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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2495/2018

COURT ON ITS OWN MOTION Petitioner

Through

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents

Through Mr.Rahul Mehra, Standing
Counsel (Crl.) with
Mr.Satyakam, ASC,
GNCTD.

+ W.P.(C) 11187/2017

COURT ON ITS OWN MOTION Petitioner

Through

versus

GOVT OF NCT OF DELHI & ORS. Respondents

Through: Mr.A.K. Singh, Adv for R-3.
Mr. Vivek Goyal, CGSC
with Mr. Harsh Pandit, Mr.
Rajeev Ranjan Shahi,
Advocate for UOI/ R-5.
Mr.Rahul Mehra, Standing
Counsel (Crl.) with
Mr.Satyakam, ASC,
GNCTD.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

O R D E R

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09.04.2018

Appointment of Counsellors

1. On the issue of Counsellors, a status report dated 7th April,

2018 has been filed on behalf of Department of Women and Child Development and the Government of NCT of Delhi. This status report refers to ten posts of Counsellors created on 3rd July, 2014 which was also on temporary basis and till date, no rules have been framed. The respondents have placed an order showing *ex post facto* approved in this regard. The respondents did not disclose the basis for creation of only ten posts.

2. So far as the Criminal Justice System is concerned, Counsellors are needed for six Juvenile Justice Boards (three functioning and three about to be functional, being ready for inauguration); ten Child Welfare Committees; as well as in Delhi prisons. Additionally, Counsellors are needed for six Family Courts (while at present, has approximately 19 Family Court Judges).

3. The respondents shall ensure that a comprehensive examination is undertaken and the request forwarded to the competent authority for creation of sufficient number of posts which would meet the absolutely imperative requirements in all the above institutions.

4. A status report in this regard shall be filed before us within two weeks from today. The status report shall cover all aspects noted in para 8 of our order dated 22nd March, 2018.

5. It shall be the responsibility of the Chief Secretary to ensure that the exercise is undertaken by the concerned Departments within the time period stipulated.

6. The respondents shall also place before us a status report regarding the finalization and the notification of the recruitment rules for the post of Counsellors.

7. The respondents shall also consider the aspect of the persons working as Counsellors on contract basis for extended period and examine the possibility of giving necessary weightage while effecting wages for blemishless service which they would have rendered in the organization concerned while considering the aspect of the appointment to the permanent posts.

Infrastructure and repairs thereto

8. We are informed that the concerned Chief Engineer has not conducted the inspection of the part of the premises of Sewa Kutir wherein de-addiction is being managed as directed in para 6 of our order dated 22nd March, 2018.

9. We are informed by Mr.Asthana, learned Amicus Curiae that he has visited the said centre and that the status of this centre is in a hopeless condition so far as the infrastructure, which is required to be maintained by the PWD concerned. It was submitted that the report submitted by Mr. Arul Verma, JJB-I, in this regard extracts the correct picture.

10. Let an inspection to be conducted by the concerned Chief Engineer in terms of our previous order and assessment be made for the work required to be done. The time-lines with regard to the completion of the work as well as the necessary sanctions with

regard to the same shall be placed before us before the next date of hearing.

11. We are informed that financial sanctions for all the works which has been expected in the Juvenile Justice Boards and Women and Child Welfare Committee has been obtained. Inasmuch as the new financial year has commenced, we are informed the finances for the work to be undertaken shall be released expeditiously. The PWD concerned shall ensure that the time-lines given to this court are strictly adhered to.

Cadre Review

12. A grievance is made by Mr.Asthana that no cadre review of the posts under the Juvenile Justice Care and Protection Act, 2010 has been undertaken since the law was first enacted in the year 1986. The said cadre review is to be undertaken by the Department of Women and Child Development.

13. Let the Secretary, Women and Child Welfare Development examine the matter and initiate steps for a cadre review. Let, a status report be filed before the next date of hearing.

14. List on 15th May, 2018.

Dasti be given under the signature of Court Master.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

APRIL 09, 2018
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