

| Sl. No | Date | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | COURT'S OR JUDGES'S ORDERS |
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| | | | <p>WPSS No.112 of 2021 With WPSS No.1045 of 2020 <u>Hon'ble Sharad Kumar Sharma, J.</u></p> <p>Mr. D.S. Mehta, Advocate, for the petitioners.</p> <p>Mr. P.C. Bisht, Additional CSC, with Mr. Virendra Singh Rawat, Brief Holder, for the State of Uttarakhand.</p> <p>Mr. Rakesh Thapliyal, Senior Advocate, assisted by Mr. Pankaj Chaturvedi, Advocate, for the respondent.</p> <p>Mr. B.D. Kandpal, Advocate, for the respondent.</p> <p>Mr. N.S. Pundir, Advocate, for the respondent.</p> <p>The order-sheet of these writ petitions reflect, that ever since 14.01.2021, the respondent/State, was consistently granted time to file counter affidavit on as many as on six dates till the matter was lastly listed on 06.01.2022. Because in the absence of there being a proper assistance being extended by the office of the Chief Standing Counsel, due to non filing of the counter affidavit in time, the litigation has been kept pending. Not only in this present case but rather it has been experienced in most of the cases. Hence, this Court was constrained to direct the Secretary to appear in person, in an event if the counter affidavit is not filed.</p> <p>There is an office report dated 17.02.2022, that the counter affidavit has not filed despite of the order dated 06.01.2022, nor the Secretary is present in person before this Court, as directed.</p> <p>The reasons for absence, as it has been extended by the Additional CSC is that (1) the Secretary was busy in the recent election</p> |

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| | | | <p>proceedings (2) that he has got some personal difficulties as his mother is ailing.</p> <p>The aforesaid reasons though not substantiated, and are not acceptable by this Court, because exclusively the Secretary may not be the person who would be responsible to ensure processing of filing of the counter affidavit in time, because there are other competent officials in the Department, who could have prepare the counter affidavit, and filed it in the Registry.</p> <p>Since having not done so, he has not complied the order dated 06.01.2022, the Additional CSC, prays that he may be granted two weeks' further time to file the counter affidavit. The same is granted, subject to the condition, that the Secretary to the Department would deposit a cost of Rs.20,000/- (Rupees Twenty Thousand Only), to be deducted from his salary, in the High Court Bar Association Advocate Welfare Fund.</p> <p>In an event, if the counter affidavit is not filed by the next date fixed, after the expiry of the aforesaid period of two weeks, the Secretary would appear in person lest failing which the Court will be constrained to issueailable warrants.</p> <p>Put up this writ petition after two weeks on 07.03.2022.</p> <p style="text-align: right;">(Sharad Kumar Sharma, J.) 18.02.2022</p> <p>NR/</p> |
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