



# *Jharkhand High Court* **NEWSLETTER**

Volume : 1

Inaugural Issue



## *Inaugural Issue*

### **Editorial Board**

***Hon'ble Mr. Justice D. N. Patel***  
Judge, Jharkhand High Court

***Hon'ble Mr. Justice R. R. Prasad***  
Judge, Jharkhand High Court

***Hon'ble Mrs. Justice Jaya Roy***  
Judge, Jharkhand High Court

***Hon'ble Mr. Justice D. N. Upadhyay***  
Judge, Jharkhand High Court

### **Compiled By :**

**Mr. P. R. Dash, Registrar General, Jharkhand High Court**

Quarterly Newsletter published by Jharkhand High Court

Also available at [www.jharkhandhighcourt.nic.in](http://www.jharkhandhighcourt.nic.in)

# THE CONSTITUTION OF INDIA

## Preamble

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a [SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC] and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the [unity and integrity of the Nation];

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

## Contents

Hon'ble Sitting Judges of Jharkhand High Court .....	1
Messages .....	5
Former Chief Justices of Jharkhand High Court .....	8
Hon'ble Judges of Jharkhand High Court elevated as Justice of Hon'ble Supreme Court of India. ....	10
Hon'ble Judge of Jharkhand High Court elevated as Chief Justice of other High Court. ....	11
Institution, Disposal & Pendency of Cases in Jharkhand High Court. ....	12
Mega Lok Adalat .....	13
National Mission Mode Programme. ....	19
Lok Adalat. ....	20
Action Plan. ....	23
Important Events, Conferences / Seminars. ....	27
Important Decisions, Standing Orders & Circulars .....	31

## *From the Desk of Editors*

Jharkhand High Court came into existence on 14<sup>th</sup> November, 2000 with the formation of New State of Jharkhand from the erstwhile Bihar. The High Court with principal Seat at Ranchi has seen many stalwarts Judges like Hon'ble Mr. Justice Altamas Kabir, the then Chief Justice, Jharkhand High Court and presently the Judge, Supreme Court of India; Hon'ble Mr. Justice S. J. Mukhopadhaya, the then Senior Judge, Jharkhand High Court & presently Judge, Supreme Court of India, Hon'ble Mr. Justice M.Y Eqbal, the then Senior Judge, Jharkhand High Court and presently Chief Justice, Madras High Court who have always added to the strength of the High Court by giving landmark Judgments of Public importance. Presently, also Hon'ble Mr. Justice Prakash Tatia, Chief Justice of Jharkhand High Court and all other Hon'ble Judges of the High Court have been trying to establish the supremacy of the Rule of Law protecting Fundamental Rights of the Citizens of the State by giving several important Judgments on public issues.

We feel extremely privileged in releasing the Inaugural Issue of Newsletter of Jharkhand High Court, a long cherished dream of the people of Jharkhand.

We have tried to contain in this Inaugural Issue of the Newsletter of the High Court to information like statistical details, pendency, disposal of cases, events, achievements and related activities of the Jharkhand High Court and Subordinate Courts across the State.

This Newsletter under the able guidance of Hon'ble the Chief Justice is an attempt to develop better communication with all Stakeholders of the Judiciary like Lawyers, Litigants, Judicial Officers and Public at large. We have immense regards to Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India, Hon'ble Mr. Justice S.J. Mukhopadhaya, Judge, Supreme Court of India, Hon'ble Mr. Justice M.Y Eqbal, Chief Justice, Madras High Court for sending their good wishes and blessings for this publication which will of course be a continuous source of inspiration for us.

## **Editorial Board**

*Justice Jaya Roy*

*Justice D. N. Patel*

*Justice D. N. Upadhyay*

*Justice R. R. Prasad*



## **CHIEF JUSTICE OF JHARKHAND HIGH COURT**



**Hon'ble Mr. Justice Prakash Tatia**  
Chief Justice, Jharkhand High Court, Ranchi

## SITTING JUDGES OF JHARKHAND HIGH COURT



**Hon'ble Mr. Justice R. K. Merathia, Judge, Jharkhand High Court, Ranchi**



**Hon'ble Mrs. Justice Poonam Srivastav  
Judge, Jharkhand High Court, Ranchi**



**Hon'ble Mr. Justice D. N. Patel  
Judge, Jharkhand High Court, Ranchi**



**Hon'ble Mr. Justice N. N. Tiwari**  
Judge, Jharkhand High Court, Ranchi



**Hon'ble Mr. Justice R. R. Prasad**  
Judge, Jharkhand High Court, Ranchi



**Hon'ble Mrs. Justice Jaya Roy**  
Judge, Jharkhand High Court, Ranchi



**Hon'ble Mr. Justice Prashant Kumar**  
Judge, Jharkhand High Court, Ranchi



**Hon'ble Mr. Justice P. P. Bhatt**  
Judge, Jharkhand High Court, Ranchi



**Hon'ble Mr. Justice Harish Chandra Mishra**  
Judge, Jharkhand High Court, Ranchi



**Hon'ble Mr. Justice Dhruv Narayan Upadhyay**  
Judge, Jharkhand High Court, Ranchi



**Hon'ble Mr. Justice Aparesh Singh**  
Judge, Jharkhand High Court, Ranchi



*Altamas Kabir*  
*Judge*  
*Supreme Court of India*



*17, Safdarjung Road*  
*New Delhi-110011*  
*Ph. : 23017059*  
*23015962*

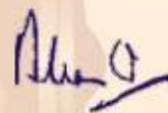
## **Message**

I was extremely happy to learn that the Jharkhand High Court is bringing out its Newsletter and that the inaugural issue of the same will be released shortly. A Newsletter serves various purposes and in particular makes people aware of the workings of the Court on different fronts.

There are certain events in the working of a High Court, which people in general should be aware of in order to be able to access the justice delivery system, at all different levels.

As far as I am concerned, awareness is an important key to the development of any society, especially in a democratic set up.

While congratulating the Jharkhand High Court in bringing out the Newsletter, I sincerely hope that it will fulfil the purposes for which it is being introduced.



**Altamas Kabir**

सत्यमेव जयते

*S. J. Mukhopadhyaya*  
*Judge*  
*Supreme Court of India*



*4, K. Kamraj Lane*  
*New Delhi-110 011*  
*Ph. : 23016556*

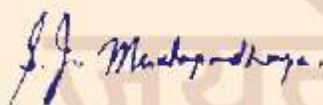
## **Message**

It gives me immense pleasure to know that the Jharkhand High Court is publishing its "Newsletter" to provide information on the functions and achievements of the Jharkhand High Court and the Jharkhand State Judiciary.

The common man in general and litigant in particular have no knowledge about the functions and achievements of the High Court and the State Judiciary and due to such ignorance many persons have wrong notion that in many cases justice is delayed. I have personally experienced the great work done by the Jharkhand High Court and the Jharkhand State Judiciary for speedy disposal of cases. Once such information is highlighted and information of functions and achievements of the Jharkhand High Court and the Jharkhand State Judiciary is made available, I am sure that the common man, in particular, will derive advantage of the same. Recently, the Jharkhand High Court has organised Mega Lok Adalat across the State. The sincere efforts made by the Chief Justice and Judges of the Jharkhand High Court and the Judicial Officers of the State witnessed disposal of a large number of cases by motivating the litigants to go for Lok Adalat. The Zeal and enthusiasm, exhibited, deserves to be appreciated and applauded. The commitments shown for reducing the arrears and preventing unnecessary litigation will bring the expected results.

I am sure that the Jharkhand High Court Newsletter will continue to provide valuable and useful information to its readers.

I wish the publication of Newsletter a great success.



**(SUDHANSU JYOTI MUKHOPADHAYA)**

*M. Y. Egbal*  
*Chief Justice*  
*High Court, Madras*



*23, Greenways Road,*  
*Chennai-600 028.*

## **Message**

I am very glad to know that the Jharkhand High Court is publishing its "Newsletter" to bring forth the various activities of the High Court of Jharkhand. Every institution should strive hard to improve its quality of work and try to redress the grievances of the needy people, as enshrined in our Constitution. As a Constitutional Institution, every High Court has an obligation to meet the demands of the litigants of the State i.e., speedy disposal as well as quality justice. Publication of a Newsletter gives its readers details of the activities of a particular institution, the details of achievements made by such an institution and also what they propose to do next. On reading your Newsletter every Judge of the High Court and every judicial officer of the subordinate judiciary should get motivated to do their best to achieve more and more in the periods to come. In that way a Newsletter can perform its useful function.

I hope that with the rich experience in the Jharkhand High Court, Hon'ble Mr. Justice D.N. Patel and the team of editors would do a good service to the society by motivating the other Judges and subordinate judicial officers to concentrate more and more in the judiciary of the State, and thus serve the people of the State of Jharkhand.

I wish the endeavour a great success.



