

Notice

CWP No. 21171 of 2012 came up for hearing on 19.10.2012 before Hon'ble 1st Division Bench comprising Hon'ble Mr. Justice A.K.Sikri Hon'ble the Chief Justice and Hon'ble Mr. Justice Rakesh Kumar Jain. In compliance to the orders passed by their Lordships following notice was given on the website of the High Court:-

“It is brought to the notice of all the Members of Bar and general public that while hearing CWP No. 21171 of 2012 on 19.10.2012 Hon'ble 1st Division Bench has been pleased to direct that requirement contained in rule 20(2) of the Punjab and Haryana High Court Rules and Order, Volume-5, Chapter-4, Part-F be adhered to. The order passed by Hon'ble Bench is reproduced here as under:-

“For filing of the writ petitions, etc., there is a requirement of serving advance copy to the opposite side. There is specific rule, viz. Rule 20(2) of the Punjab and Haryana High Court Rules and Order, Volume-5, Chapter-4, Part-F, to this effect. This rule reads as under:-

“20 Contents of petition.-(2) In a petition where an interim relief is claimed the petitioner shall ordinarily furnish to the party against whom such petition is filed copies of such petition and of all documents in support of the plea for such interim relief and the petition shall contain a statement to that effect.”

It is observed that over a period of time practice is developed whereby this rule is not adhered to and in every petition filed by the petitioners, exemption from service of prior notice on the respondents is prayed for. With this practice very purpose of this rule is defeated. This is causing unnecessary delays, in as much as, when the notice of motion is issued, the respondents are to be served through the process of the Court. In case advance notice is served upon the official respondents, the official respondents can be represented at the time of preliminary hearing itself. It will also lessen the burden on the registry to a great extent. We, therefore, direct that henceforth the registry will not allow exemption from service of advance notice of motion.

To facilitate service of advance copies, practice direction shall also be issued directing the States, public sector undertakings, statutory

bodies, public bodies, etc. to nominate their counsels and inform the same to the Registry of this Court. Such nominations shall be made within 15 days from today and thereafter the directions contained in this order shall be enforced say, with effect from November 05,2012. To enable the petitioners to serve advance copies on nominated counsels, the Registry shall prepare a list of nominated counsels which shall also be put on the High Court website.

The Registry is, therefore, directed not to entertain any writ petition unless prior notice on respondent(s) is served in accordance with aforesaid rules. Even if exemption is prayed for, it shall not be allowed and the aforesaid rule shall be strictly followed.

All the Hon'ble Members of the Bar are requested that before filing the writ petition an advance copy be served upon the nominated counsel, failing which an objection will be raised by the Registry.

Hon'ble 1st Division Bench has been pleased to modify the earlier order dated 19.10.2012 passed in CWP No. 21171 of 2012. The modified directions are as under:-

- The aforesaid directions will come into force from January 2013 and date is extended till that.
- The various Government Officers, Statutory Bodies, Public Sectors Undertakings/Bodies etc. shall nominate their counsel/ Nodal Officers by 15.12.2012.
- The Advance copy as directed vide order dated 19.10.2012 shall be served upon such Nodal Officers through e-mail.

All the Hon'ble Members of the Bar are requested that before filing the writ petition in January, 2013 an advance copy be served upon the nominated counsel/Nodal Officer, of the respective departments through e-mail or by other means, failing which an objection will be raised by the Registry.

sd/-

Registrar Judicial
23.11.2012