

# SUPREME COURT OF INDIA

Aeltemesh Rein

Vs.

The Supreme Court of India

Writ Petition (civil) 99 of 2000

(S.R.Babu and Doraiswamy Raju JJ.)

03.09.2001

## JUDGMENT

### **Rajendra Babu, J.**

1. The petitioner is a Junior Advocate [Non-Advocate-on-Record] of this Court and he has been a member of the Supreme Court Bar Association with effect from 12.11.1984. On August 8, 1995, applications were invited in the prescribed format for allotment of chambers by the Registry of this Court and the petitioner applied for the same. He was informed on 28.2.1999 by the Registry of this Court asking him to furnish the proof of appearances to enable them to finalise his application for allotment of chambers. The petitioner had filed an affidavit of Shri K.K.Gupta, Advocate-on-Record to the following effect:

1. That as per my records Mr. Aeltemesh Rein, Advocate has been getting his cases filed in the Supreme Court through me for the last several years and many a times his appearance in those cases could not be given by me as I am too old and often remain ill. The accompanying list of his cases filed by him are the cases most of which have been filed by amp; through me in the Supreme Court for him and at his instructions, which cases have been conducted by himself in the Supreme Court.

Not being satisfied with the material placed by the petitioner either in the shape of cause list or in the nature of this affidavit and having rejected his claim for allotment of chambers, this petition is filed. The claim of the petitioner for allotment of chambers is resisted by the respondent.

The matter of allotment of chambers to advocates is governed by Lawyers Chambers [Allotment and Occupancy] Rules. Under Rule 2 of the said Rules, Allotment Committee for Lawyers Chambers has been constituted which consists of the following:

1. Attorney General for India - Chairman 2. President, Supreme Court Bar Association - Member 3. Vice President, Supreme Court Bar Association - Member 4.

Hony. Secretary, Supreme Court Bar Association - Member 5. President, Supreme Advocates-on-Record - Member 6. Registrar (Admn.), Supreme Court of India - Member 7. Registrar (Judl.), Supreme Court of India - Member 8. Joint Registrar (Admn.), Supreme Court of India - Member;

2. The recommendations of the Allotment Committee for Lawyers Chambers are placed before a Committee of three Hon'ble Judges of this Court designated by the Hon'ble the Chief Justice of India for its consideration and opinion and thereafter the entire matter is placed before the Hon'ble the Chief Justice of India for final decision. The eligibility criteria and the mode and manner of allotment of chambers are that application has to be made in a prescribed form accompanied by a list of cases filed/appearances made during the period 1.1.1993 to 31.12.1993 and 1.1.1994 to 31.12.1994 and was to contain further specific details including cause numbers, cause titles and the dates of filing/appearances in such cases during the said period. Such application was to be made on or before 31.3.1996.

3. In respect of Junior Advocates [Non-Advocates-on-Record], the eligibility criteria is as follows:

(A) All Junior Advocates [Non-Advocates-on-Record], who are mainly and regularly practicing in the Supreme Court and are the Members of the Supreme Court Bar Association. (B) They must have put in not less than fifty appearances (Admission and Regular Hearing matters excluding CMPs and Cr.MPs.) each year during the preceding two years prior to the date of inviting application in the Supreme Court of India. (C) Subject to the above two requirements being complied with, the seniority of such persons shall be based on the date of their present admission to the active membership of the Supreme Court Bar Association.

4. On this basis, the application filed by the petitioner was scrutinized and found to be defective inasmuch as the list of appearances filed with his application did not tally with the records of the Registry of this Court. Thereafter, a letter was addressed to him on 31.7.1996 requesting him to furnish proofs in support of his list. The petitioner did not respond to the said letter. The Chamber Allotment Committee considered all the applications and after due deliberation prepared a list of eligible Advocates in each category for allotment of chambers and the petitioner could not find a place in the said list.

5. Thereafter, on 3.8.1998, the petitioner made a representation to Hon'ble the Chief Justice of India that he was discriminated against on religious grounds and his name was for that reason not kept in the list of allotment of chambers whereas Advocates junior to him were on the list of eligible Advocates to whom chambers would be allotted. That representation was rejected. On 7.10.1998, the lists for allotment of chambers were finalised and actual allotments were also made. On 13.10.1998, the petitioner sent a letter to the Registry accompanied by an affidavit of Mr. K.K.Gupta, to which we have adverted to earlier, stating that "the cases filed by him were actually given for filing by Shri Rein"; and the petitioner, by his letter dated 28.10.1998, once again requested for personal hearing before the Allotment Committee. The Chambers Allotment Committee in its meeting held on

17.12.1998 asked the petitioner to furnish adequate proof of his appearances for the relevant period as per the prescribed criteria, that is, 50 appearances in each year [excluding appearances in miscellaneous applications]. The request for personal hearing was not heeded to but resolved to consider his application upon his furnishing such proof of his appearances. On 30.3.1999, the petitioner provided the Registry with only 31 copies of proceedings for the year 1993 and only 27 copies of proceedings for the year 1994. In fact, a perusal of those proceedings will indicate that the petitioner is not shown by name in 8 of such proceedings for the year 1993 and 5 of such proceedings for the year 1994. Thus the number of appearances stood further reduced which is far below the prescribed eligibility. It is no doubt true that the names of Junior Advocates [Non- Advocates-on-Record] do not appear in the cause lists issued by this Court but the petitioner had sought to produce photocopies of certain cause lists and filing memos in an attempt to furnish proof of the claimed number of appearances. Out of the cause lists/memos of 41 cases for the year 1993, the name of Mr.K.K.Gupta alone appears in 26 cases and in remaining 15 cases, the name of the petitioner is shown in the category of "Petitioner in Person" and not as an Advocate. Again for the year 1994, out of 39 copies of cause lists or memos, the name of Mr. K.K.Gupta is shown in 10 cases and that of the petitioner in 29 cases, but in the category of Petitioner in Person. So, those cases in which he had appeared as a Petitioner in Person cannot be treated to be cases in which he had appeared as an Advocate but as a "Party in Person". Therefore, the Registry rightly excluded those cases from consideration. Thus, the position stood the same as it was originally when on an earlier occasion the name of the petitioner did not figure in the list of applicants selected for allotment of chambers.

6. We directed the Registry to place before us all the original records, proceedings of the relevant Committees and the decision taken by Hon'ble the Chief Justice of India. We have carefully gone through the same and we hardly find any justification for us to interfere with the action of the respondent. In matters of this nature, all that needs to be considered is whether there has been a fair and due consideration of the matter by the authorities concerned. In this case, from the proceedings made available to us, we dare say that the petitioner had more than a fair deal. He was given several opportunities to place the necessary material to furnish satisfactorily number of 50 appearances during each of the year 1993 and 1994 and having failed to furnish such proof, the petitioner was not eligible for allotment of chambers. Hence we do not think any relief can be granted as sought for by the petitioner in this case. The petition, therefore, stands dismissed. No cost.