**M. Y. Egbal**

सत्यमेव जयते

## **FORMER CHIEF JUSTICES OF JHARKHAND HIGH COURT**



**Hon'ble Mr. Justice  
Vinod Kumar Gupta**  
(15<sup>th</sup> November, 2000 to 04<sup>th</sup> March, 2003)



**Hon'ble Mr. Justice  
P. K. Balasubramanyan**  
(10<sup>th</sup> March, 2003 to 26<sup>th</sup> August, 2004)

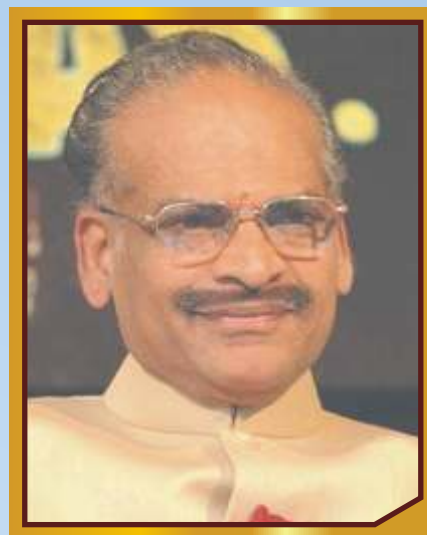


**Hon'ble Mr. Justice  
Altamas Kabir**  
(From 01<sup>st</sup> March, 2005 to 08<sup>th</sup> Sep., 2005)





**Hon'ble Mr. Justice  
Nelavoy Dhinakar**  
(04<sup>th</sup> December, 2005 to 09<sup>th</sup> June, 2006)



**Hon'ble Mr. Justice  
M. Karpaga Vinayagam**  
(17<sup>th</sup> September, 2006 to 15<sup>th</sup> May, 2008)



**Hon'ble Mrs. Justice  
Gyan Sudha Misra**  
(13<sup>th</sup> July, 2008 to 29<sup>th</sup> April, 2010)



**Hon'ble Mr. Justice  
Bhagwati Prasad**  
(22<sup>nd</sup> August, 2010 to 12<sup>th</sup> May, 2011)

## **HON'BLE JUDGES OF JHARKHAND HIGH COURT ELEVATED AS JUDGE OF HON'BLE SUPREME COURT OF INDIA**



**Hon'ble Mr. Justice P. K. Balasubramanyan**



**Hon'ble Mr. Justice Altamas Kabir**



**Hon'ble Mrs. Justice Gyan Sudha Misra**



**Hon'ble Mr. Justice S. J. Mukhopadhyaya**

## **HON'BLE JUDGE OF JHARKHAND HIGH COURT ELEVATED AS CHIEF JUSTICE OF OTHER HIGH COURTS**



**Hon'ble Mr. Justice M. Y. Eqbal**  
**Elevated as Chief Justice of Madras High Court**

## Institution, Disposal & Pendency of Cases in Jharkhand High Court (As on 31.07.2011)

CIVIL CASES				CRIMINAL CASES				CIVIL + CRIMINAL
Opening Balance (as on 01.04.2011)	Institution (From 01.04.2011 to 30.06.2011)	Disposal (From 01.04.2011 to 30.06.2011)	Pendency (At the end of 30.06.2011)	Opening Balance (As on 01.04.2011)	Institution (From 01.04.2011 to 30.06.2011)	Disposal (From 01.04.2011 to 30.06.2011)	Pendency (At the end of 30.06.2011)	Total Pendency of Civil and Criminal (At the end of 30.06.2011)
32,653	2,457	1,627	33,483	28,073	4,397	4,539	27,913	6,1396

### ANNUAL STATEMENT OF CIVIL & CRIMINAL CASES OF SUBORDINATE COURTS FOR THE YEAR 2011

CIVIL CASES						CRIMINAL CASES				
Sl. No.	Name of the Court	O.B. as on 1.1.11	Inst. during the year	Disposal during the year	Pendency at the end of year	O.B. as on 1.1.11	Inst. during the year	Disposal during the year	Pendency of the end of year	Total Pendency (Civ. + Cri.)
1	Bokaro	3270	1128	1029	3369	16767	4440	4459	16748	20117
2	Chatra	1450	456	327	1579	6039	2521	1785	6775	8354
3	Chaibasa	599	244	113	730	7108	4462	4202	6121	6851
4	Daltonganj	2516	436	503	2449	15426	5347	5919	14854	17303
5	Deoghar	2414	583	333	2664	14314	3518	3100	14732	17396
6	Dhanbad	8276	1990	1212	9054	28972	9640	9316	29296	38350
7	Dumka	1616	473	428	1661	7549	3164	2579	8134	9795
8	Garhwa	1421	357	215	1563	11774	3036	2830	11980	13543
9	Giridih	3798	742	877	3663	19487	4362	5185	14611	18274
10	Godda	738	228	90	876	7442	2666	2043	8065	8941
11	Gumla	1218	518	521	1215	4299	4487	4599	4187	5402
12	Hazaribagh	6284	1851	1654	6481	18613	7702	6603	19712	26193
13	Jamshedpur	4332	1306	1182	4456	27174	7118	7204	27088	31544
14	Jamtara	687	225	184	728	4738	1186	1735	4189	4917
15	Koderma	1768	257	288	1737	6016	2309	1984	6341	8078
16	Latehar	428	262	158	532	2465	1429	1013	2881	3413
17	Lohardaga	811	285	383	804	2824	1120	1196	2748	3552
18	Pakur	689	158	155	838	3762	1150	1311	3594	4432
19	Ranchi	7971	5280	4686	8565	23113	25008	25027	23094	31659
20	Sahibganj	699	181	193	687	7976	3742	4700	7018	7705
21	Seraikella	794	596	462	928	3622	2289	1999	3919	4847
22	Simdega	197	123	85	235	1136	1054	876	1314	1549
	<b>Total</b>	<b>51976</b>	<b>17679</b>	<b>15078</b>	<b>54814</b>	<b>240616</b>	<b>101750</b>	<b>99665</b>	<b>237401</b>	<b>292215</b>

Note : Opening figures were modified by some Judgeships during the year.



# 1<sup>st</sup> (5-Days) Mega Lok Adalat organised from 23<sup>rd</sup> August 2011 to 27<sup>th</sup> August 2011

## Details of cases disposed

Cases pending in the Civil Court Naturewise as	Bokaro	Chaibasa	Chatra	Deoghhar	Dhanbad	Dumka	Garhwa	Giridih	Godda	Gumla	Hazaribagh	Jamshedpur	Jamtara	Koderma	Latehar	Lohardaga	Pakur	Palamanu	Ranchi	Sahebganj	Seraikella	Simdega	Total
Title Suit	9	0	0	1	2	0	1	9	0	3	10	13	8	6	19	5	0	1	7	1	1	0	96
Money Suit	0	0	0	0	0	1	0	0	0	0	1	5	2	0	0	2	0	0	2	2	0	0	15
Any other suit	0	0	0	0	0	0	2	0	0	0	8	2	0	1	0	1	1	0	11	3	0	0	29
Misc. Case	0	0	0	1	0	28	0	0	0	0	0	0	0	0	0	1	0	1	1	4	0	0	36
Title Appeal	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0	3	0	2	0	0	0	0	7
Misc. Appeal	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Execution Case	0	0	0	1	0	1	0	0	0	0	1	2	0	0	0	2	0	0	0	0	0	0	7
Matrimonial Suit	1	1	0	0	2	0	0	8	1	0	12	10	2	1	0	0	0	1	1	9	0	0	49
Maintenance	0	0	2	0	6	0	0	0	0	0	20	0	0	1	0	6	0	2	3	8	0	0	48
Criminal Revision	0	0	0	0	0	0	1	0	0	0	2	0	0	2	0	0	0	0	0	0	0	0	5
MACT claim	2	1	15	0	12	15	0	5	1	20	13	0	2	0	5	6	1	10	21	7	1	4	141
GR Compoundable Case	1500	3	10	30	514	66	162	198	202	150	120	38	65	308	95	97	91	218	121	59	103	11	4161
Complaint Cases like :	0	316	0	12	0	8	10	0	24	0	0	0	18	23	32	0	108	0	0	0	0	6	557
NI Act	2	0	0	0	7	0	0	0	0	0	5	258	2	2	0	0	0	2	48	4	0	0	330
Sec. 498A	2	0	0	0	0	0	0	0	16	1	0	6	25	0	0	0	2	4	0	28	0	0	84
Other Cases	0	0	0	254	0	0	0	0	0	0	322	188	14	0	0	33	17	4	38	40	0	0	910
Forest Cases	10	0	0	16	21	68	32	62	1	12	277	5	5	33	18	62	8	12	24	60	0	6	732
Excise Cases	10	0	0	10	33	4	2	21	0	3	16	94	20	78	0	1	8	1	45	5	21	0	372
MV Act	0	0	0	0	0	0	2	5	1	0	0	315	0	0	0	0	0	0	21	20	0	153	517
Railway Act	0	0	0	44	232	0	0	0	0	0	0	0	21	0	0	0	0	52	59	159	0	0	567
Shop Act	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WM Act	5	0	0	4	2	6	0	21	4	7	55	84	5	20	0	2	18	0	40	14	6	2	295
Electricity	10	0	0	0	99	14	5	97	3	27	59	270	18	8		0	10	4	321	12	86	4	1047
Any other Cases	10	0	0	0	0	0	0	0	309	170	0	31	95	6		48	45	0	0	329	13	44	1100
<b>Total</b>	<b>1561</b>	<b>321</b>	<b>27</b>	<b>374</b>	<b>930</b>	<b>211</b>	<b>217</b>	<b>426</b>	<b>562</b>	<b>393</b>	<b>921</b>	<b>1322</b>	<b>302</b>	<b>490</b>	<b>169</b>	<b>##</b>	<b>309</b>	<b>314</b>	<b>763</b>	<b>764</b>	<b>231</b>	<b>230</b>	<b>11106</b>

