



सत्यमेव जयते

UTTARAKHAND COURT NEWS
(A Quarterly Court Magazine)

Vol.-XI Issue No.-III (July-September, 2020)



EDITORIAL BOARD

Hon'ble Mr. Justice Ravi Malimath
Hon'ble Mr. Justice Sudhanshu Dhulia
Hon'ble Mr. Justice Alok Kumar Verma

COMPILED BY

H.S. Bonal, Registrar General, High Court of Uttarakhand
Shadab Bano, Registrar (Inspection), High Court of Uttarakhand
A quarterly newsletter published by High Court of Uttarakhand, Nainital

Hon'ble Judges of the High Court on the superannuation of Hon'ble Mr. Justice Ramesh Ranganathan, Chief Justice of the High Court of Uttarakhand on 27.07.2020.



(Sitting L.R)

Hon'ble Mr. Justice Lok Pal Singh, Hon'ble Mr. Justice Ravi Malimath (Senior Judge), Hon'ble Mr. Justice Ramesh Ranganathan (Chief Justice), Hon'ble Mr. Justice Sudhanshu Dhulia, Hon'ble Mr. Justice Manoj Kumar Tiwari,

(Standing L.R.)

Hon'ble Mr. Justice Sharad Kumar Sharma, Hon'ble Mr. Justice Narayan Singh Dhanik, Hon'ble Mr. Justice Ravindra Maithani, Hon'ble Mr. Justice Ramesh Chandra Khulbe and Hon'ble Mr. Justice Alok Kumar Verma.



Hon'ble Mr. Justice Ravi Malimath
(Acting Chief Justice)
(w.e.f. 28.07.2020)



Hon'ble Mr. Justice Sudhanshu Dhulia



Hon'ble Mr. Justice Lok Pal Singh



Hon'ble Mr. Justice Manoj Kumar
Tiwari



Hon'ble Mr. Justice Sharad
Kumar Sharma



Hon'ble Mr. Justice Narayan Singh
Dhanik



Hon'ble Mr. Justice Ramesh Chandra
Khulbe



Hon'ble Mr. Justice Ravindra Maithani



Hon'ble Mr. Justice Alok Kumar
Verma

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HIGH COURT OF UTTARAKHAND

LIST OF JUDGES (As on 30th September, 2020)

Sl. No.	Name of the Hon'ble Judges	Date of Appointment
1.	Hon'ble Mr. Justice Ramesh Ranganathan (Chief Justice) (Superannuated on 27.07.2020)	02.11.2018
2.	Hon'ble Mr. Justice Ravi Malimath (Acting Chief Justice)	28.07.2020
3.	Hon'ble Mr. Justice Sudhanshu Dhulia	01.11.2008
4.	Hon'ble Mr. Justice Lok Pal Singh	19.05.2017
5.	Hon'ble Mr. Justice Manoj Kumar Tiwari	19.05.2017
6.	Hon'ble Mr. Justice Sharad Kumar Sharma	19.05.2017
7.	Hon'ble Mr. Justice Narayan Singh Dhanik	03.12.2018
8.	Hon'ble Mr. Justice Ramesh Chandra Khulbe	03.12.2018
9.	Hon'ble Mr. Justice Ravindra Maithani	03.12.2018
10.	Hon'ble Mr. Justice Alok Kumar Verma	27.05.2019

Transfers of Judicial Officers

Sl. No.	Name & Designation of the Officer	Place of Transfer	Date of Order
1.	Sri Amit Kumar Sirohi, Judge Family Court, Kotdwar, District Pauri Garhwal.	District and Sessions Judge, Tehri Garhwal.	10.08.2020
2.	Chief Judicial Magistrate, Bageshwar.	Chief Judicial Magistrate, Bageshwar is given additional charge of the Court of Civil Judge (Sr. Div.), Bageshwar.	31.08.2020
3.	Sri Yogendra Kumar Sagar, Secretary, District Legal Service Authority, Almora.	2 nd Additional Civil Judge (Sr. Div.), Dehradun.	15.09.2020
4.	Sri Sanjay Singh, 2 nd Additional Civil Judge (Sr. Div.), Dehradun	3 rd Additional Civil Judge (Sr. Div.), Dehradun.	15.09.2020
5.	Ms. Seema Dungarakoti, 3 rd Additional Civil Judge (Sr. Div.), Dehradun.	4 th Additional Civil Judge (Sr. Div.), Dehradun.	15.09.2020
6.	Sri Sachin Kumar, 4 th Additional Civil Judge (Sr. Div.), Dehradun.	5 th Additional Civil Judge (Sr. Div.), Dehradun with additional charge of the Special Court, Cyber Crime Police Station, Dehradun.	15.09.2020
7.	Ms. Arti Saroha, 5 th Additional Civil Judge (Sr. Div.), Dehradun.	6 th Additional Civil Judge (Sr. Div.), Dehradun.	15.09.2020
8.	Sri Dayaram, 6 th Additional Civil Judge (Sr. Div.), Dehradun.	7 th Additional Civil Judge (Sr. Div.), Dehradun.	15.09.2020
9.	Ms. Afiya Mateen , 7 th Additional Civil Judge (Sr. Div.), Dehradun.	8 th Additional Civil judge (Sr. Div.), Dehradun.	15.09.2020
10.	Sri Mithilesh Pandey, 8 th Additional Civil Judge (Sr. Div.), Dehradun.	9 th Additional Civil Judge (Sr. Div.), Dehradun.	15.09.2020
11.	Sri Ravindra Dev Mishra, 9 th Additional Civil Judge (Sr. Div.), Dehradun.	10 th Additional Civil Judge (Sr. Div.), Dehradun.	15.09.2020

Notifications

HIGH COURT OF UTTARAKHAND, NAINITAL NOTIFICATION

No. 191 /UHC/Stationery/2020

Dated: July 15, 2020

The Hon'ble High Court of Uttarakhand has been pleased to declare 16/07/2020 (Thursday) as holiday for the High Court of Uttarakhand on account of Harela. In lieu thereof, 21/11/2020 (Saturday) shall be the Court Working day for the High Court.

By order of the Hon'ble Court

HIGH COURT OF UTTARAKHAND, NAINITAL NOTIFICATION

No. 192 /UHC/Stationery/2020

Dated: July 15, 2020

The Subordinate Courts will remain closed on 16/7/2020 (Thursday) on account of Harela.

By order of the Hon'ble Court

HIGH COURT OF UTTARAKHAND AT NAINITAL NOTIFICATION

No. 193/UHC/Admin.A /2020

Dated: July 17th, 2020

The Ex-Cadre posts of Chief Public Relation Officer, Chief Protocol Officer and Public Relation Officer are ceased to exist, as provided in G.O. No. 326/XXXVI(1)/219-164/2008 Nyay Anubhag-1, Dehradun: Dated 22.11.2019.

By order of the Hon'ble Court

HIGH COURT OF UTTARAKHAND AT NAINITAL
NOTIFICATION

No. 194/UHC/Admin.A /2020

Dated : July 17, 2020

In exercise of the powers conferred by Clause (2) of Article 229 of the Constitution of India and all other powers enabling in that behalf, Hon'ble Court has been pleased to make the following amendment in Allahabad High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976 applicable to High Court of Uttarakhand, Nainital under U.P. Reorganization Act, 2000:-

Amendment in Allahabad High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976, as applicable to High Court of Uttarakhand
vide Section 30 of U.P. Reorganization Act,2000

Rule No.	Existing Rule(s)	Amended Rule(s)
20 (e)	<p><u>Registrar</u></p> <p>“By Deputation of an officer from amongst the members of Higher Judicial Service.”</p>	<p>20 (e) <u>Registrar</u></p> <p>“By Deputation of an officer from amongst the members of Higher Judicial Service.”</p> <p>After Rule 20(e), following new Rule 20 (e-1) is added:</p> <p><u>Rule 20(e-1)</u></p> <p><u>Registrar (For High Court Cadre):</u></p> <p><i>Appointment by transfer of any of the Joint Registrar in the establishment of High Court on the basis of Seniority-cum-Suitability. Suitability shall be adjudged by a Three member Committee of Hon'ble Judges, constituted by Hon'ble the Chief Justice.</i></p> <p><i>Provided further that the person must have worked as Joint Registrar in the establishment of High Court for at-least a period of two years.</i></p>

This amendment will come into force with immediate effect.

By order of the Hon'ble Court

HIGH COURT OF UTTARAKHAND AT NAINITAL**NOTIFICATION****No. 195/UHC/Admin.A /2020****Dated : July 17, 2020**

As the Ex-cadre post of Chief Protocol Officer is ceased, in pursuance of Notification No. 193/UHC/Admin.A /2020 Dated : July 17th, 2020 of this Court, Sri Hussain Ahmad is reverted back to his original cadre of Assistant Registrar with immediate effect.

By order of the Court**HIGH COURT OF UTTARAKHAND AT NAINITAL****NOTIFICATION****Notification No.202/UHC/Admin.B /2020****Dated : 25.08.2020**

One employee of the High Court has tested COVID-19 positive. The Doctors have advised that in the larger public interest, the High Court should be closed for sanitization. The Hon'ble Judges of the High Court are also of the same view. Therefore, all the judicial proceedings for the day are suspended. The High Court premises shall be closed. All the matters listed today i.e. for 25.08.2020 before every Court shall be re-listed for 27.08.2020.

By order of Hon'ble the Acting Chief Justice

HIGH COURT OF UTTARAKHAND AT NAINITAL

NOTIFICATION

No. 221/UHC/Stationery/2020

Dated : September 18, 2020

The Hon'ble High Court of Uttarakhand has been pleased to close the registry on 19.09.2020 and 26.09.2020(both Saturdays) for sanitization of whole of the High Court premises, with further directions that in the event of any contingency/urgent work, concerned officers and staff may be called.

By order of the Hon'ble Court

Circulars

From,

Hira Singh Bonal,
H.J.S.
Registrar General,
High Court of Uttarakhand,
Nainital.

To,

- All the District Judges, Subordinate to High Court of Uttarakhand.
2. Principal Judge/Judges, Family Courts, Subordinate to High Court of Uttarakhand.
 3. Principal Secretary, Legislative and Parliamentary Affairs, Govt. of Uttarakhand, Dehradun.
 4. Secretary, Law-cum-L.R, Govt. of Uttarakhand, Dehradun.
 5. Chairman, Commercial Tax Tribunal, F-6, Nehru Colony, Hardwar Road, Dehradun.
 6. Chairman, State Transport Appellate Tribunal, 3/5 A, Race Course, near Rinku Medicos, Dehradun.
 7. Director, Uttarakhand Judicial and Legal Academy, Bhowali, District Nainital.
 8. Legal Advisor to Hon'ble Governor, Uttarakhand, Raj Bahwan, Dehradun.
 9. Secretary, Lokayukt, 3/3 Industrial Area, Patel Nagar, Dehradun.
 10. Registrar, State Consumer Redressal Commission, Uttarakhand, H. No. 176, Azabpur Kala near Spring Hill School, Mothrowala Road, Dehradun- 248415.
 11. Member- Secretary, Uttarakhand State Legal Services Authority, Nainital.
 12. Presiding Officer, Labour Courts, Dehradun, Hardwar & Kashipur, District Udham Singh Nagar.
 13. Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, District Nainital.
 14. Presiding Officer, Food Safety Appellate Tribunal, Dehradun and Haldwani, District Nainital.
 15. Registrar, Public Service Tribunal, District Dehradun.
 16. Chairman, Cooperative Tribunal, Dehradun.
 17. Registrar-cum-Secretary, State Police Complaint Authority, Dehradun.
 18. Chairman, Permanent Lok Adalat, Dehradun, Haridwar, Nainital and Udham Singh Nagar.
 19. Addl. Secretary, Law, Uttarakhand Public Service Commission, Haridwar.

C. L. No. 09 /UHC/Vigilance Cell/2020

Dated: August 6th, 2020.

Subject: Regarding Enquiry of Disproportionate Assets.

Sir,

With regard to the subject noted above, I am directed to inform that Hon'ble Court has been pleased to circulate formats for the purposes of Enquiry of Disproportionate Assets, conducted on a complaint or otherwise, against the Officers/ Officials in the

C. L. No. 09 /UHC/Admin.A/2020
Dated: August 06th, 2020.

-2-

establishment of High Court and the members of Subordinate Judiciary including staff and the Officers posted on deputation, for information. Said formats includes Annexure 1 'Form A' (one page) and Annexure 2, which contains six statements (11 pages). Both the Annexure are enclosed.

2- You are, therefore, requested to bring this Circular Letter to the knowledge of all the Judicial Officers and staff posted in your respective jurisdiction, for their information.

3- You are, therefore, requested accordingly.

C.L. No. 09/UHC/Vigilance Cell/2020 Dated: August 6th, 2020. (Page 1)

Annexure 1

Form A

(Initial Information Form)

Issue Date:

Date of Receiving by the officer/official concerned:

Information regarding the officer/official concerned, his/her spouse and dependents
(please attach sheets if required)

Serial No.	Information	Details
1	Name Presently posted as	
2	Permanent address	
3	Current/ correspondence address	
4	Telephone/ mobile number	
5	Aadhar Number (please attach a copy)	
6	PAN (please attach a copy)	
7	Driving License Number (please attach a copy)	
8	Ration Card Number (please attach a copy)	
9	Passport Number (please attach a copy)	
10	Bank Saving/ Current A/C number	
11	Bank locker number	
12	PPF number	
13	Bank insurance policy Number	
14	RDF number	
15	Post Office Saving/ Current A/C number	
16	Post Office insurance policy number	
17	NSC/ RD/ FD/ TD/KVP/MIS numbers	
18	DeMat A/C number	
19	LIC and other Insurance policy numbers	

Signature of the officer concerned

Date:

Receiving Officer/official:

Date of deposition to the office of Registrar Vigilance:

C.L. No. 09/UHC/Vigilance Cell/2020 Dated: August 6th, 2020. (Page 2)

Statement-1

Annexure 2

Statement of immovable property belonging to the undersigned and his/her dependents either in their own names or in the names of others as on date _____

Details of property	Held in whose name	Date of acquisition	Mode of acquisition (whether acquired by purchase or inheritance, gift, lease, mortgage or any other means)	Name and address of the person from whom acquired	Whether within local limits of jurisdiction	Price paid for the property or if acquired otherwise then by purchase, mortgage or lease its value at the time of acquisition	Source from which payment was made for the property and mode of payment	Whether information was given to the authority and sanctions obtained (if necessary)
House or shops or other buildings (with full address)	1							
	2							
	3							
	4							
	5							
Lands or plots	1							
	2							
	3							
	4							
	5							
Any other kind of immovable property								

Note- Attach additional sheets if required.

