improve their working and functioning, rectifying their past mistakes, so that the old matters are listed on priority basis and efforts are made to bring to the level of zero pendency, at the first instance, with respect to all the cases/appeals

up to the year 2000.

7. In the larger interest of the Institution as also the litigants at large, this Court is of the opinion that, at the first instance, second option should be exercised and all the Dealing Assistants, Section Officers, Assistant Registrars, Deputy Registrars and all functionaries of the Registry connected with listing of all types of cases/appeals before the Court should be given an opportunity to improve their functioning and working, so that old matters are listed chronologically as per dates of their filing in accordance with provisions of Chapter-IIIA Rule 13 of the Patna High Court Rules.

8. For the reasons recorded above, let the following steps be taken by all concerned:--

(1) A comprehensive chart of all pending cases/appeals of all subjects, namely, writ, civil, criminal, election, Company etc. up to the year 2000 be prepared by all concerned Section Officers with the help of all the Dealing Assistants, year-wise starting from the oldest period and should be submitted to this Court through the learned Registrar General.

(2) A comprehensive figures of pending matters of all types up to the year 2000 be prepared separately decade-wise in the following manner namely all pending matters up to the year 1970 should be kept in one category and thereafter, matters pending from the years 1971 to 1980, 1981 to 1990 and 1991 to 2000 should be put in separate categories decade wise.

(3) The Section Officers and concerned Dealing Assistants shall furnish their explanation to the learned Registrar General as to why all those old matters have not been listed till date before the appropriate Bench for passing appropriate orders.

(4) All the Dealing Assistants shall physically verify each and every records of all old cases up to the year 2000 and then find out the reasons for the pendency of such matters, and only thereafter, chart shall be prepared, as per directions (1) and (2) given above.

9. Let the entire exercise be completed by the Registry within a period of one month from today.

10. The learned Registrar General shall be obliged to collect the reports from different Sections through the concerned Section Officers and place the same before the Court with his own notes.

11. Non-compliance of the present order by any of the officials of the Registry shall be viewed seriously and appropriate orders may be passed by this Court for taking appropriate actions either judicial or administrative for such non-compliance of the Court's order.

12. Let this order be immediately placed before the Registrar General of this Court for appropriate consequential actions, who in turn shall circulate this order

to all the section Officers/concerned officials of this Court, so that prompt actions are taken by all concerned for complying this order. The Registrar General shall obtain necessary reports within the time prescribed above, and shall submit before this Court with his own notes, as directed above, on the next date fixed in this batch of cases. List all these matters under the same heading on 7.10.2013, subject to part heard, if any.