

Item No. S-10

Court on its own motion vs. State of H.P. & Ors.

CWIL No. 46 of 2023

06.05.2026 Present: Mr. Neeraj Gupta, Senior Advocate with Mr. Harshit Sharma, Advocate, as Amicus Curiae.

Mr. Gobind Korla, Additional Advocate General, for the respondents-State.

In pursuance to the last order dated 04.05.2026, the compliance affidavit on behalf of respondent No. 4-Principal Secretary (Finance) has been filed.

2. In the order dated 31.03.2026, it had been put-forth that the matter would be placed before the Council of Ministers in the forth-coming meeting, regarding the creation of 34 posts of Civil Judges and 3 posts of the Additional District Judges at Hamirpur, Jogindernagar and Nalagarh alongwith supporting staff. We had directed the Principal Secretary (Finance) to inform the Court about the percentage of the budgetary allocations for the forthcoming years and whether any enhancement has taken place.

3. The High Court has also received communication dated 28.04.2026 from the Special Secretary (Home) regarding the aspect of the creation of the courts, in which the need as such for the Courts is being questioned and the Registry

of this Court has been asked to submit a detailed report regarding number and nature of Court cases pending across the districts in view of the fact that the government is presently facing financial difficulties. The said wording of the letter reads as under:-

"It is submitted that the matter was discussed in the meeting and, after due deliberation the Cabinet directed that a detailed report be submitted on the number and nature of court cases pending across districts, as well as the status of operationalisation of new courts created during the last three years. The Government intends to provide justice at the doorstep of citizens of the State, but the State Government is presently facing financial difficulties, hence a decision on the present matter was deferred till the financial position eases out. You are, therefore, requested on the administrative side to take appropriate action in the matter accordingly."

4. *Prima facie* we are of the considered opinion that criminal contempt of Court is made out, as running of the Courts as such has been questioned by an officer of the rank of Special Secretary (Home) in spite of the fact that the proposal to set-up additional courts had been sent to the State Government way back on 12.09.2023, on the basis of the data which was with this Court.

5. Vide letter dated 16.06.2025, the High Court had requested the State Government to create 13 posts of Superintendent Grade-II on the Establishment of this Registry. The letter dated 02.05.2026, addressed to the Advocate General by

the Chief Secretary, is also part of the reply filed by the State, which would go on to show that there has been creation of 13 posts of Superintendent Grade-II in the Establishment of the Registry of this Court as per the decision of the Council of Ministers and a request was made to give details of the posts of feeder cadre which are to be upgraded to the post of Superintendent Grade-II and subsequently which are to be abolished (Senior Assistant).

6. The letter dated 30.03.2026 is also on record, wherein Sh. Kamlesh Kumar Pant, IAS, Additional Chief Secretary (Home) had written to the Advocate General that the State Government will accord concurrence for the creation of 13 posts of Superintendent Grade-II on the Establishment of the High Court Registry. Apart from the fact that the State Government has also accorded concurrence for the purchase of 50% of vehicles requested by the learned Registrar General for the use of District Judicial Officers. The said letter was also noticed by us in the earlier order.

7. Apparently, the State takes back more than it gives to the judicial system, which is clear from the letter dated 28.04.2026 which is addressed to the learned Registrar General, wherein 13 posts of feeder cadre have been abolished while creating

13 posts of Superintendent Grade-II. We fail to understand what has been given to this Court by virtue of the said communication, which reads as under:-

"I am directed to refer to your letter No. HHC/Admn./(28)/2002-21512 dated 17th June, 2025 on the subject cited above and to say that the Hon'ble Council of Minister in its meeting held on 17.04.2025 (sic 2026) has taken the decision in the matter in the following manner:- "Creation of 13 posts of Superintendent Grade-II approved by up-gradation and consequent abolition of 13 posts of feeder category" You are, therefore, requested on the administrative side to kindly intimate the details of posts of feeder category which are to be upgraded to the post of Superintendent Grade-II and subsequently which are to be abolished."

8. The affidavit furnished by the Principal Secretary (Finance) is a classic case of financial jugglery of figures to meet the details which had been asked for the percentage of budgetary allocations made for the judiciary in the forthcoming years and what were the provisions earlier to show that the budget estimate for the financial years 2025-26 is 272.64 crores, which is 0.46% of the total budget estimate and for the forthcoming years, it is stated to be 290.25 crores, which is 0.53% of the budget estimate. Though justification has been made in Table-V which shows that it is the only department there is an increase as such apart from the Panchayati Raj Department, which shows substantial increase from 878.95 crores to 1040.41 crores. The justification is given

that increase in the Panchayati Raj Department is due to the grant of Central Finance Commission/State Finance Commission. Apparently, the reason, on the face of it, is clear that the Panchayat elections are round the corner and is the only department which has got substantial increase. It shows the priority of the State that the sole purpose is only not to develop judicial infrastructure but to pander to the votes.

9. The stonewalling aspect which was noticed earlier has further been confirmed by the fact that the vehicles which have now been approved, namely, the six Maruti Suzuki Grand Vitara Sigma for District & Session Judges, is not as per their entitlement and is the entitlement of the Additional District & Sessions Judges/Senior Civil Judges-cum-CJMs.

10. The down grading of the facilities of judiciary at all levels whether the High Court or the District is thus apparent on the face of it.

11. The lip service which the State is doing is not liable to be accepted and the promises that they will provide justice at the door-steps are apparently hollow. These are only some instances, which we are quoting. The fact remains that funds have still not been allocated only for the five

vehicles of the Senior Civil Judges-cum-Chief Judicial Magistrates at various stations, apart from the utility vehicles for this Court necessitated due to the peculiar weather conditions and two vehicles of the Maruti Suzuki Grand Vitara for the Registrars and a bike for the runner/dak carrier.

12. It is also to be noticed that four posts of Additional District Judges and the five posts of Civil Judges, which were created earlier, neither the staff as such has been provided, nor the post of Record-Keeper has been provided as per the staffing pattern. Rather this Court has time and again been asked that it should reconsider the staffing pattern and the State wants to thrust daily wagers and contractual employees on the judicial system, which is contrary to the Full Court's Resolution dated 12.08.2025, which decided that employees as such only be kept on regular basis, and even a letter has been written on 11.03.2026 to the State Government, but of no avail. The fact remains that even posts for permanent Lok Adalat, have not been created though there is a statutory duty of the State under the Legal Services Authority Act, 1987.

13. In such circumstances, we have no option but to call for the presence of the Chief Secretary

to come forth and explain as to why an assurance was given on the last date that the matter was pending favourable consideration before the Cabinet on 31.03.2026 but instead of that communication dated 28.04.2026 to the contrary has been received, which has been reproduced above, undermining the majesty of this Court in a certain manner whereby contempt continues to take place at the hands of the State.

14. Accordingly, let the Chief Secretary come present before this Court to explain the events which have been taking place since the last two years.

List on **20.05.2026**.

(G. S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

6th May, 2026(sanjeev)