Details of acquisition of property standing in the name of Hindu Undivided Family or partnership in which the officer/official has a claim or interest or share should be shown separately in the statement.

Signature-
Date-
Full Name-
Designation-
Address-

C.L. No. 09/UHC/Vigilance Cell/2020 Dated: August 6th, 2020. (Page 3)

Statement-2

Annexure 2

Statement of immovable property possessed by the undersigned and his/her dependents either in their own names or in the names of others and disposed of between (date/year)_____ and (date/year)_____

Details of property disposed of	Held in whose name	Date of disposal or sale	Sale price or value at the time of disposal if otherwise disposed of and mode of payment of price	How was sale price utilized or invested	Name and address of the person to whom the property was sold or otherwise disposed of	Was sanction from authority obtained for disposing of the property	Mode and Date of acquisition of property	Name and address of the person from whom acquired	Price paid for the property or if acquired otherwise then by purchase, mortgage or lease its value at the time of acquisition	Whether information was given to the authority and sanctions obtained (if necessary)
House or shops or other buildings (with full address)	1									
	2									
	3									
	4									
	5									
Lands or plots	1									
	2									
	3									
	4									
	5									
Any other kind of immovable property										

Note- Attach additional sheets if required.

Details of disposal of property standing in the name of Hindu Undivided Family or partnership in which the officer/official has a claim or interest or share should be shown separately in the statement.

Signature-
Date-
Full Name-
Designation-
Address-

C.L. No. 09/UHC/Vigilance Cell/2020 Dated: August 6th, 2020. (Page 4 - 5)

Statement-3

Annexure 2

Statement of movable property belonging to the undersigned and his/her dependents either in their own names or in the names of others as on date _____

Details of property	Date of acquisition	Mode of acquisition (whether acquired by purchase or inheritance, gift, lease, mortgage or any other means)	Name and address of the person from whom acquired	Price paid for the property or if acquired otherwise then by purchase, mortgage or lease its value at the time of acquisition	Source from which payment was made for the property and mode of payment	Whether information was given to the authority and sanctions obtained (if necessary)
Ornaments and jewellery (full list including loose prices of gold, silver and precious stones and articles made there form)						
Motor vehicles (car etc)						
Motor Cycles, scooters, horses, carriages and other means of conveyance						
Carpets						
Projectors, cameras, binoculars and other electronic equipments						
Mobile phones, PDAs, Desktops, Laptops etc.						

Fire arms						
ACs, room coolers, exhaust fans, other fans etc						
Refrigerators, water coolers etc						
Radios, TVs, Tape recorders etc						
Washing machines, cooling ranges, water geysers and other electrical gadgets						
Live stock						
Crockery, cutlery and utensils						
Clothing and personal equipments						
Any other kind of immovable property or article						

Note- Attach additional sheets if required

In respect of items which have price/ value of less than 5000 rs individually, aggregate value and number of items possessed can be shown.

Signature-
Date-
Full Name-
Designation-
Address-

C.L. No. 09/UHC/Vigilance Cell/2020 Dated: August 6th, 2020. (Page 6 - 8)

Statement-4

Annexure 2

Statement of movable property possessed by the undersigned and his/her dependents either in their own names or in the names of others and disposed of between (date/year)_____ and (date/year)_____

Details of property disposed of	Held in whose name	Date of disposal or sale	Sale price or value at the time of disposal if otherwise disposed of and mode of payment of price	How was sale price utilized or invested	Name and address of the person to whom the property was sold or otherwise disposed of	Was sanction from authority obtained for disposing of the property	Mode and Date of acquisition of property	Name and address of the person from whom acquired	Price paid for the property or if acquired otherwise then by purchase, mortgage or lease its value at the time of acquisition	Whether information was given to the authority and sanctions obtained (if necessary)
Ornaments and jewellery (full list including loose prices of gold, silver and precious stones and articles made there form)										
Motor vehicles (car etc)										

Motor Cycles, scooters, horses, carriages and other means of conveyance										
Carpets										
Projectors, cameras, binoculars and other electronic equipments										
Mobile phones, PDAs, Desktops, Laptops etc.										
Fire arms										
ACs, room coolers, exhaust fans, other fans etc										
Refrigerators, water coolers etc										
Radios, TVs, Tape recorders etc										

Washing machines, cooling ranges, water geysers and other electrical gadgets										
Live stock										
Crockery, cutlery and utensils										
Clothing and personal equipments										
Any other kind of immovable property or article										

Note- Attach additional sheets if required
 In respect of items which have price/ value of less than 5000 rs individually, aggregate value and number of items possessed can be shown.

Signature-
 Date-
 Full Name-
 Designation-
 Address-

C.L. No. 09/UHC/Vigilance Cell/2020 Dated: August 6th, 2020. (Page 9 - 10)

Statement- 5

Annexure 2

Statement of movable property (investments and savings) belonging to the undersigned and his/her dependents either in their own names or in the names of others as on date _____

Details of property	Quantity	Held in whose name	Name of the company, bank or person	Whether fully paid or partly paid up	Date of acquisition	Mode of acquisition (inheritance, gift, mortgage)	Name and address of the person from whom acquired	Face value	Market value at the time of purchase	Actual price paid (or amount in question in respect of item no 9)	Source from which payment was made and mode of payment	Whether information was given to the authority and sanctions obtained (if required)
Govt. securities (including Postal cash certificate, NSS, Prize Bonds etc)												
Debentures (whether bearer redeemable or irredeemable)												
Units of UTI												
Shares (whether cumulative redeemable or irredeemable)												

Bank deposits (Current, Saving, Call deposits, Short term deposits or any other form) with Bank and Branch name												
Post Office Deposits												
Deposits with Companies (with name and address)												
Other Loans (with details)												
Cash in hand (including that kept with others or lockers)												

Note- attach additional sheets if required

Details of acquisition of property standing in the name of Hindu Undivided Family or partnership in which the officer/official has a claim or interest or share should be shown separately in the statement.

Signature-
Date-
Full Name-
Designation-
Address-

C.L. No. 09/UHC/Vigilance Cell/2020 Dated: August 6th, 2020. (Page 11 - 12)

Statement- 6

Annexure 2

Statement of movable property (investments) belonging to the undersigned and his/her dependents either in their own names or in the names of others and disposed of between (date)_____ and (date)_____

Details of property	Quantity	Held in whose name	Name of concern	Whether fully paid or partly paid up	Date of disposal	Mode of disposal (sale, gift, mortgage)	Name and address of the person to whom disposed of	Face value	Market value at the time of disposal	Actual price received	How was sale price utilized	Whether information was given to the authority and sanctions obtained (if required)	Mode of acquisition	Approx. date of acquisition	Purchase price (if acquired otherwise, value at the time of acquisition)	Name and address of the person from whom it was acquired	Whether information was given to the authority and sanctions obtained (if required)
Govt. securities (including Postal cash certificate, NSS, Prize Bonds etc)																	
Debentures (whether bearer)																	

redeemable or irredeemable)																	
Units of UTI																	
Shares / Equities (whether cumulative redeemable or irredeemable)																	

Note- attach additional sheets if required
 Details of disposal of property standing in the name of Hindu Undivided Family or partnership in which the officer/official has a claim or interest or share should be shown separately in the statement.

Signature-
 Date-
 Full Name-
 Designation-
 Address-

From,

Hira Singh Bonal,
H.J.S.
Registrar General,
High Court of Uttarakhand,
Nainital.

To,

- All the District Judges, Subordinate to High Court of Uttarakhand.
2. Principal Judge/Judges, Family Courts, Subordinate to High Court of Uttarakhand.
 3. Principal Secretary, Legislative and Parliamentary Affairs, Govt. of Uttarakhand, Dehradun.
 4. Secretary, Law-cum-L.R, Govt. of Uttarakhand, Dehradun.
 5. Chairman, Commercial Tax Tribunal, F-6, Nehru Colony, Hardwar Road, Dehradun.
 6. Chairman, State Transport Appellate Tribunal, 3/5 A, Race Course, near Rinku Medicos, Dehradun.
 7. Director, Uttarakhand Judicial and Legal Academy, Bhowali, District Nainital.
 8. Legal Advisor to Hon'ble Governor, Uttarakhand, Raj Bahwan, Dehradun.
 9. Secretary, Lokayukt, 3/3 Industrial Area, Patel Nagar, Dehradun.
 10. Registrar, State Consumer Redressal Commission, Uttarakhand, H. No. 176, Azabpur Kala near Spring Hill School, Mothrowala Road, Dehradun- 248415.
 11. Member- Secretary, Uttarakhand State Legal Services Authority, Nainital.
 12. Presiding Officer, Labour Courts, Dehradun, Hardwar & Kashipur, District Udham Singh Nagar.
 13. Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, District Nainital.
 14. Presiding Officer, Food Safety Appellate Tribunal, Dehradun and Haldwani, District Nainital.
 15. Registrar, Public Service Tribunal, District Dehradun.
 16. Chairman, Cooperative Tribunal, Dehradun.
 17. Registrar-cum-Secretary, State Police Complaint Authority, Dehradun.
 18. Chairman, Permanent Lok Adalat, Dehradun, Haridwar, Nainital and Udham Singh Nagar.
 19. Addl. Secretary, Law, Uttarakhand Public Service Commission, Haridwar.

C. L. No. 10 /UHC/Admin.A/2020

Dated: August 14th, 2020.

Subject: Regarding statement of movable & immovable property by the staff.

Sir,

With regard to the subject noted above, I am directed to inform that Hon'ble Court has been pleased to issue following directions with regard to the submission of statements of movable & immovable property by the staff:

C. L. No. 10 /UHC/Admin.A/2020
Dated: August 14th, 2020.

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- 1.** All the District Judges/Principal Judge/Judges, Family Courts are requested to inform, how many officers/officials belonging to Group 'A', 'B' & 'C' are furnishing their property statements every year and how many Group 'D' employees have furnished their property statement at the time of appointment and at every 05 years thereafter.
- 2.** All the Officers/Officials in the establishment of High Court and staff in Subordinate Courts, are directed to submit their statement of movable & immovable properties from the period w.e.f. 1st of July till 30th of June by 15th of July next year.
- 3.** All Officers/Officials belonging to Group 'A', 'B' & 'C' shall submit their statement of movable & immovable property every year and the employees belonging to Group 'D' at the time of appointment & every 05 years thereafter.
- 4.** Statement of movable property is to be submitted in the same format, in which, judicial officers used to submit their statements and the statement of immovable properties would be submitted in the proforma annexed with the Government Order No. 192 dated 26.03.2012 (enclosed).
- 5.** District Judges are directed to depute one Judicial Officer to scrutinize these statements and to place them before the District Judges with their note.
- 6.** All the District Judges/Principal Judge/Judges, Family Courts shall submit yearly statement to the Hon'ble Court that statements from all the Officers/Officials in his/her judgeship have been received and checked. Any material fact in the statement be brought to the notice of the Hon'ble Court.

C. L. No. 10 /UHC/Admin.A/2020
Dated: August 14th, 2020.

-3-

- 7.** All such purchases amounting to Rs. 10,000/- or more shall be furnished in the statement of movable property.
- 8.** Statement of movable & immovable properties for the year 2019-2020 (from 01.07.2019 till 30.06.2020), if not already submitted, shall be submitted by 15th of September, 2020.
- 9.** Inspection Section of the High Court shall include checking of this issue in the parameters, on which, inspection in subordinate courts are made.
- 10.** Aforesaid directions of the Hon'ble Court are being communicated for information and strict compliance.

राज्याधीन सेवाओं के कार्मिकों के द्वारा अचल सम्पत्ति का विवरण-पत्र
(वर्ष के लिए दिनांक 01 जनवरी..... की स्थिति अनुसार)

1. अधिकारी का पूरा नाम एवं सेवा 2. संवर्ग
3. वर्तमान धारित पद 4. वर्तमान वेतनमान

जिला, तहसील और गांव या शहर जिसमें सम्पत्ति स्थित है	सम्पत्ति (आवास, भूमि एवं अन्य भवन) का पूर्ण विवरण (क्षेत्रफल सहित)	सम्पत्ति के स्वामी का नाम (यदि स्वयं के नाम न हो तो जिसके नाम सम्पत्ति हो, उसका नाम और उससे सरकारी सेवक का सम्बन्ध)	सम्पत्ति अर्जित करने का माध्यम (क्रय/लीज/बंधक/उत्तराधिकार/उपहार/अन्य प्रकार) तथा उस व्यक्ति/व्यक्तियों का विवरण, जिनसे अर्जित की गयी	सम्पत्ति अर्जित करने की तिथि/वर्ष	अर्जन लागत (₹ में)	वर्तमान अनुमानित मूल्य (₹ में)	सम्पत्ति से वार्षिक आय (₹ में)	अभ्युक्ति
1	2	3	4	5	6	7	8	9

स्थान :

दिनांक :

हस्ताक्षर

अधिकारी का नाम

पद नाम

विभाग

टिप्पणी :

- श्रेणी 'क' एवं 'ख' के अधिकारियों के द्वारा प्रत्येक वर्ष 31 दिसम्बर को समाप्त होने वाले कलेण्डर वर्ष के लिए अगले वर्ष की 01 जनवरी की स्थिति के अनुसार अचल सम्पत्ति का विवरण अगले वर्ष की 31 जनवरी तक सम्बन्धित नियुक्ति/नियंत्रक प्राधिकारी को अवश्य प्रस्तुत की जाय, किन्तु अन्य श्रेणियों के कार्मिकों के द्वारा प्रत्येक 05 वर्ष के उपरान्त प्रस्तुत की जाय।
- प्रत्येक वर्ष/प्रत्येक 05 वर्ष में प्रस्तुत किए जाने वाले अचल सम्पत्ति विवरण पत्र में, यदि इस दौरान पूर्व घोषित सम्पत्ति में कोई आधिक्य/कमी हुई हो तो तदनुसार आधिक्य/कमी के उपरान्त 01 जनवरी को वास्तविक उपलब्ध सम्पत्ति अंकित की जाय और यदि कोई आधिक्य/कमी की स्थिति न हो तो पूर्व घोषित सम्पत्ति को ही पुनः विवरण पत्र में अंकित किया जाय।
- यदि सम्पत्ति, निर्मित आवासीय फ्लैट/अन्य भवन के रूप में क्रय की गई हो तो स्तम्भ 6 में कुल क्रय मूल्य अंकित किया जाय और यदि भूखण्ड क्रय कर उस पर भवन का निर्माण स्वयं किया गया हो तो स्तम्भ 2 में भवन एवं भूखण्ड को पृथक-पृथक अंकित करते हुए तदनुसार स्तम्भ 6 में भूमि का मूल्य तथा भवन निर्माण की लागत को भी पृथक-पृथक अंकित किया जाय।
- अचल सम्पत्ति विवरण पत्र में सरकारी सेवक के द्वारा स्वयं तथा उस पर आश्रित परिवार के अन्य सदस्यों के नाम से अर्जित सम्पत्ति सम्मिलित की जाय।

PROFORMA**Statement of Movable Properties Held up to 30th of June**

Name and Designation and Date of Joining the Service	Name and Age of Family Members	Details of Earning of members in the family such as, their name, Profession, Monthly/ Annual Income etc.	Details of Movable Properties acquired/ held in each year (1 st July-30 th June) (Exceeding Rs. 10,000) its Value, Source of Amount, Date and Year of Purchase with particulars of information if any.	Details of A/c in Bank-Post Office etc. amount in balance upto the calendar year and source of the amount	Details of PPF, FDR, NSC, & NSS, KVP, IVP & shares, units & other investments etc. along with A/c No. Date of purchase, value & source of amount invested.	Details of Loan Advance etc. taken with its amount, Numbers of installment Name of the Bank institution etc.	Annual Net Income from Salary and other sources if any with details of deduction.	Remarks
1	2	3	4	5	6	7	8	9



From

Registrar General
High Court of Uttarakhand
Nainital.