# 1<sup>st</sup> (5-Days) Mega Lok Adalat organised from 23<sup>rd</sup> August 2011 to 27<sup>th</sup> August 2011

**Details of cases disposed otherwise then the pending in the Civil Courts Naturewise**

Cases Otherwise than pending in the Civil Court, Naturewise as	Bokaro	Chaibasa	Chatra	Deoghar	Dhanbad	Dumka	Garhwa	Giridih	Godda	Gumla	Hazaribagh	Jamshedpur	Jamtara	Koderma	Latehar	Lohardaga	Pakur	Palamau	Ranchi	Seraikella	Sahebganj	Simdega	Total
Cases of Executive Courts	0	7	112	0	39	0	102	67	0	0	0	236	2055	0	0	29	30	46	0	50	14	49	2836
Labour	0	2	1	0	4	0	0	0	0	0	88	32	0	0	2	397	76	5	0	0	0	3	610
Certificate Cases	0	0	7	0	10	9	0	187	106	3	0	69	49	0	4	24	61	0	11	0	0	20	560
Any other Cases	0	0	62	0	0	34	0	0	0	258	1500	6	79	0	10	547	0	0	293	20	262	30	3101
<b>Total</b>	<b>0</b>	<b>9</b>	<b>182</b>	<b>0</b>	<b>53</b>	<b>43</b>	<b>102</b>	<b>254</b>	<b>106</b>	<b>261</b>	<b>1588</b>	<b>343</b>	<b>2183</b>	<b>0</b>	<b>16</b>	<b>997</b>	<b>167</b>	<b>51</b>	<b>304</b>	<b>70</b>	<b>276</b>	<b>102</b>	<b>7107</b>

## 1<sup>st</sup> (5-Days) Mega Lok Adalat organised from 23<sup>rd</sup> August 2011 to 27<sup>th</sup> August 2011

### Details of Prelitigation Cases disposed

District	Details of Prelitigation Cases disposed
Bokaro	551
Chaibasa	63
Chatra	20
Deoghar	145
Dhanbad	40
Dumka	25
Garhwa	11
Giridih	0
Godda	0
Gumla	67
Hazaribagh	325
Jamshedpur	70
Jamtara	0
Koderma	0
Latehar	413
Lohardaga	191
TOTAL	1921

## 2<sup>nd</sup> (5-Days) Mega Lok Adalat organised from 18<sup>th</sup> October 2011 to 22<sup>nd</sup> October 2011

### Details of cases disposed

Cases pending in the Civil Court Matured as	Bokaro	Chaibasa	Chatra	Deoghar	Dhanbad	Dumka	Garhwa	Giridih	Godda	Gumla	Hazaribagh	Jamshedpur	Jamtara	Koderma	Latehar	Lohardaga	Pakur	Palam	Ranchi	Seraikella	Sahibganj	Simdega	Total
Title Suit	8	0	1		0							4			0	0				0			9
Money Suit	0	0	0	1	0	0	0	2	0	0	2				0	0	0	1		0	0	0	10
Any other suit	0	0	0	0	3	0	0	0	0	0	0	0			0	0	6	0	3	0	0	0	11
Misc. Case	0	0	0	5	0	0	0	0	0	0	1	0	0	0	0	0	11	1	1	0	0	0	19
Title Appeal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
Misc. Appeal	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	3
Execution Case	0	1	0	2	1	2	0	0	0	0	2	0	0	0	0	0	0	0	3	0	0	0	11
Matrimonial Suit	2	3	0	3	6	1	1	11	1	0	13	6	0	0	0	0	0	1	0	1	10	0	58
Maintenance	0	0	1	0	2	0	0	0	1	0	2	0	0	0	0	0	0	3		2	6	0	17
Criminal Revision	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
MACT claim	3	1	6	0	6	1	0	0	0	0	4	2	0	0	1	2	0	8	3	0	6	4	49
GR Compoundable Case	1347	4	8	2	696	51	40	142	12	9	49	116	36	83	28	27	95	314	131	7	20	19	9234
Complaint Cases like :-	13	340	22	3	0	202	11	0	2	0	0	0	6	4	6	0	3	0	0	0	0	2	612
NI Act	7	0	2	0	7	0	0	1	0	0	3	58	1	0	0	0	0	0	16	2	0	0	97
Sec. 493A	0	0	0	0	0	0	0	0	1	1	0	7	5	0	0	0	0	2	1	18	0	0	35
Other Cases	0	0	2	24	0	0	2	0	0	0	26	365	9	0	0	104	0	1	0	20	0	0	543
Forest Cases	8	0	17	8	11	27	17	17	0	1	47	64	1	8	3	1	0	11	440	18	0	4	693
Excise Cases	9	0	0	0	10	2	8	1	0	0	8	133	1	20	0	0	0	0	123	2	0	2	319
MV Act	0	0	0	0	0	3	2	1	0	1	22	433	11	0	0	1	0	0	3	8	0	70	955
Railway Act	0	0	0	119	244	0	0	0	0	0	0	0	0	0	0	0	0	110	48	122	0	0	643
Shop Act	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WM Act	6	0	0	0	1	3	0	7	0	0	9	228	0	6	0	0	0	0	14	4	10	2	289
Electricity	13	0	1	0	108	3	2	76	0	6	16	6	12	0	0	0	2	0	132	43	9	1	428
Any other Cases	0	0	0	0	0	0	0	0	19	27	0	17	38	0	0	21	1	0	0	2	161	0	276
<b>Total</b>	<b>1416</b>	<b>349</b>	<b>69</b>	<b>167</b>	<b>1093</b>	<b>297</b>	<b>86</b>	<b>267</b>	<b>36</b>	<b>46</b>	<b>204</b>	<b>1418</b>	<b>119</b>	<b>121</b>	<b>36</b>	<b>156</b>	<b>117</b>	<b>454</b>	<b>923</b>	<b>249</b>	<b>211</b>	<b>104</b>	<b>7916</b>



## 2<sup>nd</sup> (5-Days) Mega Lok Adalat organised from 18<sup>th</sup> October 2011 to 22<sup>nd</sup> October 2011

Details of cases disposed otherwise then the pending in the Civil Courts Naturewise

Cases Otherwise than pending in the Civil Court, Naturewise as	Bokaro	Chaibasa	Chatra	Deoghhar	Dhanbad	Dumka	Garhwa	Giridih	Goda	Gunla	Hazaribagh	Jamshedpur	Jamtara	Koderma	Latehar	Lohardaga	Pakur	Palamu	Ranchi	Seraikella	Sahibganj	Simdega	Total
Cases of Executive Courts	23	7	112	0	0	0	81	59	0	9	106	232	148	1	0	27	8	39	0	10	51	110	1021
Labour	0	2	1	0	2	1	0	0	0	0	18	7	0	2	10	0	43	0	0	2	0	2	88
Certificate Cases	0	0	7	0	7	56	0	0	4	0	0	31	47	0	0	11	55	0	3	57	0	30	308
Any other Cases	0	0	62	0	0	88	151	0	0	169	151	3	725	0	0	440	0	0	240	298	10	7	2342
<b>Total</b>	<b>23</b>	<b>9</b>	<b>182</b>	<b>0</b>	<b>9</b>	<b>145</b>	<b>232</b>	<b>59</b>	<b>4</b>	<b>178</b>	<b>273</b>	<b>273</b>	<b>920</b>	<b>3</b>	<b>10</b>	<b>478</b>	<b>104</b>	<b>0</b>	<b>243</b>	<b>365</b>	<b>61</b>	<b>149</b>	<b>3759</b>

**2<sup>nd</sup> (5-Days) Mega Lok Adalat  
organised from 18<sup>th</sup> October 2011 to 22<sup>nd</sup> October 2011  
Details of Prelitigation Cases disposed**

District	No. of Prelitigation Cases disposed
Bokaro	395
Chaibasa	101
Chatra	12
Deoghar	22
Dhanbad	432
Dumka	155
Garhwa	10
Giridih	0
Godda	0
Gumla	22
Hazaribagh	273
Jamshedpur	69
Jamtara	0
Koderma	40
Latehar	727
Lohardaga	85
Pakur	34
Palamau	8
Ranchi	0
Sahebganj	84
Seraikella	82
Simdega	0
<b>Total</b>	<b>2551</b>

