

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 597 of 2018

Manish Srivastava and othersAppellants

Through :- Mr. Dharmendra Kumar Srivastava, Advocate

v/s

State of U.P. and othersRespondents

Through :- Mr. Prateek Sinha, State Law Officer

CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE

HON'BLE J.J. MUNIR, JUDGE

ORDER

1. When the case was taken up for hearing, learned counsel for the appellant submitted that the issues raised in the present appeal are squarely covered by the order passed by the Hon'ble Supreme Court in Civil Appeal No.8300 of 2016.

2. We had to call the State counsel and ask us to whether anyone is appearing in the matter as no one has stood up when the matter was taken up for hearing. The counsel did not have even the brief of the case. It is not a case in isolation. Today only there were four matters listed where the State counsel was without any brief of the case. All those cases had to be adjourned per force without assistance as a result of which none of the old matters pending in this Court can be taken up and decided.

3. In many cases, the State counsels express their helplessness in matters where time was sought for seeking instructions or filing counter affidavits pointing out that neither their communications are responded to nor the telephone calls.

4. Earlier also we had pointed out this to the State counsel including the Advocate General. In some cases, Secretary of the different departments

were also summoned to point out this sad situation. However, no improvement is seen in this direction.

5. Under the circumstances, we have no choice but to summon the Chief Secretary, State of Uttar Pradesh to appear in person in Court to explain the position as to how the Courts will function if the State counsel appear in Court without any brief and as a result of which, are not able to assist to take up and dispose of the old matters. Further delay in disposal of the cases is resulted on account of no response from officers of the State where only some instructions are to be sought on small issues and non-filing of counter affidavits.

6. The State counsels had also expressed their helplessness in many matters where time was sought for seeking instructions pointing out that neither their communications are responded to nor the telephone calls.

7. Let a copy of the order be sent to the Chief Secretary, State of Uttar Pradesh, by the Registrar (Compliance).

8. Adjourned to December 13, 2022.

(J.J. Munir)
Judge

(Rajesh Bindal)
Chief Justice

Allahabad
28.11.2022
NSC/Deepak