To

1. All the District Judges
2. Principal Judge/Judge, Family Courts
State Judiciary of Uttarakhand

C.L. No. 11 /UHC/Inspection/XVII-07/2020

Dated: 05 September, 2020.

Sub: Regarding providing legible certified copy of the judgment and order to the parties.

Sir,

I have been directed to bring into your notice the observations of the Hon'ble Court, made vide order dated 24.08.2020, passed in CLR No. 63 of 2020 that "Time and again, this Court has issued certain directions to the Subordinate Courts that a legible certified copy of the judgment and order be provided, but the Subordinate Courts are not taking care of the direction issued by this Court on previous occasions". Therefore, Hon'ble Court has directed to issue a reminder, mentioning that legible certified copy of the judgments and orders be provided to the parties.

I am further directed to inform that issuing illegible copy of the judgments and orders will be considered as dereliction of duties on the part of the person, who has issued such copy of the judgment and order.

You are, therefore, requested to ensure the strict compliance of aforesaid directions and to direct all the concern that such mistakes be not repeated.

From,

Hira Singh Bonal,
H.J.S.
Registrar General,
High Court of Uttarakhand,
Nainital.

To,

1. All the District Judges, Subordinate to the High Court of Uttarakhand.
2. Principal Judge/Judges, Family Courts, Subordinate to High Court of Uttarakhand.
3. Principal Secretary, Legislative & Parliamentary Affairs, Government of Uttarakhand, Dehradun.
4. Secretary, Law-cum-L.R., Government of Uttarakhand, Dehradun.
5. Chairman, Commercial Tax Tribunal, F-6, Nehru Colony, Haridwar Road, Dehradun.
6. Chairman, State Transport Appellate Tribunal, 3/5 A, Race Course, Near Rinku Medicos, Dehradun.
7. Director, Uttarakhand Judicial & Legal Academy, Bhowali, District Nainital.
8. Legal Adviser to Hon'ble the Governor, Raj Bhawan, Dehradun.
9. Secretary, Lokayukt, 3/3, Industrial area, Patel Nagar, Dehradun.
10. Registrar, State Consumer Redressal Commission, House No.176, Ajabpur Kala, Near Spring Hills School, Mothrowala Road, Dehradun-248415.
11. Member Secretary, Uttarakhand State Legal Services Authority, Nainital.
12. Presiding Officer, Labour Courts, Dehradun, Haridwar and Kashipur, District Udham Singh Nagar.
13. Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, District Nainital.
14. Presiding Officer, Food Safety Appellate Tribunal, Dehradun & Haldwani, District Nainital.
15. Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
16. Chairman, Co-operative Tribunal, Dehradun, Uttarakhand.
17. Registrar-cum-Secretary, State Level Police Complaint Authority, Dehradun.
18. Chairman, Permanent Lok Adalat, Dehradun, Haridwar, Nainital and Udham Singh Nagar.
19. Additional Secretary (Law), Uttarakhand Public Service Commission, Haridwar.

C.L. No.12 /UHC/Admin.A-1/2020

Date: September 10th, 2020.

Subject: Regarding Movable and Immovable Property Statement.

Sir,

In continuation to earlier C.L.No.04/UHC/Admin. A-1/2020 dated 27.05.2020 and C.L.No.10/UHC/Admin.A/2020 dated 14.08.2020 on the subject noted above, I am directed to inform that Hon'ble Court has been pleased to issue following directions with regard to the submission of Movable and Immovable Property statement by

C.L. No. 12 /UHC/Admin.A/2020
Dated: September 10th, 2020

Judicial Officers/officers & officials in the subordinate judiciary and officers/officials in the High Court:-

1. All the Judicial Officers & officials in subordinate judiciary and officers/officials in the High Court are directed to submit complete details of immovable properties held or acquired by them or their family members in the MIP statements furnished by them every year or as per the time period prescribed by earlier directions. It should not be mentioned that information already furnished in the previous statements.
2. All the Judicial Officers & officials in subordinate judiciary and officers/officials in the High Court are directed to mention complete details in MIP statement with regard to utilization of money, which is utilized as a contribution in purchasing of property, repayment of loan etc.
3. If any Judicial Officer seeks to purchase an immovable property, permission would only be sought from the Hon'ble Court, even if the officer is posted anywhere on deputation. Likewise, staff posted in subordinate judiciary shall obtain permission to purchase immovable property from the District Judge/Judge, Family Court concerned and in case, staff is deputed in Family Court from district judgeship and is not an original cadre of Family Court, such staff shall forward his/her application seeking permission to the District Judge concerned through the Presiding Officer concerned. In case of staff working in the High Court, permission shall be obtained from Hon'ble the Chief Justice through Registrar Vigilance.
4. All the Judicial Officers/Officers & officials in subordinate judiciary and officers/officials in the High Court are directed that in case, their spouse is working in other government department, copy of statement of movable & immovable properties furnished by him/her to his/her department, be annexed along with MIP statement furnished by them and in case, immovable property has been purchased in the name of spouse, who is working in other government department, and no permission has been sought form the Hon'ble

C.L. No. 12 /UHC/Admin.A/2020
Dated: September 10th, 2020

Court, copy of permission obtained from the other department be also enclosed. Copy of sale deed be also enclosed after its execution.

5. You are, therefore, requested to bring the aforesaid contents to the knowledge of all concerned for strict compliance

INSTITUTION, DISPOSAL AND PENDENCY OF CASES**HIGH COURT OF UTTARAKHAND****(From 01.07.2020 to 30.09.2020)**

						Pendency (As on 01.07.2020)		
						Civil Cases	Criminal Cases	Total Pendency
						23289	14318	37607
Institution (01.07.2020 to 30.09.2020)			Disposal (01.07.2020 to 30.09.2020)			Pendency (As on 30.09.2020)		
Civil Cases	Criminal Cases	Total Institution	Civil Cases	Criminal Cases	Total Disposal	Civil Cases	Criminal Cases	Total Pendency at the end of 30.09.2020
2054	2063	4117	2321	1851	4172	23022	14530	37552

The Pendency reduced by---55

District Courts

(From 01.07.2020 to 30.09.2020)

SL. No	Name of the District	Civil Cases				Criminal Cases				Total Pendency at the end of 30.09.2020
		Opening Balance as on 01.07.20	Institution from 01.07.20 to 30.09.20	Disposal from 01.07.20 to 30.09.20	Pendency at the end of 30.09.20	Opening Balance as on 01.07.20	Institution from 01.07.20 to 30.09.20	Disposal from 01.07.20 to 30.09.20	Pendency at the end of 30.09.20	
1.	Almora	309	79	42	346	981	428	409	1000	1346
2.	Bageshwar	136	36	20	152	343	311	158	496	648
3.	Chamoli	285	58	36	307	939	392	312	1019	1326
4.	Champawat	195	13	14	194	1355	835	614	1576	1770
5.	Dehradun	11559	2644	2283	11920	73314	30835	24763	79386	91306
6.	Haridwar	10192	708	298	10602	46245	12798	8485	50558	61160
7.	Nainital	2201	174	91	2284	15642	4579	2270	17951	20235
8.	Pauri Garhwal	972	167	98	1041	3341	2014	931	4424	5465
9.	Pithoragarh	486	67	68	485	1855	1572	1420	2007	2492
10.	Rudraprayag	104	29	16	117	338	438	166	610	727
11.	Tehri Garhwal	342	76	23	395	2382	1233	800	2815	3210
12.	Udham Singh Nagar	5034	373	213	5194	35780	6035	2959	38856	44050
13.	Uttarkashi	487	75	43	519	1408	616	515	1509	2028
	Total	32302	4499	3245	33556	183923	62086	43802	202207	235763

Family Courts

(From 01.07.2020 to 30.09.2020)

SL. No	Name of the Family Court	Civil Cases				Criminal Cases				Total Pendency at the end of 30.09.2020
		Opening Balance as on 01.07.20	Institution from 01.07.20 to 30.09.20	Disposal from 01.07.20 to 30.09.20	Pendency at the end of 30.09.20	Opening Balance as on 01.07.20	Institution from 01.07.20 to 30.09.20	Disposal from 01.07.20 to 30.09.20	Pendency at the end of 30.09.2020	
1.	Almora	79	25	16	88	97	10	7	100	188
2.	Dehradun	1658	221	183	1696	940	85	39	986	2682
3.	Rishikesh	287	63	22	328	225	33	4	254	582
4.	Vikasnagar	131	46	19	158	221	44	8	257	415
5.	Nainital	214	50	14	250	286	57	6	337	587
6.	Haldwani	512	103	50	565	748	85	29	804	1369
7.	Haridwar	709	215	52	872	802	127	20	909	1781
8.	Roorkee	676	193	36	833	856	97	17	936	1769
9.	Laksar	110	55	24	141	117	28	4	141	282
10.	Kotdwar	220	43	26	237	357	36	10	383	620
11.	Pauri Garhwal	78	26	14	90	96	35	4	127	217
12.	Tehri Garhwal	76	21	6	91	44	9	4	49	140
13.	U.S.Nagar	422	119	36	505	538	53	7	584	1089
14.	Kashipur	406	122	7	521	443	52	4	491	1012
15.	Khatima	169	54	19	204	218	28	3	243	447
	Total	5747	1356	524	6579	5988	779	166	6601	13180

Full Bench Judgments

1. *In WPSB No. 263 of 2019, Smt. Tanuja Tolia vs. State of Uttarakhand and others*, decided on 24.07.2020, the Bench observed that even a contractual employee engaged for a period of 12 months is entitled for a child care leave and this entitlement has to be read in the Government order dated 30.05.2011 itself.

It is further observed that many of the needs as well as rights, of both children and women are inter depended. Even the case, which we have at hand, though is being contested by a woman, who is apparently asserting her right for child care leave is essentially asserting rights of her child. It is the child which needs the care here. The Government Order which has been referred before us dated 30.05.2011 entitles a woman Government employee a child care leave of 730 days, with certain conditions. But essentially the leave is not a recognition of the rights of a woman but it is more a recognition of the rights of a child. As we have said earlier, children like women did not get the attention of law makers, till very recently. It is only in the 19th century the children started getting attention of the law makers, which saw a growing attention for the special needs of children. There was a growth of orphanages, development of schooling and construction of separate institutions such as juvenile courts for children who were in conflict with the law. CCL is primarily for the benefit of a child. A child whose mother happens to be employed on a contractual basis with the Government, has the same needs as any other child. A denial of CCL to a government contractual employee would in effect mean a denial of the rights of a child. Rights which a child would have under Articles 14 and 21 of the Constitution of India. However, it is apparently a contradiction in terms to suggest that a contractual employee, whose employment itself is for a period of 12 months, should be given 730 days child care leave. Obviously this cannot be done.

The Bench further observed that child care leave should be for the same number of days as an earned leave, which a regular employee gets in a year. We say this also because in G.O. dated 30.05.2011, it has been mentioned that CCL shall be treated on the same footing as earned leave, and will be sanctioned in the same manner. We have been told that the State Government employees are entitled for 31 days of earned leave in a year. The same principle ought to be adopted here as well and an employee whose entire employment is for one year, if he/she fulfils the other parameters given in the Government Order dated 30.05.2011 i.e. she has two children, who are less than 18 years of age, will also be entitled for the child care leave. G.O. dated 30.05.2011 further stipulates that CCL shall not be given as a matter of right, and no one will go on CCL without its proper sanction. The same principle shall be applicable for a contractual employee as well. Normally child care leave should not be denied. It could only be denied by the employer on very pressing valid and plausible reasons, which must be specifically stated, when such a request for child care leave is being denied.

The Bench Further observed that even a person employed on contractual basis is entitled for child care leave, but this is with a rider. A contractual employee whose employment is only for one year, cannot be granted child care leave for 730 days. Such an employee can be granted paid child care leave for 31 days, on the same terms and principles as “earned leave”, as is given to other employees in G.O. dated 30.05.2011. We may add that Rule 81-B (1) read with subsidiary Rule 157-A(i) of the Uttar Pradesh Fundamental Rules (Financial Hand Book Vol II Part II to IV), as applicable in the State of Uttarakhand, provides that Earned Leave shall be credited in advance, in the leave account of every Government servant in two half yearly installments in each calendar year. Sixteen days earned leave shall be credited on the first day of January and fifteen days earned leave on the first day of July of every calendar year. The earned leave shall be credited at the rate of $2\frac{1}{2}$ days for each completed calendar month of service which the Government servant is likely to

render in a half year of the calendar year in which he/she is appointed. Normally it should be given, when it is denied, cogent, plausible and valid reasons must be given.

It has been further observed that Courts do not legislate. A Court interprets an existing law. In the present context, however, though there is no statute or Rule for child care leave even for a regular employee, yet there is a “Government Order (dated 30.05.2011)”, which is a provision of law, which presently governs the field. This law provides for a child care leave for a regular Government employee for 730days. We have only read into this provision the rights of a contractual employee as well. In other words, Government Order dated 30.05.2011 shall also be applicable for a contractual employee, but with limitation.

Division Bench Judgments

1. *In WPSB No. 297 of 2017, Dr. Sunita Pandey vs. State of Uttarakhand and others along with connected matters*, decided on 21.07.2020, the Court observed that while it is true that Rule 9 does not contain an explicit prohibition, the said Rule does not permit the State Government, to revise a final seniority list on its own accord, either. Absence of a provision, providing for a contingency, is a clear indication of the absence of the power contended.