## National Mission Mode Programme

Data with respect to Jail Adalat organized and under Trial Prisoners

Released / Benefitted

(From January 2010 to July 2011)

DLSA	No. of Lok Adalat Organized in Jail under Mission Mode Programme	Total No. of Cases Settled	Under Trial Prisoners released/benefitted
Bokaro	10	35	36
Chaibasa	13	269	266
Chatra	14	39	50
Deoghar	16	218	124
Dhanbad	06	151	215
Dumka	03	186	99
Garhwa	13	51	68
Giridih	13	73	100
Godda	16	75	253
Gumla	14	87	134
Hazaribagh	12	38	61
Jamshedpur	10	129	140
Jamtara	05	26	11
Koderma	11	33	29
Latehar	13	49	30
Lohardagga	09	33	43
Pakur	10	33	102
Palamau	10	86	118
Ranchi	21	182	65
Sahibganj	06	49	72
Seraikella	14	57	66
Simdega	04	05	08
<b>TOTAL</b>	<b>243</b>	<b>1904</b>	<b>2090</b>

**Details of Lok Adalat  
organized by the High Court Legal Services Committee, Ranchi  
in the Jharkhand High Court**

Sl. No.	Dates of holding of Lok Adalats	Nature and no. of cases taken up	No. of cases settled	Amount Settled
01.	15.6.2002 15.7.2002	1200	457	
02.	13.7.2003	Writ Petition - 179	13	Rs. 23,81,130.00 (Rs. Twenty three lakhs eighty one thousand one hundred thirty only)
		F. A. - 36	Nil	Nil
		M. A. - 86	41	Rs. 97,26,063.00 (Rs. Ninety seven lakhs twenty six thousand sixty three only)
03.	17.8.2003	Writ Petition - 158	15	Rs. 48,35,511.00 (Rs. Forty Eight lakhs thirty five thousand five hundred eleven only)
04.	24.1.2004	Writ Petition - 158	14	Rs. 13,98,716.00 (Rs. Thirteen Lakhs ninety eight thousand seven hundred sixteen only)
		M. A. - 95	16	Rs. 1,51,01,284.00 (Rs. One Crore fifty one lakh one thousand two hundred eighty four only).
05.	1.8.2004	Writ Petition - 440	30	Rs. 34,48,963.00 (Rs. Thirty four lakhs forty eight thousand nine hundred sixty three only)
		Contempt - 222	16	-
		M. A. - 70	54	Rs. 2,20,51,038.00 (Rs. Two Crore twenty lakhs fifty one thousand thirty eight only)
06.	21.8.2005	M.A. - 54	50	Rs. 1,07,05,358.00 (Rs. One crore seven lakh five thousand three hundred fifty eight only).
		Civil - 01	-	-
07.	7.5.2006	Writ - 268	96	Rs. 3,75,93,952.00 (Rs. Three Crore seventy five lakhs ninety three thousands nine hundred fifty two only).
		F.A. - 40	01	Rs. 13,26,644.00 (Rs. Thirteen lakhs twenty six thousand six hundred fort four only).
		M.A. - 50	26	Rs. 70,16,773.00 (Rs. Seventy lakh sixteen thousand seven hundred seventy three only).



Sl. No.	Dates of holding of Lok Adalats	Nature and no. of cases taken up	No. of cases settled	Amount Settled
		(Cases related to Juvenile Justice Board  Juvenile case - 17	17	
		(Cases related to District Legal Services Authority, Jamshedpur)  M.A.C.T. cases - 31	31	Rs. 49,60,341.00 (Rs. Forty nine lakh sixty thousand three hundred forty one only).
		Matrimonial cases - 03	03	
		Pre-litigation, disputes related to Bank Loans - 40	40	Rs. 15,13,789.00 (Rs. Fifteen Lakh thirteen thousand seven hundred eighty nine only).
08.	15.8.2006	M.A. - 44	16	Rs. 15,13,078.00 (Rs. Fifty one lakh seventy seven thousand seventy eight only).
		Writ - 103	21	Rs. 4,89,39,332.00 (Rs. Four Crore eighty nine lakhs thirty nine thousand three hundred thirty two only).
09.	16.12.2006	Writ - 46 F.A. - 21 Contempt (C) - 32	28 15 22	Total amount settled in Lok Adalat in all 65 cases. Rs. 13400862.53 (Rs. One Crore thirty four lakhs eight hundred sixty two and paise fifty three only).
10.	12.5.2007	Writ - 155	145	Rs. 10,01,67,375.00 (Rs. Ten Crore one lakh sixty seven thousand three hundred seventy five only) (Including M.A. Cases)
		M. A. cases - 27	17	Rs. 26,46,458.00 (Rs. Seventy Eight lakhs six thousand four hundred fifty eight only).
11.	4.8.2007	Writ - 94	57	Rs. 78,06,247.0 (Rs. Seventy Eight lakhs six thousand two hundred forty seven only).
		M. A. cases - 32	16	Rs. 22,60,682.00 (Rs. Twenty two lakhs sixty thousand six hundred eighty two only).
12.	19.1.2008	Writ - 245	78	Rs. 1,23,50,276.74 (Rs. One Crore twenty three lakhs fifty thousand two hundred seventy six and paise seventy four only).

Sl. No.	Dates of holding of Lok Adalats	Nature and no. of cases taken up	No. of cases settled	Amount Settled
		M.A. cases - 43	21	Rs. 42,03,503.00 (Rs. Forty two lakh three thousand five hundred three only).
13.	20.12.2008	Writ & M.A. - 320	80	Rs. 1,71,80,481.00
14.	25.7.2009	Pre-litigation Lok Adalat - 327	125	Rs. 52,27,853.00
15.	8.5.2010	Writ cases - 51	26	Rs. 40,04,000/-
16.	9.10.2010	503 cases of different natures including 320 F. A. cases.	58	Rs. 1,75,56,331.00
17.	6.8.2011	<b>M. A. - 138</b>	Nil	Nil
		<b>Cont. - 63</b>	41	Rs. 3,23,54,954/-
		<b>Pre-litigation - 20</b>	4	
<b>TOTAL</b>	<b>18</b>	<b>5412</b>	<b>1469</b>	<b>Rs. 38,26,21,608.27</b> (Rs. Thirty eight crore twenty six lakh twenty one thousand six hundred eight and paise twenty seven only).

## **Glimpses of Action Plan for the year 2011-12 for implementing the recommendation of 13<sup>th</sup> Finance Commission**

### **Prospective Action Plan and Estimates of Expenses for Utilization of Grants Allocated Under the 13th Finance Commission**

The major aim of the 13th Finance Commission grant is to improve justice delivery, reduce Pendency, strengthen infrastructure and improve human resource development. One of the major problems in justice delivery is the huge amount of pending cases and the reasons are less judge population ratio, less use of technology in the system, age old procedures and infrastructure problems in subordinate judiciary. The institutions of cases are higher than the disposal resulting in increase in Pendency.

The Commission has approved a grant of Rupees 5000 crores in this regard for the entire judicial system in India. The state of Jharkhand has been allocated Rupees 177.48 crores for improving delivery of justice.

#### **Opening of additional courts in conformity with the morning evening/shift courts.**

At present, the State of Jharkhand has 499 sanctioned Courts functioning in its 22 judicial districts. These courts are disposing of both, important cases as well as cases of petty nature. As per the scheme of the 13th Finance Commission Rupees 82.62 crores have been allotted to the State of Jharkhand for Morning/Evening/Shift courts for relieving the pressure on judicial time on account of petty cases.

However, considering the terrain, local conditions and law and order situation, functioning of morning evening court has not been found feasible.

Jharkhand High Court has resolved to open additional courts in conformity to this scheme for a period of five years.

Jharkhand high court has recommended to the State Government for creation of 31 courts in the cadre of Superior Judicial Service and 46 courts in the cadre of Civil Judge Senior Division.

The Jharkhand High Court has also recommended for creation of the post of one bench clerk, one stenographer and two peons for each of these Courts.

The Jharkhand High Court has further resolved to establish Holiday Family Court, where in Principle Judge, Family court will hold court on any one Sunday. Rules have already been framed. The holiday Family Court will benefit the litigants who are employed and face difficulties in appearing before the court on working days.

Once these courts start functioning, long pending 13,362 (more than ten years) cases, 7044 cases of under trial prisoners and 14,769 petty cases can be expedited. The creation of 46 additional courts of Civil Judge Senior Division will help in disposal of 50 percent of Civil cases pending in these courts in five years. The creation of 31 additional Courts in the cadre of Superior Judicial Service will also help in disposal of 50 percent of civil cases pending in these courts within five years.

The Jharkhand high court has set the target of disposal of minimum 20 cases per month for each of the 31 courts in the cadre of Superior Judicial Service. Thus setting an annual target of disposal of 7,450 cases pending in the Superior Courts. In five year the target will be to dispose of 35,000 including 15,000 pending civil cases.

