

Court No. - 10

Case :- WRIT - C No. - 31243 of 2023

Petitioner :- Pawan Kumar Dubey

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Naseem Rufi Q Alrafio B.M. Mugaanii, Shikha Singh, Vineet Kumar Singh

Counsel for Respondent :- C.S.C., Hem Pratap Singh, Mamta Singh

Hon'ble Kshitij Shailendra, J.

1. This is the 15th day of ongoing strike by lawyers.
2. Despite repeated communications issued by the Registrar General of this Court permitting arguments through Video Conferencing/Virtual Mode, neither any learned counsel has appeared to argue nor has any request for entertaining the present petition through Video Conferencing/Virtual Mode been sent to this Court.
3. When we gave ourselves the Constitution of India with a Preamble that "WE THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to its citizens, apart from other things, **JUSTICE, social, economic and political**", we had a clear vision in our mind that all the citizens, collectively, would endeavour to achieve the object set out in the Preamble. How far we have succeeded to achieve the objectives as a developing nation is one thing, our collective efforts must remain so directed that journey of over-all development of nation may not get derailed.
4. Strike, in common parlance, is considered as a temporary withdrawal of services by a group of an organisation with an aim to express the grievance or push some bargaining demand. Such an action may incur some temporary benefits but, ultimately, poses adverse effects all-around. **In our judicial system, strike brings the wheels of justice to a standstill, bringing cheer and happiness amongst enemies of justice. Their whips get thicker, sticks more brutal to deepen bleeding wounds day-by-day, their apathy to listen the cry stronger and their sleep against call for justice turning into a deep slumber, so long as the saviours of justice, i.e. the lawyers and the Judges, do not come for rescue of the victims of injustice.**
5. **The institution of justice and courts of law cannot be equated with industrial establishments where concept of Trade Unions is utilized to justify strikes by industrial labours owing to their demand from employers. Neither State Bar Council nor a Bar Association can be treated alike a Trade Union bargaining for their demands.** They are well-equipped with all legal means to find out solutions to any problem. Lawyers' strike waste not only judicial time but also cause immense loss and harm to all the social values and leads to rising pendency of cases, adversely affecting the system of justice delivery, bringing more and more hardships to the litigant(s) for whom the courts are meant.
6. If courts of law remain closed for long periods, **the people may take**

recourse to other means for redressal of their grievances, including those which may have no sanction of law, like approaching the criminals to settle their disputes, or either turning themselves into criminals and adopting all other polluted means like bribing the dishonest bureaucrats for getting the work done. If this situation persists for a considerable period of time, the resultant effect on the society as well as individuals and the nation as a whole would be unassessable. In that eventuality, we would certainly shatter the faith reposed by us in ourselves while giving us the Constitution and its soul and that would be the most unfortunate day for all of us.

7. The **reason behind present strike** being an event of brutal lathi-charge on the lawyers practising in Hapur Court may have some justification behind agitation, **but, at the same time, the strike cannot be a solution to it. The solution could have been to let the Courts function and make the officers and bureaucrats answerable compelling their appearance before the courts of law to justify their action of lathi-charge and not to shut down the courts giving liberty to the erring officials to roam freely and smiling with a confidence that there is none to call for an explanation or to take action against them or take remedial measures.**

8. The Court, with a very heavy heart, adjourns this matter in the interest of justice **with the hope and trust** that the lawyers would understand not only the plight, woes, cry and grievance of the society at large, but also **their own well-being and also the overall ill-effects of strike** and would soon turn up to argue the case.

9. Put up this case on 30.10.2023 as fresh.

Order Date :- 14.9.2023

Sazia