It is further observed that the dispute, in the present case, does not relate to appointments made, both by direct recruitment and by promotion, in any “year of recruitment”. Consequently, the requirement of preparing a combined select list, in terms of Rule 18 of the 1983 Rules, has no application to the case on hand. Rule 19(3) of the 1983 Rules is attracted only if one order of appointment is issued in

respect of “any one selection”. This Rule has also no application, since the dispute, in the present case, does not relate to determination of seniority pursuant to recruitment made, both by direct recruitment and by promotion, in “any one selection”. While interpreting a provision containing a non-obstante clause, it should first be ascertained what the enacting part of the Section / Rule provides, on a fair construction of the words used according to their natural and ordinary meaning, and the non-obstante clause is to be understood as operating to set aside as no longer valid anything contained in any other law which is inconsistent with the Section / Rule containing the non-obstante clause. The legal position, with regards determination of seniority in service, is as follows: (i) the effective date of selection should be understood in the context of the service rules under which the appointment is made. (ii) inter-se seniority in a particular service should be determined as per service rules. The date of entry in a particular service or the date of substantive appointment is the safest criterion for fixing seniority inter-se between one officer and the other, or between one group of officers and others recruited from different sources. Any departure therefrom, in the statutory rules, must be consistent with the requirement of Articles 14 and 16 of the Constitution; (iii) ordinarily, notional seniority may not be granted from a back date and, if it is done, it must be based on objective considerations and on a valid classification. It must be traceable to the statutory rules; (iv) seniority cannot be reckoned from the date of occurrence of the vacancy, and cannot be given retrospectively, unless it is expressly provided by the relevant service rules. Seniority cannot be given retrospectively from a date when an employee was not even born in the cadre as it may adversely affect employees who were validly appointed in the meantime. In terms of Rule 8(1) of the 2002 Rules, inter se seniority, between direct recruits and promotes, is required to be determined on the basis of their substantive appointment. As a result, the petitioners and respondent nos. 12 to 26 would be required to be placed above the 5th respondent-claim petitioner in the seniority list of Assistant Commissioners, since the former were substantively appointed by direct recruitment as Assistant Commissioners on 06.07.2005

nearly two years before the 5th respondent-claim petitioner was substantively appointed by promotion as an Assistant Commissioner on 28.06.2007.

The Court further observed that seniority should not be re-opened after a lapse of a reasonable period as that results in disturbing the settled position which is not justifiable. Inordinate delay in making a grievance is sufficient to decline interference under Article 226. It would be a sound and wise exercise of jurisdiction for the Court to refuse to exercise their extra-ordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief, and who stand by and allow things to happen and then approach the Court to put forward stale claims, and try to unsettle settled matters. Challenge to seniority as has been fixed, and which has remained in existence for a reasonable period, should not be entertained. A seniority list which remains in existence for 3 to 4 years unchallenged, should not be disturbed. Thus, 3-4 years is a reasonable period for challenging the seniority, and in case someone agitates the issue of seniority beyond this period, he has to explain the delay and laches in approaching the adjudicatory forum, by furnishing a satisfactory explanation. Delay and laches in challenging the seniority list is always fatal, but in case the party satisfies the Court regarding the delay, the case may be considered.

It is further observed that in compliance with the order of the Supreme Court dated 27.01.2020, we undertook a comprehensive examination of the 1983 and the 2002 Rules and have, earlier in this order, held that the final seniority list dated 19.02.2015 is valid as it was prepared rightly applying Rule 8(1) of the 2002 Rules and has correctly determined the inter-se seniority between direct recruits and promotees; and the final seniority list dated 14.11.2009 had wrongly determined the inter-se seniority erroneously applying Rule 6 read with Rule 8(2)(b) of the 2002 Rules, both of which have no application. As we were specifically directed by the Supreme Court to determine this question, and as we are satisfied that it is Rule 8(1) and not Rule 6 which is applicable in determining inter se seniority between direct recruits and promotees, we must necessarily uphold the final seniority list dated 19.02.2015, notwithstanding our reservation that, in the absence of a

judicial challenge to the final seniority list dated 14.11.2009, the State Government could not have, on its own accord, revised the said final seniority list, and that it lacked jurisdiction to issue the final seniority list dated 19.02.2015. It is Rule 8(1) of the 2002 Rules which is applicable in determining inter-se seniority between direct recruits and promotees, and not Rule 6 read with Rule 8(2)(b) of the 2002 Rules. Consequently, the order of the Tribunal is set aside, and the final seniority list dated 19.02.2015, impugned before the Tribunal, is upheld.

2. *In WPPIL No. 26 of 2020, Dr. Subramanian Swamy vs. State of Uttarakhand and others along with WPMS No. 700 of 2020, Sri 5 Mandir Samiti Gangotri Dham and another vs. State of Uttarakhand and others,,* decided on 21.07.2020, the Court observed that the ownership of the temple properties would vest in the Char Dham Shrine Board and power of the Board would be confined only to the administration and management of the properties.

The Bench further observed that the object of the 2019 Act is to provide for rejuvenation of the Char Dham and various other temples located in Uttarakhand, and to manage the Devasthanam Management Board. "Rejuvenation" is the act or process of making an organization or system more effective by introducing new methods, ideas, or people. The object of the 2019 Act is to make the management of the Char Dhams, and other temples covered by the said Act, more effective by constituting the Devasthanam Management Board under whose overall supervision various amenities are to be provided, and the secular activities of these temples regulated.

The Char Dham temples are all public temples. None of them, including the Gangotri temple, belong to a family nor are they, as held earlier, been established by a religious denomination. In the affidavit filed in support of Writ Petition (M/S) No.700 of 2020, the petitioners acknowledge that the temple was built with donations from the public. The public at large has the right to worship the deity in all the Char Dham

and associated temples. They are also entitled, as of right, to enter the temples and have darshan of the deity in these temples. The general public is also entitled to place their offerings to the deity in all these temples. No evidence has been placed, by the petitioner, on record to show that admission, into these temples, is controlled or regulated or restricted to a particular class of people. The factors, to indicate that they are private temples, are not to be found in the Char Dham and associated temples. We are satisfied, therefore, that all the Char Dham and associated temples are public temples whose secular functions can be regulated by a law made by the competent legislature. The CEO and the Char Dham Devasthanam Board are creatures of the 2019 Act, and must act in strict compliance with the provisions of the said Act. The apprehension that they may act at their mere whim, or adopt devious ways to remove the trustees, is unfounded. In the unlikely event of the trustees and priests being illegally removed, or dismissed from service, it is always open to them to invoke the jurisdiction of this Court under Article 226 of the Constitution of India.

The bench further observed that the 2019 Act confers on the Board, the power of management of all the Char Dhams, in perpetuity (Section-3), and, consequently, such a law would not be saved if it is inconsistent with or takes away or abridges any of the rights conferred by Part III of the Constitution, including Article 14 or 25 or 26. The 2019 Act, which provides for a Board to manage the property of all the Char Dhams in perpetuity, is, therefore, not a law which is saved by Article 31-A(1)(b) of the Constitution of India. As a result, if the 2019 Act is held to violate any one of the fundamental rights guaranteed by Part III of the Constitution, including Articles 14, 25 and 26 thereof, the said Act is liable to be declared *void ab initio*. Since the management of the properties of the Char Dham temples have been vested in the Char Dham Devasthanam Board in perpetuity, the 2019 Act, whereby such management has been entrusted to a Board, is not saved by Article 31-A(1)(b) of the Constitution. As a result, if the 2019 Act fell foul of any of the provisions of Part-III of the Constitution, the said Act was liable to be declared void ab initio. However, as noted

hereinabove, the 2019 Act does not violate the petitioners' fundamental rights either under Article 14 or 25 or 26 of the Constitution, and it matters little therefore that it is not saved by the provisions of Article 31-A(1)(b) of the Constitution of India. Section 4(2) of the 2019 Act enables the Board to give directions for safe custody, preservation and management of funds, valuable securities, jewellery, properties vested in all the religious temples mentioned in the Schedule to the Act. It is evident from Section 4(2) of the 2019 Act that what has been conferred on the Board is only the power to give directions with respect to properties which vest in the religious temples mentioned in the Schedule to the 2019 Act i.e. the Char Dham and associated temples. In terms of Section 4 of the 1939 Act, the ownership of the temple fund vested in the deity of Shri Badrinath and Shri Kedarnath, and the temple committee under the 1939 Act was only entrusted with its possession. The properties of the deity could not have, and has in fact not, been transferred to the Char Dham Devasthanam Board.

Section 22 of the 2019 Act stipulates that all properties belonging to Char Dham Devasthanams to which the Act applies, on the date of commencement of the Act, that are in the possession or under the superintendence of the Government, Zila Panchayat, Zila Parishad, Municipality, property in the Board or any other local authority or in the possession or superintendence of any company, society, organisation, institutions or other person or any committee, superintendent appointed by the Government, shall, on the date on which the Board is or is deemed to have been constituted, or members are or are deemed to have been appointed under the Act, stand transferred to the Board and all assets vesting in the Government, local authority or person aforesaid and all liabilities subsisting against such movement, local authority or person on the said date shall devolve on the Board. Under the proviso thereto, the Board may further acquire land in or around the vicinity of the religious devasthanam and other places as it would deem proper for its better development. The properties referred to in Section 22 are the properties of the Char Dham which is

defined, in Section 2(d) of the 2019 Act, to mean the Shri Badrinath, Shri Kedarnath and the holy devasthanams of Gangotri and Yamunotri, and the temples mentioned in the Schedule to the Act. When read in the light of Section 4(2), the legislative intent of Section 22 is not to vest the properties of the “Char Dham” on the Char Dham Devasthanam Board, but only to entrust its administration and management to the Board. If Section 22 is construed as vesting the properties of the “Char Dham” in the Char Dham Devasthanam Board, then such a provision, whereby the properties of the Char Dham are read as having been taken over by the Board without payment of any compensation, much less just compensation, would fail the test of reasonableness, and fall foul of Article 14 read with Article 300-A of the Constitution of India. It is unnecessary for us to dwell on this aspect any further as both the learned Advocate-General, and Mr. Ravi Babulkar, learned counsel for the Board, insist that Section 4(2) of the 2019 Act makes it clear that the properties vest only in the “temples”. If that be so, Section 22, which strikes a discordant note, must be read down to fulfil the legislative intent expressed in Section 4(2) of the 2019 Act that the properties vest in the temples i.e. the “Char Dham” as defined in Section 2(d) of the 2019 Act.

The words “shall devolve” in Section 22 shall be read as “devolve on the Char Dham and shall be maintained by the Board”. Likewise the words “may further acquire land”, in the proviso thereto, shall be read as “may further acquire land on behalf of the Char Dham”. When so read, the legislative intent that the properties of the Char Dham temples shall continue to vest in it, as declared in Section 4(2) of the 2019 Act, would be given effect to; and the power of the Board would thereby be confined only to the administration and management of the properties of the Char Dham Devasthanam. When so read, Section 22 and its proviso would be saved from being struck down as ultra vires the provisions of the Constitution. Except to the limited extent that the words “shall devolve” in Section 22 must be read as “devolve on the Char Dham and shall be maintained by the Board”, and the words “may further acquire land”, in the proviso thereto, shall be read as “may further acquire land on

behalf of the Char Dham”, the challenge to the validity of the 2019 Act, on the ground that it violates Articles 14, 25, 26 and 31-A of the Constitution of India, must fail.

3. ***In Criminal Jail Appeal No. 08 of 2012, Kailash Singh Rawat @ Guddu vs. State of Uttarakhand along with three connected matters***, decided on 23.07.2020, the Court observed that the hearing of a Criminal Reference is nothing but hearing the entire matter afresh by a reconsideration of the entire evidence and material on record. A Reference under Section 366 of CrPC, is a Reference not just for the hearing on the death sentence, but that the entire matter has to be reconsidered afresh. When such an exercise has already been done by an exhaustive judgment passed by the Division Bench of this Court in Reference No. 1 of 2011 and connected matters dated 24.11.2011, it is impermissible for this Court to re-hear the appeals.

4. ***In WPSB No. 139 of 2019, Rajneesh Dwivedi vs. State of Uttarakhand and others***, decided on 24.07.2020, the Court observed that while Section 3(1) of the 1994 Act prescribes the percentage of reservation to be provided in favour of the backward classes, the scheduled castes and the scheduled tribes, Section 3(6) of the 1994 Act makes it clear that, if a person belonging to the reserved category gets selected on the basis of selection and open competition in the general category, he shall not be adjusted against vacancies reserved for such categories under sub-section (1). Section 3(6) makes it clear that, if a reserved category candidate is found more meritorious in the open competition, (in the present case-interview), than a general category candidate, he is required to be appointed against the general category post, and cannot be adjusted against posts reserved in favour of the OBC/SC/ST category.

It is further observed that it is evident from Rule 6.2(a)(iii) of the 2012 Rules that, irrespective of whether a candidate belonging to the reserved category has availed any benefit or relaxation which is permissible to such categories under the Rules (in the present case lower minimum cut-off marks in the screening test), he shall be adjusted

against unreserved vacancies i.e. in general category posts, if he is found more meritorious than the other general category candidates. In short, the said Rule expressly mandates migration of the scheduled castes, the scheduled tribes and the other backward classes candidates to the general category, on their merit i.e on the basis of the marks secured by them in the interview, despite their being called for interview merely having secured the lower minimum cut-off marks prescribed for the reserved categories, and though they did not secure the minimum cut-off marks prescribed for the general category. There is no reservation in posts in the general category. All candidates, irrespective of whether they belong to the backward classes or not, are entitled to compete for posts, in the general category, on their merit. The general category posts are not reserved in favour of persons other than those who belong to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes. These posts are open to be filled up solely on the basis of merit, irrespective of the caste status of the candidates who appeared in the interview.

5. *In WPPIL No. 217 of 2018, Jasveer Singh vs. State of Uttarakhand and others*, decided on 27.07.2020, the Court observed that the decision to shift NIT Campus to Sumari has been quashed as being violative of principles of Article 14 of the Constitution. The decision to shift NIT Campus, Sumari will be reconsidered by the Government.

The Court has issued following directions to both the Government of India and the State Government that:

1. The Government of India to forthwith, and in any event within three months from the date of production of a certified copy of this order, consider the detailed project report and release the funds required to provide the necessary infrastructural facilities at the temporary campus of NIT at Srinagar. As soon as funds are released by the Government of India, NIT shall forthwith initiate steps for inviting bids for construction of the buildings, and to provide the additional infrastructural facilities required at the temporary campus of NIT at Srinagar, including laying of an internal road at the earliest.