The Jharkhand High Court has set the target of disposal of minimum 8 suits per month for each of the 46 courts in the cadre of Civil Judge Senior Division. Thus setting an annual target of disposal of 4,416 suits pending in the Courts of Civil Judge Senior Division. In five year the target will be to dispose of nearly 22,000 out of 24,000 pending civil cases.

Rules have been framed for Holiday Family Court, these courts will sit on any one Sunday of the month and is required to take up minimum 25 cases per sitting. The Holiday Family Court will not only benefit the litigants who are employed and facing difficulties in appearing before the court on working days but also help reduce the arrear in these courts.

The expenses in running these courts for a period of five years is shown in the following table :-

**Expected total expenditure for one year of 31 Courts of Superior Judicial Service.**

Rank of the Officer & Staff	Basic Salary (in Rs.)	Grade Pay (in Rs.)	Present DA@ 58%	HRA@ 20% of Basic	Total expenditure (in Rs.) taking in view the No. of Officers/staff in one year
Superior Judicial Service (31 Post)	51,550	--	29,899	10310	Rs, 91,759/- x 31 x 12 = = Rs. 3,41,34,348/-
Bench Clerk (31 post)	5200	2400	4408	1520	Rs, 13,528/- x 31 x 12 = = Rs. 50,32,416/-
Steno (31 Post)	5200	2400	4408	1520	Rs, 13,528/- x 31 x 12 = = Rs. 50,32,416/-
Peon (62 Post)	4440	1300	3329	1148	Rs, 10,217/- x 62 x 12 = = Rs. 76,01,448/-
				<b>Total (A)</b>	<b>Rs. 5,18,00,628/-</b>

**Expected total expenditure for one year of 46 Courts of Civil Judges Senior Division.**

Rank of the Officer & Staff	Basic Salary (in Rs.)	Grade Pay (in Rs.)	Present DA@ 58%	HRA@ 20% of Basic	Total expenditure (in Rs.) taking in view the No. of Officers/staff in one year
Civil Judge Senior Division (46 Post)	39,530	--	22,927	7906	70363 x 46 x 12 = Rs. 3,88,40,376/-
Bench Clerk (46 post)	5200	2400	4408	1520	13,528 x 46 x 12 = Rs. 74,67,456/-
Steno (46 Post)	5200	2400	4408	1520	13,528 x 46 x 12 = Rs. 74,67,456/-
Peon (92 Post)	4440	1300	3329	1148	10217 x 92 x 12 = Rs. 1,12,79,568/-
				<b>Total (B)</b>	<b>Rs. 6,50,54,856/-</b>
<b>(A + B)</b>					<b>Rs. 11,68,55,484/-</b>



**Expected total expenditure for next four years of 31 Courts of Superior Judicial Service, 46 Courts of Civil Judges Senior Division after taking 20% enhancement per year for expected DA hike & Increment etc.**

Financial Year	Expenditure in las F.Y.	20% enhancement in the salary due to expected DA hike & increment	Total expenditure in the finance year
Civil Judge Senior Division (46 Post)	Nil	Rs. 2,33,71,097/-	Rs. 14,02,26,581/-
Bench Clerk (46 post)	Rs. 14,02,26,581/-	Rs. 2,80,45,316/-	Rs. 16,82,71,897/-
Steno (46 Post)	Rs. 16,82,71,897/-	Rs. 33,65,43,794/-	Rs. 20,19,26,276/-
Peon (92 Post)	Rs. 20,19,26,276/-	Rs. 40,38,52,55/-	Rs. 24,23,11,531/-
			<b>Rs. 75,27,36,285/-</b>
<b>Gown Allowance for Judicial Officers @ Rs. 5000/- Per Year (77 x 5000/- x 4)</b>			<b>Rs. 15,40,000/-</b>
<b>Total</b>			<b>Rs. 75,42,76,285/-</b>

### Court Managers

The State Govt. has informed vide its letter no.B03/Law-stha-04/2010- 09/J dated 02nd August 2011, having created 02 posts of Court Manager for the High Court and 22 posts for the Subordinate Courts on contractual basis and fixed their remuneration Rs. 50,000/- and Rs. 40,000/- per month respectively.

The advertisement has been published. The date for applying for the post of C.M is fixed by the Hon'ble Court from 15th September to 31st October, 2011. The appointment will be made after receiving of the applications.

The total outlay for one financial year is calculated to be Rs.1,17,60,000/- only. (Rupees One Crore seventeen lacks sixty thousand only.) Court Manager (02) at High Court

Rs.50,000/-x 2 = 1,00,000/-.

Yearly = Rs.12,00000/-

Court Manager (22) at Subordinate Court.

Rs.40,000/-x22 = 8,80,000/-.

Yearly = Rs. 1,05,60,000/-

#### Objectives

With the objective of enchancing the efficiency of Court Management and resultant improvement in case disposal, Court Manger will be appointed for assisting Courts to perform their administrative duties, thereby enabling the Courts to devote more time to their Judicial functions.

### Heritage Court Building

No Subordinate Courts building is notified as Heritage Court Building in the state of Jharkhand. Present High Court building is since one of the oldest building built in the year 1919.

The Hon'ble Court has resolved :-

1. To call for an estimate with regard to expenditure required for preservation, maintenance and uplifting the present Court Rooms, Judges Chamber, Corridors (to be fitted with Kota Stones or matted Vitrified Tiles) and other structure of the High Court.
2. Estimate regarding setting up of Dias in Court Room No.1 and expenses to be incurred on Wood Paneling and False

Ceiling in all the Courts and Chambers of High Court Judges shall also be obtained. In compliance to the aforesaid Minutes, the Accounts (Establishment) Department of this Court has been requested to give the estimate amount to be incurred for above works.

### **Objectives**

Restoration and Conservation of old Court Building comes under the criteria of Heritage Building.

### **Lok Adalat and Legal Aid and ADR Centres & Training of Mediators**

Action Plan submitted by the Member Secretary, JHALSA vide Letter No.JHA.L.S.A1569 dated 30.07.2011 and year wise and five year wise plan apropos to the recommendations of the 13th Finance Commission vide Letter No. JHALSA/323, dated 08.06.2011.

- (i) Rs.45,50,000/- for Lok Adalat for the year 2011-12.
- (ii) Rs. 1,52,50,000/- for Legal Aid for the year 2011-12.

### **Objectives**

- (i) Providing free, competent, effective and comprehensive Legal Aid Services for persons belonging to SC/ST, Women, Children, Disabled,& Sr. Citizen and other eligible as per Legal Services Authorities Act, 1987. ,& Sr. Citizen and other eligible as per Legal Services Authorities Act, 1987.
- (ii) Widening the network of Lok Adalat
- (iii) To organize Legal Literacy & Awareness Camps
- (iv) Training of Mediators/Conciliators & Awareness and
- (v) Establishments of ADR Centres.

### **Training of Judicial Officers & Training of Public Prosecutors**

Revised action plan submitted by the Director, Judicial Academy, Jharkhand, Ranchi vide letter No.2033/JAJ dated 16.07.2011 and revised quarterly progress report from April, 2011 to June, 2011 for utilization of Budget received under 13th Finance Commission grants vide letter no. 2094/JAJ dated 26.07.2011.

### **Objectives**

- (i) Improving efficiency, timeliness of Courts and Access to Justice and under-friendliness.
- (ii) Enhancing Quality of Adjudication
- (iii) Quality of Court Planning and Management.
- (iv) Improving the Quality in five priority areas of adjudication i.e. Protection of civil liberties and constitutional rights, Social Justice, Criminal Justice, administration, environmental protection and economic development.

Above all the Hon'ble Court is also contemplating to set target for disposal of cases during the whole tenure of 13<sup>th</sup> Finance Commission under Mission Mode Programme for which necessary direction will follow.



# **Important Events, Conferences / Seminars**

सत्यमेव जयते





## Oath Taking Ceremony



**Hon'ble His Excellency Dr. Syed Ahmed, Governor of Jharkhand administering oath of office to Hon'ble Mr. Justice Prakash Tatia as Chief Justice of Jharkhand High Court on 11<sup>th</sup> September, 2011 at Birsa Mandap, Raj Bhawan, Ranchi**



**Hon'ble Mr. Justice Prakash Tatia, Chief Justice of Jharkhand High Court administering oath of office to Hon'ble Mr. Justice Apareesh Singh as judge of Jharkhand High Court on 24<sup>th</sup> January, 2012 at White Hall of Jharkhand High Court, Ranchi**

## Workshop on Mission Mode Programme





# **Important Decisions Standing Orders & Circulars**

सत्यमेव जयते





## Some Recent Important Judgements of Jharkhand High Court

JHARKHAND HIGH COURT

W.P. (P.I.L.) No. 2785 of 2011

**Chandra Shekhar Pandey** Petitioner Versus  
**Union of India through the Secretary, Ministry of Law**  
**Respondent**

CORAM:

**Hon'ble Mr. Justice Prakash Tatia and**  
**Mrs. Jaya Roy**

**Order Dated: 23.06.2011**

Constitution of India, Article 77 (1)- Scope of- Decision of Government- Unless the same is sanctified and acted upon by issuing an order in the name of the President or the Governor- Finality of an order is required to be authenticated in the manner provided under Article 77 in the case of the Government of India- Notification dated 8.4.2011- Non-compliance of Article 77 (1) of the Constitution- Effect of- Mere resolution of the Government of India and for preparing a draft of "Lokpal Bill"- A draft of Lokpal Bill is created, it will only be proposal to prepare a draft for legislation- Itself is not even a proposal for legislation- Draft of Lokpal Bill itself is not a legislative proposal- Petition for Public Interest Litigation dismissed.