All necessary steps shall be taken to ensure that the construction is completed with utmost expedition and in any event before the beginning of the academic year 2021-22 i.e. on or before 1st July, 2021.

2. The Government of India, at the earliest and in any event within three months from the date of production of a certified copy of this order, to consider the detailed project report submitted regarding provision of infrastructural facilities at the temporary campus of NIT, Uttarakhand at Srinagar, and release the funds required for implementation thereof. The NIT, Uttarakhand shall, on receipt of funds from the Government of India, forthwith initiate steps to invite bids for construction of buildings, and for providing of the detailed project report approved by the Government of India. The NIT, Uttarakhand shall ensure that construction activities are undertaken, and are completed at the earliest, and in any event before the commencement of the academic year 2021-22 i.e. on or before 01st July, 2021.

3. The decision of the Government of India, conveying its consent to locate the NIT, Uttarakhand permanent campus at Sumari with a view “to end the impasse”, suffers from the vice of irrationality, unreasonableness and arbitrariness, and falls foul of Article 14 of the Constitution of India. The said decision is, accordingly, quashed. The Government of India shall, after seeking expert opinion, re-examine the matter and satisfy itself that the location, of the permanent campus of NIT, Uttarakhand at Sumari, would not, in any manner, endanger the life and safety of students, faculty and staff of NIT, who would be residing thereat. It shall, thereafter, take a considered decision on whether the permanent campus of NIT, Uttarakhand should still be located at Sumari, or should be shifted elsewhere within the State of Uttarakhand. The entire exercise, culminating in a considered decision being taken by the Government of India in this regard, shall be completed with utmost expedition and, in any event, within four months from the date of production of a certified copy of this order.

4. The Government of India shall provide necessary funds to NIT, Uttarakhand to enable the latter to reimburse the medical expenditure which Ms. Neelam Meena would have to incur on account of her spine injury, and the consequent paralysis of the entire lower part of her body. This facility of medical reimbursement shall be provided to Ms. Neelam Meena throughout her life. Both the Government of India and NIT, Uttarakhand shall in paid to Ms. Neelam Meena earlier, pay her a further sum of Rs.25.00 lacs to compensate for the trauma she must be undergoing as a result of such injuries. Payment of this additional sum of Rs.25.00 lacs shall be made to Ms. Neelam Meena at the earliest, and in any event within four months from the date of production of a certified copy of this order. She shall also be reimbursed the amount incurred by her, for her medical treatment, within one month of her making a claim for such payment.

6. *In WPPIL No. 74 of 2019, Rakshit Joshi vs. State of Uttarakhand and others*, decided on 27.07.2020, the Court while disposing the petition has issued the following directions:-

(1). The State Government shall constitute an expert Committee within four weeks of this order. This Committee will undertake the exercise and examine whether there is a need to identify biodiversity heritage sites in Uttarakhand and if it comes to a conclusion that it needs to be done then the exercise of identifying these sites be taken under Section 37 of the Biodiversity Act. The expert Committee shall consist of Secretary Tourism, Secretary Forest and Secretary Environment. The Committee shall co-opt at least two experts with them.

(2). The Ministry of Tourism, Government of Uttarakhand shall get the carrying capacity of “Auli” determined by the same expert Committee, within four weeks of this order. The expert body shall examine all the relevant aspects and fix a carrying capacity of “Auli” within 3 months thereafter. The Government may also undertake the same exercise for all such “tourist destinations” which lie in a biodiversity sensitive zone, such as “Auli”.

(3). Rs. 3,05,177/- (Rs. Three Lakh Five Thousand One Hundred Seventy Seven only) which has been left out of Rupees Three Crore deposited by respondent nos.12 and 13 shall be deposited with the State Government Treasury. The State Government shall thereafter determine as to what amount is still needed for repair of the damages caused, and the unutilised amount be returned to respondent nos.12 and 13.

(4). “Auli” is the only skiing destination in Uttarakhand, for sports and adventure lovers. It is also the place which holds winter games. It is necessary therefore that the Government limits its activities in “Auli” only in the field of sports and adventure tourism, and not to venture in any other activities which are not compatible with the principles of “Sustainable tourism”. The Government must remain focused in these areas. “Auli” should never be a destination for large events, the kind we have just witnessed.

7. ***In First Appeal No. 63 of 2014, Dharamveer Singh vs. Smt. Lajwanti Devi***, decided on 24.08.2020, the Bench observed that the word “cruelty” used in Section 13(1)(ia) of the Act, 1955 is not defined under the Act, 1955. Cruelty may be inferred from the whole facts and matrimonial relations of the parties and interaction in their daily life disclosed by the evidence. The question whether any party treated the other party with cruelty is a single question only to be answered after all the facts have been taken into account. Cruelty has to be distinguished from the ordinary wear and tear of family life. However, even mental torture or abnormal behaviour may amount to cruelty in a given case.

Single Bench Judgments

1. ***In Civil Revision No. 165 of 2019, Ram Avatar Jindal vs. Manav Bharti School Masoorie and Angels Hills Dehradun and others***, decided on 01.07.2020, the Bench observed that the amendment is essentially a rule of justice, equity and good conscience and the power of amendment should be exercised in a larger interest to do the substantial justice to the parties before the Court. The courts should be extremely liberal in allowing the amendment in written statement than that of a plaint and that inconsistent pleas or even an alternative case of defence can be raised by the defendants in the written statement which otherwise is not permissible in the case of plaint.

2. ***In Criminal Revision No. 205 of 2020, Ujwal @ Ujwal Singh Tomar vs. State of Uttarakhand***, decided on 01.07.2020, the Court observed that bailable or non-bailable, it makes no difference when it comes to a “child in conflict with law”. A “child in conflict with law”, as a rule, has to be enlarged on bail. It makes no difference even if the offence is non-bailable. Even the gravity of the offence at times has less meaning while considering the bail application of the “child in conflict with law”. But, what is important is to see that the applicability of the proviso to Section 12 of J.J. Act. On the date of incident, the revisionist was a child of 17 years, 7 months and 19 days old. It is not a single act, which made the child as a “child in conflict with law”. It is a sequence. This “child in conflict with law” was following the school children. When stopped, he threatened the informant and then in the midnight, according to the prosecution, set the house of the informant ablaze. Many articles were burned including the car, scooty etc. He bolted the house from outside. The judgment and order dated 03.03.2020 passed in the appeal further reveals that, in fact, the revisionist was harassing a girl child in the locality and when he was stopped to do so by the informant, he threatened him to life. The gravity of the offence reflects the mental condition and attitude of the revisionist. In fact, the legislature in its wisdom, has also provided for trial of a “child in conflict with law” as an adult. Under section 15 of the J.J. Act, a child above 16 years of age may,

after preliminary assessment by the Board with regard to his mental and physical capacity, be ordered to be tried as an adult under section 18(3) of the Act. The stage of preliminary assessment of the revisionist is yet to come. He has completed 16 years of age. He is just short of 18 years. Learned Magistrate, J.J. Board observed that if revisionist is released on bail, it would further deteriorate him psychologically. He also observed that the alleged act committed by the revisionist reflects his bad mental state and urge for revenge. In appeal, learned court observed that in case, revisionist is enlarged on bail, it may defeat the ends of justice.

The gravity of the alleged offence, the way it had happened and having considered the age of the “child in conflict with law”, this Court is of the view that the Learned courts below did not commit any error in not enlarging the revisionist on bail. Both the orders are in accordance with law. In fact, if the revisionist is enlarged on bail, it may defeat the very ends of justice, therefore, the revision is devoid of merit and deserves to be dismissed.

3. ***In First Bail Application No. 1185 of 2019, Anil Kumar Singh vs. State of Uttarakhand***, decided on 03.07.2020, the Court observed that while dealing with an application for bail, there is a need to indicate in the order, reasons for prima facie considering why bail is being granted particularly where an accused is charged of having committed a serious offence.
4. ***In Criminal Misc. Application No.428 of 2014, Suraj Singh and another vs. State of Uttarakhand and another***, decided on 07.07.2020, the Court observed that Section 55 of the Act, 1972 provides that no court shall take cognizance of any offence under the Act, 1972, except on the complaint of any person as mentioned therein. Therefore, no FIR can be lodged in respect of the offence under the Act, 1972 and only a complaint would have been maintainable. A bare reading of the provision of Section 55 of the Act, 1972, it is abundantly clear that only the officers mentioned in the said Section, are authorized to file

complaint and only upon filing such complaint by those authorized officers mentioned in Section 55, the Court can take cognizance on the complaint.

5. *In Criminal Misc. Application No. 2764 of 2019, Kawal Sharma vs. State of Uttarakhand and another*, decided on 08.07.2020, the Court observed that the consideration for grant of bail is different than the consideration for cancellation of bail. It can also not be disputed that coercive processes should not be issued to ensure the presence of an appellant, who is not aware of the date of hearing in the appeal. Notice of the date of hearing is must. It is only then perhaps any process for ensuring the presence may be issued if such appellant remains absent. In the appeal, the personal presence of the appellant is not required till he his represented by his counsel. But, the petitioner filed exemption applications on 16.03.2019 and 22.04.2019 in the appeal. The requirement of law for personal presence of the petitioner in the appeal is one thing and the impression, which the petitioner was bearing in mind, is another aspect. The filing of exemption application in the appeal on behalf of the petitioner indicates that the petitioner and his lawyer were under the impression that the personal presence of petitioner is required in the appeal. As stated, although, according to the law, it was not required. This is relevant to determine one issue, namely, whether the Court ever directed the petitioner to appear personally in the appeal. Undoubtedly, in the appeal, the Court did not pass any order on any dates either on 16.03.2019 or on 22.04.2019 explicitly directing the petitioner to appear personally. But, as stated, the petitioner was under the impression that he had to appear personally. He was filing exemption applications. Not only this, on 22.04.2019, the Court observed that there are no sufficient grounds for permitting personal exemption and the court also took into consideration the fact that a cheque given by the petitioner at the time of appeal had been dishonoured. Therefore, the exemption application was allowed subject to Rs.15,000/- costs. This sequel of events would undoubtedly refer that, in fact, impliedly, the court directed the petitioner to appear personally on the next date of hearing in appeal, which was 04.05.2019.

It is further observed that it cannot be accepted that the Court cannot issue an NBW against an appellant, who does not appear in court at the time of hearing in the appeal, either personally or through counsel. If such an argument is accepted, the grant of bail in appeal becomes redundant, it will have no utility. The bail, binds the appellant to remain present at the time of hearing of the appeal either personally or through counsel. In the instant case as discussed hereinbefore, the appellant was neither personally present nor was represented by his counsel. Though he was under the impression that he should remain personally present and indirectly the court had directed him to remain personally present. Process under Section 82 of the Code can only be issued, if the court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued has absconded or he is concealing himself so that such warrant cannot be executed. The appellate court recorded a categorical finding that the petitioner is not deliberately appearing in the appeal. It can also be not said to be illegal. The processes issued against the appellant are legal. There is nothing bad in the eyes of law.

6. *In Civil Revision No. 114 of 2015, Smt. Najma Begum vs. Bnatul Quresh Girls Inter College and another, decided* on 10.07.2020, the Bench observed that the matter should be decided on its merit and the technicalities in deciding the matter should not come in way in dispensation of justice.
7. *In Criminal Misc. Application No. 1498 of 2019, Dr. Nitin Batra vs. State of Uttarakhand and another*, decided on 20.07.2020, the Court observed that it is the offence of which the cognizance has been taken, which determines the period of limitation and not the offence under which the person is convicted and its natural corollary is that for the purpose of determining period of limitation, the offence charged is also not relevant. What is relevant is the offence(s) under which cognizance has been taken. The jurisdiction is of much larger magnitude. Though, there are guidelines to exercise this jurisdiction under this Section, but, still the basic purpose of Section 482 of the Code is to do real and substantive justice for the administration of which, it exists.

8. ***In First Bail Application No. 962 of 2020, Ayan Khan and another vs. State of Uttarakhand***, decided on 20.07.2020, the Court observed that as a general rule, every child in conflict with law has to be enlarged on bail, unless there are circumstances as enumerated in the proviso to section 12 (1) of the J.J. Act. If a child in conflict with law is produced before J.J. Board, his bail application is to be considered under Section 12 of the J.J. Act and if bail is denied such order is appealable. In case this Court considers the bail application of applicant, Ayan Khan, and denies him bail, the applicant would lose his right to appeal which he would have availed against any order of the J.J. Board denying him bail. At the same time while considering the bail application of the child in conflict with law a report from Probation Officer may also be sought with regard to his social connections/ condition. Therefore, this Court is of the view that the bail application of the applicant, Ayan Khan should be placed before the J.J. Board, District Udham Singh Nagar.
9. ***In Writ Petition (Criminal) No. 1099 of 2020, Ashish Bhargava vs. State of Uttarakhand and others***, decided on 23.07.2020, the Bench observed that right to get speedy justice is a fundamental right of every citizen as guaranteed under Article 21 of the Constitution of India. The purpose of lodging the First Information Report in a cognizable offence is to investigate the matter as the First Information Report has not been lodged in the matter, no question arises of any investigation. Non registration of the FIR rendered the petitioner remediless which is violation of fundamental right of a citizen as guaranteed under Article 21 of the Constitution of India.
10. ***In WPSS No. 1370 of 2019, Bhola Dutt Sharma vs. State of Uttarakhand and others***, decided on 23.07.2020, the Bench, while allowing the writ has directed that the respondent No. 2 to grant the benefit of third promotional pay scale to the petitioner carrying grade pay of Rs. 5400/- from the date of his entitlement on completion of 26 years of services i.e. with effect from 26th November 2013, and would also calculated the same and pay its arrears also from the date of its entitlement.

The Bench observed that the Annual Confidential Entries are mandatorily required to be communicated to an employee against whom the entries are made in order to enable the employee to get his grievance redressed against the adverse entries by filing the representation, which is statutory in nature in accordance with the Rules, which are framed under the proviso to Article 309 of the Constitution of India, namely “**The Uttarakhand Government Servants (Disposal of Representation Against Adverse Annual Confidential Reports and Allied Matters) Rules, 2015.**”

It is further observed that the consideration of the adverse entries to deny a right or service benefit, which have been assigned as to be reason in passing the impugned order for denying the grant of the benefit of third ACP to the petitioner, cannot be read against the petitioner, more particularly, when the adverse entries of the year 2008-2009 to 2012-13, as per the documents on record were never communicated to the petitioner. The petitioner in paras 7, 8, 9 and 10 of the writ petition had made reference to the specific pleadings, with regard to the non communication of the adverse entries and its impact on the denial for the grant of the benefit of 3rd ACP. The respondents when they have filed their counter affidavit, while giving reply to the aforesaid pleading in para 10 of the counter affidavit, they admitted the pleadings and submitted that no reply was required to it, because the contentions are based on record. If this fact is upheld in the light of aforesaid pleading in counter in reply, that the aforesaid entries were never communicated to the petitioner, in such an eventuality, the respondents could not have denied the benefit of third ACP by passing the impugned order by reading those un-communicated entries against the petitioner to deny the benefit of third ACP to him.

It is further observed that in the light of the aforesaid reasoning, and particularly when there is no attempt made in the counter affidavit that the ACRs were ever communicated to the petitioner, then the same cannot be read against the petitioner for the purposes of denying the benefit of third ACP, wherein for its grant the previous entries of five years was required to be considered for the grant of third ACP, which was read

against the petitioner without being communicated to him. In view of the aforesaid reasoning, the impugned order dated 23rd October 2018, cannot be sustained and the same is hereby quashed for the reason being; that the reason for denying the benefit of the third ACP has been based on the entries made in 2013-2014 and 2015-2016, which were admittedly not communicated to the petitioner, holding thereof that since those entries records only “good”, they will not be satisfactory for consideration for the grant of the benefit of third ACP; but the fact remains that since these are the uncommunicated entries, they cannot be read against the petitioner to deny the third ACP.

11. In WPMS No. 1150 of 2016, Trilochan Singh and others vs. State of Uttarakhand through Collector and others, decided on 30.07.2020, the Bench observed that if the impugned appellate order is taken into consideration in the light of the report dated 21.09.2011; this Court will not hesitate to observe and remark that the Appellate Court has not at all discharged its appellate jurisdiction contemplated under Section 13 of the Act by dealing with respective case and evidence on record for coming to a conclusion for declaring the land as surplus. As being the last Court to appreciate facts and evidence, it owed, greater responsibility while deciding a case engaging determination of a civil right of a litigant, it could not be cursory and irresponsible adjudication without even appropriately considering the case, and dealing with evidences, as it has been done in the present Ceiling Appeal.

The right of appeal under Section 13 of the Act is much wider and since being the first superior Court of appreciation of evidence, as against finding recorded by the learned Prescribed Authority, it ought to have vividly considered the evidences, its impact and then only could have proceeded to declare the land as surplus and that too by logical judicious reasons. But, surprisingly if the impugned appellate Court’s judgement is taken into consideration, the same is based upon the solitary fact that on part of land lying in khasra No. 373, a tubewell was installed in 1972, and hence had taken the entire land as to be an irrigated land in accordance with the entries made in khasra 1393 fasli. The learned Appellate Court has wrongly considered and miss-appreciated the argument

extended by the petitioner before it to the effect that if the cross-examination of the petitioners is taken into consideration, they had specifically stated in their cross-examinations; that the installation of tubewell on khasra No. 373 in 1972, itself cannot be inferred to bring the entire land as to be an irrigated land under Section 4A of the Act, for the reason being that according to the irrigation records, which was placed before the Court, the area of land proposed to be declared as surplus, was outside the command area of the Government Tubewell, installed on khasra No. 373. Besides this, there is nothing contrary on record, contravening the cross examination made by the petitioner pertaining to the land being an unirrigated land. There is no specific finding recorded by both the Courts based on a material as to whether the land covered by the notice of 23.06.1986, would fall to be within the command area of the Government Tubewell installed in 1393 fasli or not and whether the land could be on that pretext exclusively be taken as to be an irrigated land. Hence, this basis of not appropriately dealing with the cross-examination of the petitioner and appreciating the evidence, particularly, based on the material on record would vitiate the Appellate Court's judgement itself being irrational and without appreciation of the evidence on record and without application of its judicious mind, hence, cannot be sustained at all.

It would not be out of context to refer the reason for remand by this Court vide its judgement of 06.12.2004, particularly, it was for determination of a land as to whether it is irrigated or unirrigated, as under Section 4A of the Act. It has also come on record that after remand, the inspection was conducted by team of three revenue officials on 21.09.2011, which had reported that the revenue records or on the inspection, there was no source of irrigation which was found and it reported that the crop which was being taken was on the basis of irrigation of the rain water. The learned Appellate Court has apparently erred at law on the face of it by not recording even a single finding in relation to the impact of the report dated 21.09.2011, as submitted by the team of revenue officials, as per the directions of the order of remand by the coordinate Bench of this Court on 06.12.2004. Non-considering the impact of the said report and then to

proceeding to hold that the land is irrigated land is contrary to the evidence on record and it would amount to be a misreading and non reading of evidence by the learned Appellate Court, as no finding has been recorded by it on the report dated 21.09.2011.

It is further observed that there is one more aspect which is to be taken into consideration. It is that if the Appellate Court's judgement is scrutinised, it takes into consideration the paper No. 23/1, which was the inspection report dated 13.11.2010, which was submitted at the time, when much prior to the order of remand by the Tehsildar ceiling considered for deciding the case prior to remand. Exclusively, only considering this report and making it as to be the basis of parting the impugned judgement without its comparative scrutiny with the report dated 21.09.2011, and its consequential impact on the merits of the case would vitiate the proceedings and would amount to that the learned Appellate Court has not applied its mind at all. Hence, since the learned Appellate Court has not rightly appreciated the evidence on record nor has recorded the specific finding and has rather dealt with the report paper No. 23/1, which was subsequently superseded by the subsequent report dated 21.09.2011 of the revenue officials, which was submitted after the remand, it will render the judgement to be vitiated, cryptic and contrary to the evidence on record, thus the Appellate Court's judgement dated 20.02.2016, is not sustainable in the eyes of law and the same deserves to be quashed and the same is accordingly quashed.

- 12** *In Delay Condonation Application No. 1346 of 2020 in Civil Revision No. 26 of 2020, M/s Shandar Industries Pvt. Ltd. vs. Km. Seema Chauhan*, decided on 10.08.2020, the Bench observed that the ordinate delay should be condoned only in cases where the applicant succeeds to prove his/her untainted intentions.
- 13.** *In WPPIL No. 112 of 2015, Mahendra Singh vs. State of Uttarakhand and others, decided on 10.08.2020*, the Bench observed that the powers of a Court to correct the omissions and errors due to accidental slip, etc. are universally recognised. The nature of the error is what an English Court or an American Court would describe as

“manifest error” or “plain error”, liable to be corrected by the Court *sua sponte* i.e. on its own. The Code sets no limits for a Court in making such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court. The settled position is that it should not be in conflict with Samarendra Nath Sinha and another v. Krishna Kumar Nag AIR 1967 SC 1440 any other procedure of CPC. The powers therefore to correct clerical mistake or error due to accidental slip or omission are inherent powers of a Court given under Section 151 CPC. The mistakes and errors such as the one mentioned in Section 152 CPC can either be corrected on an application of any of the parties or “of its own motion”, by the Court, i.e. *sua sponte*.

It is always an inherent power of a Court to correct its errors, which have accidentally slipped into its order. Section 152 of CPC is merely a facet of the broad principles laid down in Section 151. The source of power to make corrections in order to meet the ends of justice lie in Section 151 of CPC and the Court would still have the power to make corrections as visualized in Section 152, even if there would have been no Section 152. What we have now in Section 152 CPC are only the powers which are much wider, as the powers of the Court are not only to make corrections in a decree, but also in a judgment or an order which also includes error arising from any accidental slip or omission as well. The present provision also does not have the proviso which casts a duty on the court to first give a reasonable notice to the parties or their pleaders.

The Court further observed that the power to make corrections in an order or decree ‘on its own motion’ would mean powers which can be exercised ‘*sua sponte*’, i.e. on its own. The mere fact that there is an application too for such corrections is immaterial. Once the Court has an option to exercise powers *sua sponte* and it chooses to do that, that is the end of it. The fact that there is also an application before the Court by a party matters little. The Court here, we must not forget, is also a superior

Court and a “Court of record”. It has inherent powers and a duty to correct its records. It is not merely the powers of a court of record but it is its duty as well to keep its record correct and in accordance with law. Consequently here there was no option for the Court, but to set its records straight and carry out the modification and remove the errors which had inadvertently crept into its earlier order. The sanctity to the finality of judicial orders should never deter a Court in correcting its plain errors.

14. *In WPMS No. 02 of 2016, Lily Nath Aggarwal vs. Ravindra Nath Aggarwal and others*, decided on 10.08.2020, the Court observed that the mutation in revenue record does not create or extinguish a title and it is only meant for payment of land revenue and that the mutations proceedings before the Tehsildar would not effect on the determination of rights of the parties in title suits.

It is further observed that it is settled law that filing of rejoinder affidavit to the pleadings in counter affidavit by the respondents, is not as of right, which the petitioner could claim in the proceedings under Article 227 of the Constitution, in which the Court exercises supervisory jurisdiction over the orders passed by the sub-ordinate courts.

15. *In WPMS No. 857 of 2020, Chandra Mohan Phutela vs. State of Uttarakhand and others*, decided on 19.08.2020, the Court observed that every prudent person in a free market economy would like to procure services at the lowest price. The State Government is also entitled to procure services at competitive price to secure best value for money. Therefore, fixation of schedule of rate for procuring services, including handling and transport services in respect of food-grains, would be counter-productive, as State Government would lose out the benefit arising out of competition between various transporters/contractors. If schedule rate is disclosed to the prospective bidders for transport services, then they will make a cartel to ensure that the rates quoted by them do not go down beyond certain point, as a result the public exchequer would be sufferer, as the State Government would be required to pay more amount as transport charges.

16. *In WPMS No. 3350 of 2019, Bhupendra Singh vs. State of Uttarakhand and others along with connected cases*, decided on 19.08.2020, the Court observed that since in the entire Act, there is no provision providing for the mode & manner of making reference of election dispute to the District Judge, therefore, with a view to remove any doubt, which may be raised later, in the interest of justice, this Court by exercising its extraordinary powers under Article 226 of Constitution of India, provides that petitioners, who are aggrieved by the result of election of Members and Office Bearers of Kshetra Panchayat or Zila Panchayats can raise an election dispute by presenting the Written Petition before the District Magistrate and the District Magistrate shall refer such dispute to the District Judge for adjudication and the District Judge shall thereafter enter into such reference. It would be incumbent upon the District Magistrate to refer the election dispute to the District Judge as early as possible; but, not later than 48 hours from the date of such presentation. It is further provided that limitation would stop running, the moment, the Written Petition is presented before the District Judge. Since these writ petitions were entertained by this Court by passing a reasoned order, in which it was held that the remedy of filing Election Petition is not available to the petitioners in view of ambiguity in the relevant Statute and since considerable time has been spent by the petitioners in pursuing the remedy before this Court, therefore, to meet the ends of justice, it is hereby provided that if petitioners raise an election dispute by presenting Written Petition within three weeks from today, the same shall be heard and decided on merits without going into the question of limitation. The question of delay in an Election Petition, filed after expiry of three weeks shall be decided by the District Judge or any subordinate judicial officer, nominated by him.
17. *In Writ Petition (Criminal) No. 1198 of 2020, Jajvinder Singh vs. State of Uttarakhand and others*, decided on 19.08.2020, the Bench observed that filing of subsequent writ petition on the same cause of action is an abuse of process of law, such practice is not permissible under the law, as it wastes the valuable judicial time of the Court at the cost of genuine cases.

18. *In Writ Petition (Criminal) No. 13 of 2020, Raushan Nautiyal vs. State of Uttarakhand*, decided on 28.08.2020, the Court observed that this court would enquire this matter on its own, and if required suitable action shall be taken against the DM for his apparent gross dereliction of duties. He was a public servant of a democratic country, where rule of law prevails. He is guided by the law of the land. He is responsible for his acts and omissions. In a country, which has got its independence long back, a prisoner is not able to bid last farewell to his deceased mother. He is not able to perform her last rites due to insensitivity of the people who are supposed to extend help to him at that hour of need.
19. *In Civil Revision No. 28 of 2013, Vijay Kumar Agarwal vs. Ashok Kumar Handa*, decided on 29.08.2020, the Bench observed that the purpose of enactment of sub-section (4) of Section 20 of the U.P. Act No.13 of 1972 is that an unscrupulous landlord may not seek eviction of a bonafide tenant on the ground of default in payment of rent. In cases, where the rent is deliberately refused by the landlord with malafide intention to evict the tenant, sub- section (4) of Section 20 of the U.P. Act No.13 of 1972 comes into rescue of a bonafide tenant to save his tenancy whereby he has been permitted to deposit or tender the rent at the first date of hearing but in the instant case the respondent has not availed such remedy. Here, the respondent/tenant has neither claimed nor is he entitled to get the benefit of sub-section (4) of Section 20 of the U.P. Act No.13 of 1972. The defendant, instead of filing an application under Section sub-section (4) of Section 20 of the U.P. Act No.13 of 1972, has moved an application under Order XV Rule 5 read with Section 151 of CPC, but that too was not pressed by the respondent/tenant during the pendency of the suit, nor the provisions of the Rule 5 of Order XV of CPC were complied with by the respondent/tenant. Order XV Rule 5 of CPC also gives an opportunity to the tenant to deposit the entire amount admitted by him to be due at or before the first date of hearing. But, on a careful analysis of the provisions of Order XV Rule 5, C.P.C. it transpires that it is divided in two parts. The first part deals with the deposit of the "entire amount admitted by him to be due" together with interest at or before the first hearing of the suit. The second part deals with the deposit of "monthly amount due" which has to be made

throughout the continuation of the suit. In the present case, as observed aforesaid, the respondent/tenant has not deposited/paid any amount towards the rent before the court and is enjoying the suit premises free of cost. As such, it is held that the respondent/tenant has committed default in payment of rent for more than four months.

20. *In First Bail Application No., 432 of 2020, Anil Saini vs. State of Uttarakhand*, decided on 16.09.2020, the Court observed that Section 439 of the Code of Criminal Procedure confers very wide power regarding bail. But, while granting bail, the High Court is guided by the same considerations as other courts. That is to say, the gravity of the crime, the character of the evidence, the possibility of the tampering with the evidences and such other grounds are required to be taken into consideration.
21. *In Criminal Misc. Application No. 1480 of 2014, Rajender Singh Bhandari vs. State of Uttarakhand and another*, decided on 21.09.2020, the Court observed that it is the fundamental duty of every citizen to promote harmony and the spirit of common brotherhood and fraternity amongst all the people of India transcending religious, linguistic and regional or sectional diversities. For fair and peaceful election, during the election campaign, party or candidate should not indulge in any activity which may create mutual hatred or cause tension between different classes of the citizens of India on ground of religion, race, caste, community or language.