**Case laws-**

AIR 1967 SC 1145; (2000) 9 SCC 535; 1974 (2) SCC 831-

Referred.-

(2009) 15 SCC 705

Relied on.-

W.P. (C) No. 2671 of 2011. decided on 2.5.2011- Distinguished.

□□□

JHARKHAND HIGH COURT

L.P.A. No. 77 of 2009 with L.P.A. No. 79 of 2009

**State of Jharkhand & Anr.** Appellants

(in L.P.A. No. 77/09) With

**Jharkhand Hill Area Left Irrigation Corporation (JHALCO) and**  
**another Appellants**

(in L.P.A. No. 79/09) Versus

**Harihar Yadav & Ors.** Respondents

(in both O.P.As.)

CORAM:

**Hon'ble Mr. Justice Prakash Tatia and**  
**Mrs. Jaya Roy**

**Order Dated: 16.06.2011**

(A) Bihar- Reorganisation Act, 2000, Sections 8 and 65- Scope of- State of Jharkhand is competent to adopt law framed by the State of Bihar- BHALCO and JHALCO both are separate and independent.

Case Law.- W.P. (C) No. 488 of 2002 (SC); decided on 8.7.2008

(B) Service Laws- Absorption of employees of BHALCO in JHALCO- Employees in BHALCO have not been absorbed in of JHALCO- BHALCO cannot deny salaries to the employees who are at no fault- BHALCO is liable to pay all the arrears of salary to the employees who have not been absorbed by the JHALCO till date and also to the heirs of the deceased employees who died during this period.

(C) Service Laws- Decision to absorb the employees of BHALCO in JHALCO taken- Decision found to be just- Employees have right to enforce the undertakings and offer given by the JHALCO to the employees of BHALCO- No reason to disown the liability after absorbing some of employees of the BHALCO in JHALCO- JHALCO failed to justify non-absorption of the employees of BHALCO- JHALCO directed to absorb the employees of BHALCO from the date of order passed i.e. 16.6.2011- BHALCO directed to pay the salaries of the employees till they are absorbed by JHALCO.

□□□

JHARKHAND HIGH COURT

W.P. (C) No. 4600 of 2009 with

W.P. (C) No. 4602 of 2009

**Sri Singh Store (WPC 4600/2009)**

**Jay Narayan Tiwari (WPC 4602/2009)**

**Petitioners**

Versus

**The State of Jharkhand & others** Respondents

**CORAM : Hon'ble Mr. Justice R.K. Merathia**

**Order Dated: 5.17.03.2011**

Cancellation of P.D.S. license- Licensing Authority- Additional Special Officer for urban area and S.D.O., Special Officer for Rural area for running a Fair Shop as a Retail Dealer; The petitioner's license cancelled jointly by Special Officer A.D.C., East Singhbhum, Jamshedpur and Deputy Commissioner (Appellate Authority)- Not permissible- Deputy Commissioner being the Appellate Authority could not jointly cancelled the license who could revise the order of cancellation of license- Order of cancellation set aside- Matter remitted back to Special Officer for passing reasoned order.

P. D. S. Dealers- P.D.S. (Control Order 2001)- Not made effective in the State- In the absence of Notification or order under Order 1984 or Control Order 2001, absence of Wrong Doers are escaping and public suffering- Government to take suitable steps for making P.D.S. (Control) Order effective.

□□□

**JHARKHAND HIGH COURT**

W.P. (C) No. 3939 of 2010

1. **M/s. Shree Ram Construction at Lathia, Barhi, Hazaribagh**
2. **M/s. Hi-Tech Enterprises, Hazaribagh**
3. **M/s Maa Bhadrakali Enterprises, Hazaribagh**

***Petitioners***

1. **State of Jharkhand through the Secretary, Water Resources Department, Govt. of Jharkhand, Ranchi**
2. **Joint Secretary (Engineering), Water Resources Department, Govt. of Jharkhand, Ranchi**
3. **Engineer-in-Chief, II, Water Resources Department, Govt. of Jharkhand, Ranchi**
4. **Chief Engineer, Water Resources (Minor Irrigation) Department, Govt. of Jharkhand, Ranchi**
5. **Superintending Engineer, Minor Irrigation Division, Hazaribagh**
6. **Executive Engineer, Minor Irrigation Division, Hazaribagh**
7. **M/s. Laxmi Buildcon Pvt. Ltd., Hazaribagh ...**

***Respondents***

**CORAM : Hon'ble Mr. Justice R.K. Merathia**

**Order Dated: 4.23.09.2010**

- a) Tender matters- Petitioners along with respondent no. 7 jointly allowed work by the Government- Latter entire work being allowed to respondent no. 7 on the ground that work could not be split amongst many relying on different letters, circulars, decisions of the Officer/Authority of the Government- Controversy involved whether split of work was possible Held the petitioners, the concerned department and respondent no. 7 to make representation before the Chief Secretary within two weeks- the latter to decide the issue within four weeks of receipt of representation.
- b) Good number of writ petitions filed on tender matters before the court, the Chief Secretary to consider whether such litigations can be avoided by constituting Grievance Redressal Committee or Forum of good and competitive Officers on tender matters- the reasons of the decisions by the Committee or Forum shall be examined then by the Court for expeditious disposal.

□□□

Child Custody and writ of habeas carpus

W.P. (HB) No. 388 of 2010

**1) Amit Sandeep Khanna ..... Petitioner**  
Versus

**i) Union of India through the Secretary,  
Ministry of Home Affairs, New Delhi**

**ii) The State of Jharkhand through the Secretary, Ministry of  
Home Affairs, Ranchi**

**iii) Sheena Khanna..... Respondents**

**CORAM: Hon'ble Mr. Justice R.K. Merathia and**

**Hon'ble Mr. Justice D.N. Upadhyay**

**Order Dated: 15/3.05.2011**

- A) Child Custody and Writ of Habeas Corpus- Child taken to India, direction of High Court of New Zealand at Okland to produce the child Mitali before it- Petitioner further filing writ petition before the Jharkhand High Court, Ranchi for direction to husband, wife to produce the child- Spouse married at Ranchi, settled at New Zealand in 2005, female child Mitali born on 12.12.2006- Father petitioner acquiring citizenship of New Zealand- Wife respondent coming to India on 19.11.2008 with the child- Differences arose- Wife filing suit for judicial separation at Ranchi, husband noticed at New Zealand- Ex-parte order against husband for judicial separation.
- B) Husband concealing the fact of judicial separation moving to family court of Manukau, New Zealand for Parenting Order then moving to High Court at New Zealand getting direction to the respondent wife to produce the child before the High Court of New Zealand.
- C) Writ of Habeas Corpus filed by Respondent seeking direction to the husband wife to produce the child before the High Court of New Zealand as per the order of the latter- Wife contesting that he has got special VISA/Person of India Origin (PIO) Certificate to remain in India till 2025- Wife disputing detachment of the child on the ground that she will suffer trauma and the child would suffer personality disorder- Husband contending superior financial capacity. Whether the child be sent back to New Zealand- Held No, superior financial capacity of the petitioner cannot be the sole factor for disturbing the child from the custody of the mother- Order relating to custody are from the very nature interlocutory and the paramount interest of the child cannot be ignored. Such order can be passed by the Court to whose jurisdiction the child has been removed i.e. India at Ranchi unless prompt return of the child is for the welfare of the child. No order passed to send the child back to New Zealand (Relied: Dhanwanti Joshi Versus Madhav Unde (1998) 1 SCC //2)

□□□

**JHARKHAND HIGH COURT**

W.P. (S) No. 4536 of 2010

**Raja Ram Singh Petitioner Versus**

**1. The State of Jharkhand**

**2. The Chief Secretary, Govt. of Jharkhand, Ranchi**

**3. The Secretary, Water Resources Department, Govt. of  
Jharkhand, Ranchi**

**4. The Chief Engineer, Minor Irrigation, Water Resources  
Department, Govt. of Jharkhand, Ranchi Respondents**

**CORAM : Hon'ble Mr. Justice Poonam Srivastav**

**Order Dated: 12.08.2011**

**Jharkhand Service Code- 99-100-**

- A) Petitioner caught red handed accepting illegal gratification-

Vigilance case and criminal proceeding launched- Arrested- Suspension with attachment to headquarter after release from jail. Petitioner claiming full salary thereafter being attached to the headquarter contending that as the suspension automatically comes to an end on his release from jail and there being no fresh order under Rule 100 of the Code for continuance of suspension.

Objection by Government that suspension still continues- Counter affidavit to that effect also filed.