In the present case, the learned Chief Judicial Magistrate took the cognizance after considering the evidences available on the record. It is well settled that at the time of considering of the case for cognizance and summoning, merits of the case cannot be tested and it is wholly impermissible for this Court to enter into the factual arena to adjudge the correctness of the allegations. This Court would not also examine the genuineness of the allegations since this Court does not function as a Court of Appeal or Revision, while exercising its jurisdiction under Section 482 of the Code. In this matter it cannot be said that there are no allegations against the applicant. Apart this, learned

counsel for the applicant could not able to show at this stage that allegations are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the applicant.

Proceedings of superannuation of the Hon'ble Mr. Justice Ramesh Ranganathan,

Chief Justice of the High Court of Uttarakhand.

Full Court reference, held on 27th of July, 2020

In

The Court of the Chief Justice

At 03.00 P.M.

Order of address

- **Sri S.N. Babulkar, Advocate General, High Court of Uttarakhand.**
- **Sri P. S. Bisht, President of the High Court Bar Association, Nainital, Uttarakhand.**
- **Hon'ble Sri Justice Ravi Malimath, Senior Judge, High Court of Uttarakhand.**
- **Hon'ble The Chief Justice, Sri Ramesh Ranganathan, High Court of Uttarakhand.**

❖ **Address by Sri S.N. Babulkar, Advocate General, High Court of Uttarakhand.**

My Lord, Hon'ble Mr. Justice Ramesh Ranganathan, Chief Justice of Uttarakhand High Court, Nainital, His Esteemed Companion Judges, gracing the occasion by their benign presence, President, High Court Bar Association, Assistant Solicitor General of India, Learned Senior Advocates, My learned colleagues in government side, the learned members of the Bar, the members of Registry, ladies and gentleman.

We have assembled here to bid farewell to Hon'ble the Chief Justice Mr. Ramesh Ranganathan on his superannuation as a Chief Justice from this Hon'ble High Court.

Moments of farewell are normally painful, as a result, throat gets choked, one does not get words to express his emotions, but the cruel rule of duty always dominates over the tender feelings.

His Lordship Mr. Justice Ramesh Ranganathan is an outstanding scholar, not only in the field of law, but also in the field of Indian Religions and Philosophy. His Lordship has proved for me and for the entire legal fraternity as a friend, philosopher and guide. His Lordship obtained Law Degree from Bangalore University. His Lordship enrolled as an Advocate in November, 1985 in Andhra Pradesh High Court. His Lordship was a Government Pleader from 1996 to 2000 and Additional Advocate General from July, 2000 to May, 2004. As a lawyer, His Lordship has appeared for several companies and statutory bodies including the N .T. R. University of Health Sciences, Visakhapatnam Port Trust, Singareni Collieries Company Limited, Power Grid Corporation of India, Canara Bank Voltas Limited etc. His Lordship was elevated as an Additional Judge of the Andhra Pradesh High Court on 26th May, 2005. Appointed as a permanent Judge of the Andhra Pradesh High Court on 20.02.2006. Nominated as Executive Chairman of Andhra Pradesh Legal Services Authority, Hyderabad w.e.f. 29.12.2015. His Lordship was appointed to perform the duties of the office of the Chief Justice, High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh w.e.f. the forenoon of 30.07.2016 and finally His Lordship was elevated as Chief Justice of the High Court of Uttarakhand at Nainital and assumed charge on 02.11.2018.

As a head of this family, His Lordship's magnetic personality has swayed everyone having found his Lordship besides, being a kind hearted person, a disciplined hard worker, a brilliant and just judge, a positive thinker, academician and a great orator and among them all a wonderful Coordinator and Administrator.

Sir, undoubtedly your multifaceted personality has left indelible stamp on our heart, which we will cherish as a souvenir lifelong.

Sir, we wish you and your family a very good health and prosperity in life. But since we belong to this land which is abode of God and since this is a part of our cherished culture that whenever we bid farewell to our beloved, we pray Almighty to make his path free from all trouble. I also accomplish this tradition, but in this words of Saint Tulsi,

प्रबिसि नगर कीजै सब काजा। हृदय राखि कोसलपुर राजा।।
गरला सुधा रिपु करहिं मितार्ई। गोपद सिन्धु अनल सितलाई ८

Thanking you,

❖ **Address by Sri P.S. Bisht, President of the High Court Bar Association, Nainital, Uttarakhand.**

Hon'ble the Chief Justice, and other esteemed Judges of our High Court, Learned Advocate General, Learned Asst. Solicitor General Government of India, Learned Government Advocate, Learned Senior Advocates, Learned Registrar General, Learned Members of High Court Bar Association, Member of the Registry, Ladies and Gentlemen.

We are assembled here to bid farewell to Hon'ble Chief Justice Ramesh Ranganathan Lordship who is demitting the office today and his tenure being a Chief Justice is about 1 year 8 month completed.

I can say without any hesitation that with the retirement of the Hon'ble Chief Justice, the Bench and Bar of the High Court of Uttarakhand will be missing a brilliant an illustrious Judge. Lordship was born on 28 July 1958 in New Delhi. Lordship graduated in the year 1977 and completed his post graduation in commerce in the year 1981. His Lordship also qualified chartered Accountant and a Company Secretary. Lordships obtained Law Degree from Bangalore University and enrolled as an Advocate in the High Court of Andhra Pradesh in November, 1985. He was Government Pleader

from 1996 to 2000 and Additional Advocate General from July 2000 to May 2004. He was appeared for several companies and statutory bodies including the N.T.R. University of Health Science, Visakhapatnam port. Trust, Singareni Collieries Company Limited, Power Grid Corporation of India, Canara Bank Volta Limited etc. He was elevated as an Additional Judge of the Andhra Pradesh High Court on 26 May, 2005 Appointed as a Permanent Judge of the Andhra Pradesh High Court on 20 February 2006. He was also nominated as the Executive Chairman of Andhra Pradesh Legal Service Authority, Hyderabad w.e.f. the forenoon of 29, December 2015. Appointed to perform the duties of the office of the Chief Justice, High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh w.e.f. the forenoon of 30 July 2016.

Lordship transferred to High Court of Uttarakhand and assumed charge on 2nd November 2018, as Chief Justice of the High Court of Uttarakhand at Nainital by him as his life style. Lordship is a God fearing man and always helped to the poor class of society.

A judge is required not only to faithfully interpret and apply law but it is equally essential for him to be conscious of the social realities of the world and to decide the care fairly and wisely.

In this regard, I must mention that Lordship made a very valuable contribution in the form of his extremely balanced judgments even in many high profile cases.

Due to paucity of time I am not referring judgments rendered by Lordship. However, it can be summed up that thorough knowledge of Law, far sightedness and fierce independence can be seen in his judgments and orders. Hon'ble Chief Justice through his loyalty to the ethics and commitment to the cause of upholding the nobility of justice administration system has secured a remarkable reputation not just for himself but this institution as well during this period. I found that Hon'ble Chief Justice has a nobility of classic quality the Bar and Bench alike.

While summing up, I refer the hope of the great philosopher confusions. "The Superior man is modest in his speech but exceeds in his actions." this is squarely applicable to our Hon'ble Chief Justice Ramesh Rangnathan.

I on behalf of me and on behalf of members of Bar Association, take this opportunity to extend my gratitude to Hon'ble Chief Justice to the institution which will be remembered forever.

I conclude wishing Hon'ble Chief Justice good luck in all his future endeavors.

May the choicest blessings of the almighty be showered on him and all his family members for more happy, health to start new life.

Thanking you.

❖ Address by Hon'ble Sri Justice Ravi Malimath, Senior Judge, on superannuation of Hon'ble Sri Justice Ramesh Ranganathan, Chief Justice, High Court of Uttarakhand.

My Lord, Hon'ble Shri Justice Ramesh Ranganathan, Chief Justice, High Court of Uttarakhand, my esteemed brother Judges, Shri S.N. Babulkar, Advocate General, Uttarakhand, Shri Pooran Singh Bisht, President of the High Court Bar Association, learned advocates, members of the registry, Smt. Kalpana Ramesh and other family members of the Hon'ble Chief Justice, spouses of my brother Judges, ladies and gentlemen.

Today, we bid farewell to our Chief Justice, Shri Ramesh Ranganathan, on the eve of his superannuation, after a long and prestigious career on the Bench of a little over 15 years. Justice Ramesh Ranganathan was born on 28.07.1958 at New Delhi. He did his schooling from Kendriya Vidyalaya, Tirupathi. He graduated in Commerce in 1977 from SGS Arts College, Tirupathi. In 1981, he completed his Post Graduation in Commerce. He is also a qualified Chartered Accountant and a Company Secretary. He obtained his Law Degree from Bangalore University, Bangalore and enrolled as an Advocate at the High Court of Andhra Pradesh in November, 1985. He worked as a Government Pleader from 1996 to 2000. He was appointed as an Additional Advocate General from July, 2000 to May, 2004. He had a flourishing practice and had various firms and corporations

as his clients, which included NTR University of Health Sciences, Vishakapatnam Port Trust, Singareni Collieries Company Limited, Power Grid Corporation of India, Canara Bank, Voltas Limited and various other companies. Due to the dint of his hard work and integrity, he was elevated as an additional Judge of the Andhra Pradesh High Court on 26.05.2005 and as a permanent Judge on 20.02.2006. With effect from 30.07.2016, he was appointed as the Acting Chief Justice for the State of Andhra Pradesh and the High Court of Judicature at Hyderabad for the State of Telangana. Thereafter, he was transferred as a Chief Justice to this High Court and assumed charge as such on 02.11.2018.

As the Patron-in-Chief of the Uttarakhand State Legal Service Authority, 6 national Lok Adalats were held, 75,573 cases were taken up for consideration and 21,210 cases were settled for an amount of Rs. 165 crores. 180 Lok Adalats were held wherein 1,09,487 cases were taken up for consideration, 45,196 cases were settled and about Rs. 83 crores were paid as compensation. On 28.09.2019, at the ONGC auditorium, Dehradun, he launched a campaign for legal services to the victims of drug abuse, eradication of drug menace and rehabilitation of drug addicts, known as SANKALP: Nasha Mukh Dev Bhoomi. The campaign was successfully carried out through out the State in association with various State agencies. Two sensitization workshops were held. One, on criminal justice administration, was conducted at the Uttarakhand Judicial Academy on 30.06.2019 and another, at ONGC auditorium, Dehradun on 29.09.2019. At his behest, for the first time, the audit of the State Legal Services Authority was done by the Central Auditor General of India. He has taken a very keen interest in the activities of the Authority and has been a guiding force for us.

Personal care and attention as the Patron-in-chief of UJALA was bestowed by him and various seminars and workshops were held. He showed a keen interest in the development of the academy and the progress of the Judicial Officers.

As the Chief Justice of our Court, he has rendered 2321 final judgments and 6928 interlocutory orders. Some of the judgments rendered by him have far reaching consequences.

In special appeal no. 187 of 2017 (Udham Singh Nagar District Cooperative Bank Limited Vs. Anjula Singh) delivered on 25.03.2019, the definition of “family” under the Dying in Harness Rules, 1974 and the 1975 Regulations was considered and it was held that non inclusion of a “married daughter” in the definition of “family” and thereby denying her an opportunity of being considered for appointment on compassionate grounds, is discriminatory and is in violation of Articles 14, 15 and 16 of the Constitution of India.

In Writ Petition (SB) No. 45 of 2014 (Dhananjay Verma Vs. State of Uttarakhand) delivered on 21.05.2019, it was observed that reservation in favour of the categories other than those in whose favour reservation is provided under Article 16 (4), (4A) and (4B) can be extended under Article 16 (1) provided such reservation satisfies the test of a valid and reasonable classification.

In WPPIL No. 31 of 2016 (Iswhar Shandilya Vs. State of Uttarakhand) delivered on 25.09.2019, the legality of the bar strike was considered with reference to the ‘no work resolution’ by some of the Bar Associations. It was held that the resolution is illegal and against professional ethics.

It is relevant to notice that subsequent to the said judgment, the ‘no work resolution’ on every Saturday has been a thing of past and a new work culture has developed especially in the district of Dehradun, Haridwar and Udham Singh Nagar.

In WPPIL No. 21 of 2019 (Vipul Jain Vs. State of Uttarakhand) delivered on 17.10.2019, it was held that the jurisdiction under Article 226 of the Constitution of India can be invoked where the State Election Commission fails to hold a free and fair election.

In Writ Petition (SB) No. 78 of 2019 (Madhu Bahuguna Vs. Uttarakhand Public Service Commission) delivered on 09.01.2020, it was held that there is always a presumption in favour of the constitutionality of an enactment or the rule. The burden of proving all the facts, which are requisite for the constitutional invalidity of such an enactment or rule, is upon the person, who challenges its constitutionality.

In WPPIL No. 7 of 2020 (Rural Litigation and Entitlement Kendra Vs. State of Uttarakhand) delivered on 09.06.2020, the allotment of residential facilities to the former constitutional authorities like Ex. Chief Ministers etc. were considered and it was held that they were not entitled to receive such facilities. Consequently, a direction was issued to pay the market rent for the bungalows that were allotted to such authorities.

In WPPIL No. 26 of 2020 (Subramaniam Swamy Vs. State of Uttarakhand) delivered on 21.07.2020, the Devasthanam Management Act was upheld. It was held that the ownership of the temple properties would vest in the Char Dham Shrine Board and power of the Board would be confined only to the administration and management of the properties.

In WPPIL No. 217 of 2018 (Jasveer Singh Vs. State of Uttarakhand) delivered on 27.07.2020, it was held that the decision to shift NIT Campus to Sumari has been quashed as being violative of principles of Article 14 of the Constitution. The decision to shift NIT Campus, Sumari will be reconsidered by the Government. The Government shall firstly satisfy itself if the proposed campus at Sumari conforms to safety of students, faculty and the staff. Both the Governments were also directed to pay Rs. 25 Lakh as compensation to Ms. Neelam Meena in addition to the earlier compensation paid to her and medical facilities should also be made available to her throughout her life.

After my transfer as a Judge of the High Court of Uttarakhand, my first sitting was along with His Lordship. I have had the opportunity to interact with His Lordship over the course of the past few months. I found him totally dedicated towards his judicial work. He is a man known for his simplicity. He always strived for the betterment of the High Court and worked fervently towards the cause of justice. He has been courteous with the members of the Bar. He never shied from encouraging the junior members of the Bar. He has been a mentor to his brother Judges. He has taken a keen interest in the disposal of old cases and has always encouraged his brother Judges to do the same. The last couple of months have been particularly harrowing for the State due to the onset and sustained rise of Covid 19, His Lordship has ably steered this Court during this tumultuous time.