- B) Non mention of Rule 100 of the Code- Petitioner's deemed suspension by virtue of Rule 99 of the Code. However, Govt. without mention of Rule 100 passing order of suspension and attachment to HQ a few days before the release of the petitioner- Effect of order not ipso facto illegal- Govt. not enjoined to pass two different written orders one under Rule 99 and the other under Rule 100- As by virtue of Rule 99 the Petitioner put under deemed suspension- Suspension still effective- Claim of full salary not sustainable

□□□

JHARKHAND HIGH COURT  
AIR 2011 JHARKHAND 68

**M/s. Jayant Agencies V. Canara Bank & Ors.**

W.P. (C) No. 4084 of 2010

**CORAM : Hon'ble Mr. Justice N.N. Tiwari**

**Order dated: 15.12.2010**

- (A) Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (54 of 2002), S. 13 (4)- Security Interest (Enforcement) Rules (2002), Rr. 8, 9- Recovery of debt- Notice to borrower- Representation made by borrower- Plea that it was addressed to Zonal Manager of Bank who is not authorized officer- S. 13 (3) does not prescribe that representation has to be made to any particular officer- Secured creditor cannot be allowed to refuse consideration of borrower's representation in a casual manner. (Paras 25, 27, 35)
- (B) Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (54 of 2002), Ss. 13 (4), 17- Constitution of India, Art. 226- Notice u/s. 13 (4) issued to borrower- Representation made by borrower- Non consideration of Writ petition against- Provision for appeal under Section 17 is for person aggrieved by any of measures referred to in sub-section (4) of Section 13- There is no provision for appeal on denial of consideration of representation- Plea that writ petition is not maintainable in view of provisions of Section 17- Is therefore liable to be rejected. (Para 29)

**Cases Referred:** 2010 (2) D.R.T.C. 362 (Cal)

AIR 2010 SC 3413

2009 (1) Bank Cas 337

1983 (2) AC 237

□□□

JHARKHAND HIGH COURT

Civil Revision No. 17 of 2011 with L.P.A. No. 79 of 2009

**Md. Shaheed Ahmad Petitioner Versus**

**Alimum Nisha Opposite Party**

**CORAM :**

**Hon'ble Mr. Justice Narendra Nath Tiwari**

**Order Dated: 3/02.09.2011**

- A) **Jharkhand Building (L.R. and E.) Control Act Section, Section 15 and 23**

Title Eviction suit pending before Sub-Judge- Claimant paying monthly rent- In the meantime landlord filing application before Rent Controller for fixation of fair rent- Allowed the application and revision dismissed; Execution filed by landlord before Court of Munsif for execution of order under Section 23 of JBC Act.

Objected by tenant u/s 77 CPC contending that during pendency of the eviction suit before Sub-Judge, Court of Munsif as no jurisdiction, rejection of application by Court of Munsif.

- B) Civil Revision scope of powers u/s 5, 15 and 23 of JBC Act- Section 5 empowers the Rent Controller to determine the fair rent by summary enquiry while 15 JBC empowers the Civil Court in eviction suit to order for the deposit of monthly rent or arrears of rent within 15 days or by 15th day of the next following month on failure of which tenants defense can be struck off: 2 Courts exercising different jurisdiction under the law with different consequences flowing therefrom: No overlapping effect- Execution order of Munsif Court not illegal as per provisions of Section 23 JBC Act- Revision dismissed.

□□□

JHARKHAND HIGH COURT

Cr. Revision No. 870 of 2009

**Dilip Kumar**

**Petitioner Versus**

**The State of Jharkhand & others.....**

**Opp. Parties**

**CORAM : Hon'ble Mrs. Justice Jaya Roy**

**Order Dated: 23.09.2010**

Code of Criminal Procedure, 1973- Section 125 (4)- applicability to divorced wife who has not remarried- Section 125 (4) does not apply to the case of woman who has been divorced or who has obtained a decree for divorce.

Code of Criminal Procedure, 1973- Section 125- maintenance- if the first marriage has been put to an end and opposite party (wife) remains unmarried and is unable to maintain herself then she is entitled to claim maintenance till she remains unmarried- opposite party entitled to claim maintenance u/s 125 Cr.P.C.- revision dismissed.

(1995) 5 SCC 299; (1996) 1 SCC 39

□□□

**JHARKHAND HIGH COURT**

**Cr. Appeal No. 119 of 2009**

Against the judgment of conviction and sentence order dated 4.2.2009 and 5.2.2009 passed by the Additional Judicial Commissioner, Fast Tract Court-X, Ranchi in S.T. No. 520 of 2006.

**Arjun toppo**

**Appellant**

**Versus**

**The State of Jharkhand**

**Respondent**

**CORAM : Hon'ble Mrs. Justice Jaya Roy**

**Order Dated: 19.11.2009**

Indian Penal Code, 1860- Section 376- victim having affair with appellant for 8 years on alleged assurance of marriage- on refusal case instituted- even thereafter continuing intimacy with appellant- conviction not sustainable.

**(2009) 3 SCC 761- Distinguished.**

□□□

Jharkhand High Court Cr. Appeal No. 724 of 2004

**Imiyus Tigga and Five Other - Appellants Verses**

**The State of Jharkhand - Respondent**

**CORAM :**

**Hon'ble the Acting Chief Justice**

**The Hon'ble Mr. Justice P. P. Bhatt**

**Order Dated : 06.09.2011**

- 1) Right of Accused to engage a lawyer- Section 303 Criminal Procedure Code: Accused has a right to defend by a Pleader of his choice: Division Bench Order in **Criminal Appeal (DB) 272/2002 in Binod Kr. Lal and others Versus the State of Jharkhand** - held that "if a counsel wants to withdraw appears from a case, he can be allowed but he cannot be allowed to retain power for one person and give no objection to any other counsel for another person: whether legal- No

The effect of the order is to compel a litigant to engage same Advocate as engaged by other litigants- Not legal- Statutory provisions overlooked.

Direction to High Court registry not to accept interlocutory application or VAKALATNAMA in such cases in future- Not permissible.

- 2) Advocate of litigant's choice- Constitution of India Article 22 (1)- Absolute and fundamental right of accused to engage and defend himself by an Advocate of his choice- Division Bench order runs counter to the fundamental right- Held per incurium.

**Relied: R.D. Saxena V. Balram Prasad Sharma under Article 2000 7 SCC 264**

- 3) Judicial Order and administration of High Court- Administrative Control vests in the Chief Justice alone. Also that Court has no power while exercising under the procedure governed by Criminal Procedure Code to issue writ/order under Article 226 of the Constitution- Procedures in the matters of filings to be governed and regulated by procedures prescribed by Rules framed by the

High Court under Article 215 of the Constitution of India or by any other Rules framed by the High Court or as per order of the Chief Justice.

Passing any Judicial order thus may amount to legislation- Not permissible: Order held per incurium against statutory provisions and constitutional mandate.

**Relied:**

- i) **Divisional Manager, Arawali Golf Club V. Chandra Hass, (2008) 1 SCC 683**
- ii) **P. Ramchandra Rao V. Union of India (2002) 4 SCC 578**
- iii) **State of Rajasthan V. Prakash Chandra and Ors. (1998) 1 SCC 1**
- iv) **Rajasthan High Court, Jodhpur V. State and Ors., (DB) Civil Special Appeal 3/2010**

□□□

**JHARKHAND HIGH COURT**

**W.P. (C) No. 1622 of 2008,**

**Birendra Kumar Singh Petitioner**

**Versus**

**Gurunam Singh Respondent**

**CORAM : Hon'ble Mr. Justice Prashant Kumar**

**Order Dated: 28.06.2011**

Bihar Building (Lease, Rent and Eviction) Control Act, 1982, Section 15- Application under- Direction issued to deposit the arrears of rent @ Rs. 200/- p.m. upto May 2005 @ of Rs. 5,208/- p.m. thereafter and also to deposit current rent at the same rate- Legality of Rent fixed by the Rent Controller @ Rs. 5, 208/- p.m. has been set aside in appeal- No, question of depositing the same arises- Liberty given to raise the question before the appropriate forum- Taking into account the agreement between the parties order impugned modified with direction to the tenant to deposit arrears of rent @ Rs. 38/- p.m. from January 2005 to June, 2011 and continue with the deposit in future during the pendency of the suit- Petition disposed of.

**Case Laws- 1977 EBCJ 662 FB; 1985 PLJR 444; 1908 (2) PLJR 619**

□□□



## ORDER

Every communication from the Subordinate Courts in relation to the interim order and its continuation and its vacating by the High Court in any matter, the Assistant Registrar. (Judicial) shall be the authorised person, who shall reply to any query coming from the Subordinate Courts by e-mail in the e-mail account of the Court as well as by fax.

Such reply should be forthwith and must within a period of 15 (fifteen) days from the date of receipt of the query from the Subordinate Courts.

For entertaining queries of the Subordinate Courts, the Assistant Registrar (Judicial) shall have separate e-mail account which shall be informed to all the Subordinate Courts.