Chief Justice Shri Ramesh Ranganathan is happily married to Smt. Kalpana Ramesh. They are blessed with two children. Shri Rahul Krishna has completed his Post Graduation in Law and is presently practising at the Andhra Pradesh High Court. Ms. Anjana Meenaxi has completed her Post Graduation in English Literature and is pursuing higher studies.

As we bid a warm and affectionate farewell to the Hon'ble Chief Justice Shri Ramesh Ranganathan, on the eve of his superannuation, I, on behalf of my brother Judges and the entire legal fraternity of the State of Uttarakhand, express my sincere gratitude for the impeccable service rendered by him both on the judicial and administrative side. I would also like to take this opportunity to wish the Hon'ble Chief Justice and his family members, good health, happiness and peace of mind for years to come.

Thank you.

❖ Farewell Address by Hon'ble the Chief Justice, Sri Ramesh Ranganathan, on the eve of His Lordship's superannuation.

Ladies, Justice Ravi Malimath and my companion Judges, learned Advocate General, the President of the High Court Bar Association, respected Senior Advocates, distinguished Guests; members of the Bar, the young invitees present here, ladies and gentlemen.

It is customary, when a Judge demits office, for kind words to be spoken of him. Such compliments are not to be taken literally, for they are but a reflection of the affection shown to the retiring Judge. Conscious as I am of my limitations, I must acknowledge that I am not half as gifted as my colleague Judges on this podium, and notwithstanding the long hours of work I put into keep abreast, a workhorse can never match a Stallion.

I have had the privilege of being a part of different benches with each of the Judges on this podium, and have been immensely benefited by their knowledge and learning. I only wish my short stint with some of them had been longer. I have also had the benefit of their views on administrative matters, and have, more often than not, heeded to their advice. The free and fair exchange of views notwithstanding, what came out clearly was the underlying warmth and affection each one of them has had for me. The credit, for what little was achieved here, during my tenure of one year and nine months, goes entirely to them. I am, indeed, privileged to have received their wholehearted support.

I was sworn-in as the Chief Justice of this High Court on 02.11.2018, and was keen to attend Court, and meet my brother Judges and the members of the Bar the very same day afternoon, as it was the last working day preceding Diwali vacations. When the then President of the High Court Bar Association, in his welcome address, requested that I not insist on english translation, little did I realise what I had in store. It is only when Courts reopened, after Diwali vacations, that I realised, to my utter shock, that all Government Orders, and other inter-office correspondence of the State, were only in Hindi, not the colloquial Hindi I am familiar with, but pure Hindi which was beyond my understanding. While I have, on several occasions, sought translation of the Hindi documents, I have often yielded to the persuasive submissions of counsel, and have given in to their request to be permitted to translate the paragraph or two of these orders, on which they relied upon, in the course of their submissions. Like an inquisitive school child, who is clueless of most of what is taught, I kept interrupting counsel requesting them to translate the Hindi words, even in a small paragraph of these orders, which I found difficult to comprehend. They would, without expressing irritation at my lack of understanding, patiently, like a school teacher, translate them for my benefit. Thanks to their efforts, I can now claim to have a far better knowledge of this sweet language than I had when I came here. Members of the Bar have not only been extremely tolerant of my shortcomings, but have also showered me with a lot of affection. I have enjoyed my tenure at the Uttarakhand High Court, and have immensely benefited from the opinions

and advice of my colleague Judges, the sagacious counsel of the Senior Advocates, and the valuable assistance rendered by the other members of the Bar.

I must acknowledge my inability, on occasions, to keep my temper in check, and still remember Advocates at Hyderabad courteously conveying the need for me to exercise restraint. I have endeavoured to do so here, but have failed on occasions. It was never my intention to hurt and, if I have done so unintentionally, I seek your pardon.

We have a very talented Bar at the Uttarakhand High Court and, considering the lack of adequate access to law books and journals, the assistance I received from them in Court was of a high order. I request the Senior members of the Bar to step in and do their mite to help the younger ones who must be finding survival difficult during this COVID-19 times. My parting request to all the members of the Bar is to extend a helping hand to the poor and the needy, and appear pro-bono on their behalf more often.

I used to stay back in Court everyday till 08:00 p.m., before the advent of COVID-19 lockdown, and its aftermath, which has largely affected effective functioning of Courts. The Registrar General, and the other Registrars, stayed back till after I left. They have, ungrudgingly, discharged all duties assigned to them and more. My Principal Private Secretary has quietly and without fuss taken care of all my needs, and has never ever given me cause to complain. I was fortunate to also have the valuable assistance of a very efficient team of a Private Secretary and two Personal Assistants. The judgment I delivered today morning required both my Personal Assistants to work at my residential office till 01:00 AM on the intervening night of Thursday and Friday last. But for their unstinted support, my judicial work would have suffered considerably. All of them not

only bore a heavy workload, they have also put up with my obsession of repeatedly correcting even punctuation marks. My leaning in favour of environmental issues notwithstanding, I am, arguably, the one who has used the High Court's stationery the most, correcting each draft at least twice or thrice, and reserved judgments more often. It is possibly because he sensed the need to curtail my extravagance, that a brother Judge, present on this podium today, suggested that we use white paper, instead of the more expensive judgment sheets, as a print-out for all drafts preceding the order to be signed. Realising my folly, I directed the Registry to forthwith implement it.

I thank my Bench Secretary, the staff attached with me at the High Court and those at my residence. Their ability to discharge their duties, day in and day out, always with a smile has never ceased to amaze us. My sincere thanks to my Drivers who took my wife and I around the beautiful parts of Kumaon region. As I was stuck at Hyderabad for more than a month, and had no other means of transportation to travel back during the COVID-19 lockdown, they, ungrudgingly, undertook the arduous journey all the way, from and back to Nainital, in the first week of May this year. My sincere thanks to the Personal Security Officers, and the other security personnel, entrusted with my security. As to why I needed so much security, when I seldom made public appearances, has always remained a mystery to me. My sincere thanks to the team of doctors who took very good care of me, sometimes having to come to my residence late in the night.

I cannot thank my family enough for the inconvenience they had to put up with because of my reclusive habits. While my son is more forgiving of my shortcomings on

this score, my daughter is of the firm belief that I am anti-social. My wife, a pillar of strength, has also been my harshest critic. She has made it amply clear, that to do so is her privilege alone, and anyone else could follow suit only at their peril. I do not intend saying anything more, for her constant refrain has been that Judges conveniently place their work above their family during their entire tenure, and believe that it would suffice, as a measure of compensation, to thank them in their farewell address.

The offices, I have held on both sides of the divide, came my way more by accident than by design. Neither did I plan my career, nor have I thought, so far, of what I will do post-retirement. A Senior Judge from the combined Andhra Pradesh High Court, who retired nearly 08 years' ago, advised me to take up reading, on subjects other than law, for at least an hour each day. While I used to do considerable reading earlier, it has only been law, and hardly anything else, for the past two decades, ever since I assumed office as the Additional Advocate General, of the combined State of Andhra Pradesh, in the year 2000. I have a fairly decent library, and hope to catch-up on my reading when I get back home at Hyderabad.

While Kerala, famously known as God's Own Country, is extremely pretty, I have no doubt in my mind that it is Uttarakhand which has a rightful claim to the title.

The memorable trips my wife and I have had, touring different parts of this beautiful State, will remain etched in our minds forever.

We shall never forget the breath-taking view of the mountains en-route Badrinath, with Alaknanda accompanying us right through the journey; the Kedarnath temple with the Himalayas as a backdrop; the Saraswati Sangamat Mana; Harsilon the banks of

Gangotri; and the breath-taking view of the Himalayas at Auli, Munsyari and Chaukori. My wife believes, rightly so, that we are truly blessed by the God above for posting me here, and thereby giving us the pleasure of visiting different parts of this picturesque State. I have had the privilege of covering all the districts, albeit partially, of this scenic State, except Champawat. COVID-19 has put paid to my dreams of visiting several other places in different parts of the State including the Valley of Flowers and Tungnath. May be, God willing, some day in the future.

My wife and I are extremely fortunate to have received, in abundance, the warmth and affection of my brother Judges, their better halves, and the members of the Bar. All I can say, as an expression of gratitude, is that we have a small house in Hyderabad, and would be delighted to have the pleasure of your company whenever you visit the city.

Thank you,

Major Events & Initiatives

1. Independence Day Celebration: - On 15th August, 2020, Independence day was celebrated in the High Court premises with great enthusiasm. On this occasion, National flag was hoisted by Hon'ble Mr. Justice Ravi Malimath, Acting Chief Justice, Hon'ble Mr. Justice Sudhanshu Dhulia, Senior Judge, Hon'ble Mr. Justice Lok Pal Singh, Hon'ble Mr. Justice Manoj Kumar Tiwari, Hon'ble Mr. Justice Sharad Kumar Sharma, Hon'ble Mr. Justice N.S. Dhanik, Hon'ble Mr. Justice Ramesh Chandra Khulbe and Hon'ble Mr. Justice Alok Kumar Verma, graced the occasion. Officers, Officials of Registry, Advocates were also present to mark the occasion.

2. Superannuation of Hon'ble Mr. Justice Ramesh Ranganathan, Chief Justice of High Court Uttarakhand:- On Superannuation of Hon'ble Mr. Justice Ramesh Ranganathan, Chief Justice of the High Court of Uttarakhand, a Full Court reference was held on 27.07.2020, in the Court of Hon'ble the Chief Justice.

ACTIVITIES OF SLSA FOR THE MONTH OF JULY, 2020 TO SEPTEMBER, 2020

Webinar on “Himalayan Day”:

On the occasion of “**Himalayan Day**”, a webinar was organized by the Uttarakhand State Legal Services Authority, Nainital. The said webinar was attended by all the Secretaries of DLSAs of the State. 02 Panel Lawyers and 05 PLVs from each the DLSAs were also attended the said webinar. During the webinar, Member Secretary, Uttarakhand SLSA, Nainital has informed the participants that social thinking is very necessary for the protection of Trees. To stop forest fire and cutting of trees is social responsibility of all the citizens. It is very important to change the mindset of women of hilly districts/areas, so that unnecessary cutting of trees/forest fire may be stopped. Industrialization favorable/suitable for hilly areas/states, may be encouraged.

Legal awareness camps (through VC by DLSAs):

Due to COVID-19 Pandemic, Legal awareness on commemorative days and legal services/empowerment camps have not been organized physically. But webinar were organized by all the DLSAs on Various legal issues through video conferencing.

On 15.09.2020, “**International Day of Democracy**” was observed. All the 13 DLSAs have organized Webinars through Video Conference. Focused subject were Women Empowerment, Property Act and Hindu Marriage Act, NALSA (Legal Services to the Senior Citizens) Scheme, 2016 and Benefits & Working of Permanent Lok Adalat etc.

E-Lok Adalat:

As per directions of National Legal Services Authority and under the valuable guidance of Hon'ble the Executive Chairman, UKSLSA, Nainital, **first e-Lok Adalat** was organized in the State of Uttarakhand from Tehsil Level to the High Court Level in all Courts and Quasi Judicial Authorities on 12.09.2020. In this e-Lok Adalat apart from money recovery cases, Civil and Criminal Cases, the matters pertaining to labour disputes, revenue disputes, land acquisition act, family disputes, MACT, NI Act, water and electricity Act and all such matters which can be settled amicably were taken up.

In this e-Lok Adalat, total **5465 cases were taken up** and out of them **2004 cases were settled amicably**. Amount to the tune of ` **25,29,42,228.50 was settled**.

Report on Court Based Legal Services:

During the month of July, 2020 to September, 2020, total **363** persons were helped by providing them Panel Lawyers to defend their cases. Out of 363, total **171** Under Trial Prisoners were provided Panel Lawyers/Remand Advocates to represent their cases in the different Courts. It is also pertinent to mention here that total **103** people/legal advice seekers were helped by providing counseling/advice in their cases by the Panel Lawyers of the DLSAs.

Legal Advice through Toll Free:

In the month of July, 2020 to September, 2020, total **93 calls** were received through toll free number established in the office of Uttarakhand SLSA, Nainital. The Legal Aid Seekers through toll free were responded/answered properly and satisfactorily.

Victims Compensation Schemes:

During the month of July, 2020 to September, 2020, **Two** application under Uttarakhand Victims Compensation Scheme, 2013 was decided in the State. ` **7,00,000/-** were provided to the victim as compensation.

Bageshwar Project

A scheme, namely “**Uttarakhand State Legal Services Authority (Legal Services for Victims of Female Foeticide, Female Infanticide, Child Trafficking, Forced Marriages and Eradication of Forest Fire and Saving the Girl child) Scheme, 2020**” is being implemented in District-Bageshwar, as a pilot project. The purpose of the said scheme is to make Uttarakhand free from female foeticide, female infanticide, child trafficking and child marriages and for eradication of forest fires and rehabilitation of victims of all above acts/crimes.

UTTARAKHAND JUDICIAL AND LEGAL ACADEMY, BHOWALI, NAINITAL**Training Programmes held in the Month of
July, August and September, 2020**

Sl. No.	Name of Training Programmes/ Workshops	Duration
1.	Foundation Training Programme for Newly Appointed Civil Judges (Jr. Div.) 2018 Batch (I st Phase)	17.07.2020 to 30.09.2020 (Two & a half months)
2.	Workshop on Enforcement of Intellectual Property Right Policy (IPR) in India for Criminal Laws (CIPAM) for Civil Judges (Jr. Div.) 2018 Batch (I st phase)	12.08.2020 & 13.08.2020 (Two Days)
3.	One Day Refresher Training Programme For Advocates	06.09.2020 (One Day)



Full Court reference on superannuation of the Hon'ble Mr. Justice Ramesh Ranganathan, Chief Justice of High Court of Uttarakhand on 27.07.2020.



Hon'ble Judges presenting memento to Hon'ble Mr. Justice Ramesh Ranganathan, Chief Justice of High Court of Uttarakhand on the occasion of superannuation of Hon'ble the Chief Justice.



Hon'ble Mr. Justice Ravi Malimath, Acting Chief Justice hoisting the flag on the occasion of Independence Day (15th August, 2020).



Hon'ble the Chief Justice and Hon'ble Judges at UJALA



Foundation Training Programme for Newly Appointed Civil Judges (Jr. Div.) 2018 Batch (1st Phase) from 17-07-2020 to 30-09-2020



Hon'ble the Acting Chief Justice, addressing the trainee's in One Day Refresher Training Programme for Advocates on 06-09-2020



One Day Refresher Training Programme for Advocates on 06-09-2020