In case any communication is not answered by in Assistant Registrar (Judicial) within 15 (fifteen) days, then the Subordinate Courts may immediately address the issue to the Registrar General, Jharkhand High Court by e-mail or fax, which shall be looked into by the Registrar General and matter will be brought to the knowledge of the Assistant Registrar (Judicial) and the issue will be resolved within 7 (seven) days thereafter.

**Chief Justice**

**Dated, the 20th of September, 2011**

## ORDER

In view of the decision taken on 13th February, 2006 in relation to the Task Force Committee in each District and Sub Division, all Courts may be directed to undertake the process of establishing the Task Force Committee forthwith and before 22nd October, 2011.

**Chief Justice**

**Dated, the 20th of September, 2011**

## ORDER

All matters, which are not urgent, shall be listed in Court in 48 hours, if there is no defect.

All urgent matters shall be listed in next following day from the date of presentation of the same before the Court, if there is no defect.

All matters, in which permission is granted by Court and the date is given, shall be listed according to the permission and date given by the Court.

The Regular Daily Cause List, Supplementary Cause List shall be published and Daily Cause List must be delivered to the Advocates a day in advance.

The cases in which no. fixed date is given by the Court, then Office shall give the date specifically in the file itself.

In the cases which are not taken up by the Court due to paucity of time, in those matters a seal may be put by the Court Master "Not Reached" and he may sign, upon which the date will be given by the Office.

There shall be no procedure of keeping the file in the Registry and Office without any date.

The Cause List shall be prepared according to the date given in the File as well as, as per the direction referred above.

**Chief Justice**

**High Court of Jharkhand, Ranchi**

**Dated, the 22nd of September, 2011**



## ORDER

In view of the change in nomenclature of all the courts', as notified in the Gazette Notification dated 28th April, 2010, all the Courts shall transcribe their name according to new name given.

2. The Courts of Civil Judge (Junior Division) in a district where more than one such officer is posted, shall be addressed as Civil Judge (Junior Division) No.I or No.II or No.III and so on as the case may be. The above numbers shall not represent the seniority among the judicial officers appointed on the post of Civil Judge (Junior Division).
3. The Civil Judge (Senior Division), other than Civil Judge-cum-Chief Judicial Magistrate, shall be addressed as Civil Judge (Senior Division) No.I or No.II or No.III and so on as the case may be. The numbers of the Courts shall not be indicative of seniority of the Judge in the Court amongst the Civil Judge (Senior Division). The Civil Judge (Senior Division) No.I shall also be designated as A.C.J.M.
4. For the purpose of adjustment of work, the Principal District Judge, Ranchi shall for all practical purpose divide the jurisdiction of Civil Judge (Senior Division) No.I between two Civil Judges (Senior Division) over local areas included in the Police Stations under the provisions of Section 13(2) of the Bengal, Agra and Assam Civil Courts Act, 1887.
5. Other than Principal District Judge, the District Judges shall be the District Judge No.I or No.II or No.III and so on as the case may be. The numbers of the Courts may not be according to the seniority of the aforesaid District Judges, who have been given number against their posts.

**Chief Justice**

**High Court of Jharkhand, Ranchi.**  
**Dated, the 22nd of September, 2011**

## ORDER

All Subordinate Courts shall implement the Software CIS (Case Information System) immediately without any further delay.

The implementation report and any working problem may be intimated to the Central Project Coordinator on mail, which shall be addressed by the Central Project Coordinator within a period of 36 hours.

**Chief Justice**

**Dated, the 23rd of September, 2011**

## ORDER

The Central Project Coordinator will look into every mail received from the Subordinate Courts, in relation to the implementation of the Computerisation in Subordinate Courts, promptly, and shall respond to the queries within 36 hours, and even if a problem cannot be solved, he shall intimate the Subordinate Courts the period within which such problem will be solved.

**Chief Justice**

**Dated, the 23rd of September, 2011**

All the Subordinate Courts are directed to see that all records which have been summoned by them should reach to their Court and be tagged in the relevant the before 21st October, 2011.

All the Subordinate Courts, who are required to send the record to any Subordinate Court, they shall ensure that record be transmitted to the Subordinate Court before 21st October, 2011.

**Chief Justice**

**High Court of Jharkhand, Ranchi**  
**Dated, the 23rd of September, 2011**

## **ORDER**

Since large number of contempt matters are pending before different Benches and if these matters are taken up before Deepawali Vacation by constituting a Special Bench, then relief may be granted to the persons, whose cases have already been disposed of, even before 15 days' Deepawali Break. Therefore, Special Bench of Hon'ble Mr. Justice D.N. Upadhyay is being constituted and all matters listed in Daily Cause List and Supplementary Cause List dated, 21st October, 2011 in different Special Bench are assigned to Hon'ble Mr. Justice D.N. Upadhyay for 21st October, 2011.

The Roster assigned to Hon'ble Mr. Justice D.N. Upadhyay is the same as assigned to Hon'ble Mrs. Justice Jaya Roy, therefore, all ABAs listed in the Daily Cause List and Supplementary Cause List dated 21st October, 2011 and the Left Over Matter of Supplementary Cause List dated 17th October, 2011 are assigned to Hon'ble Mrs. Justice Jaya Roy for 21st October, 2011.

**Chief Justice**

**Dated, the 20th October, 2011**

## **ORDER**

In Subordinate Courts, on receipt of FIR from the concerned Police Station, they are being entered in GR Register. However, entry in GR Register is not a case registered in a Court and, therefore, shall not be treated to be a case pending in the Court.

Therefore, the Trial Courts are directed to give separate statement of GR Cases while submitting monthly statistics and they may not be included in the category of pending cases. However, the Trial Courts shall separately give the number of GR Cases pending at the end of the month and number of GR Cases wherein final form/chargesheets have been submitted.

**Chief Justice**

**Dated, the 21st October, 2011**

It has been noticed from the statements obtained from the Subordinate Courts with regard to the 20 old cases that most of the Courts, no serious efforts have been made by the Presiding Officer of the Courts for deciding the old cases.

It may be informed to all Courts that in case of finding lapses on the part of the Judicial Officers in deciding the old cases, report will be kept on his service record for consideration at appropriate time.

**Chief Justice**

**Dated, the 5th January, 2012**

## ORDER

Particulars of pending cases wherein stay order has been passed by the Patna High Court staying further proceedings or wherein record has been called by the Patna High Court, the particular of the cases pending in the Court as well as particulars of the cases before the Patna High Court wherein stay order has been passed or extended be sent to this Court forthwith.

**Chief Justice**

**Dated, the 7th of January, 2012**

Dates in all cases pending in Court wherein record is awaited or further proceedings of the matter has been stayed by any Court, in such cases, the dates be given of last Saturday of the month for better personal supervision of the Court over such matters.

## ORDER

**NO. 14 / Apptt,**

**Dated Ranchi the 20th September, 2011**

The Court have been pleased to order that for every communication from the Subordinate Courts in relation to the interim- order, its continuance and vacating thereof by the High Court in any matter, the Assistant Registrar (Judicial) shall be the authorized person, who shall reply to any query coming from the Sub-Ordinate Courts by email in the email account of the Court as well as by Fax.

Such reply should be sent forthwith and must within a period of 15 (Fifteen) days from the date of receipt of the query from the Sub-Ordinate Courts.

For entertaining queries of the Sub-Ordinate Courts, the Assistant Registrar (Judicial) shall have separate email account, which shall be informed to all the Sub-Ordinate Courts.

In case any communication is not answered by the Assistant Registrar (Judicial) within 15 (Fifteen) days, then the Sub-Ordinate Courts may immediately address the issue to the Registrar General, Jharkhand High Court by email or Fax, which shall be looked into by the Registrar General and matter will be brought to the knowledge of the Assistant Registrar (Judicial) and the issue will be resolved within 07(Seven) Days thereafter. This order comes into force with immediate effect.

**By Order,  
Sd/- P. R. Dash  
Registrar General**

## ORDER

**Memo No 16146-229 /Apptt. dated Ranchi, the 20th September. 2011**

Copy forwarded to all the Principal District & Sessions Judges of the State including Judicial Commissioner Ranchi for information and needful with a request to provide the email account of their Judgeships to the Assistant Registrar (Judicial) for the purpose and Registrar (Vigilance) I/c / Registrar (Establishment / the Registrar (Administration) / the Joint Registrar-cum-PPS. to Hon'ble the Chief Justice and All Joint Registrars / All Deputy Registrars/ /Incharge PAs' Section/ All Assistant Registrars including Assistant Registrar (Judicial) / Incharge Court Masters' Section/ Stamp Reporter/ Oath Commissioner/ All Section Officers, Jharkhand High Court, Ranchi for information and needful.

**Registrar General**

## ORDER

### **Standing Order No. 01 /Accts.**

**Dated 23.09.2011**

It is informed to all concerned that the Court have been pleased to pass the following orders:-

1. All matters, which are not urgent, shall be listed in Court in 48 hours, if there is no defect.
2. All urgent matters shall be listed in next following day from the date of presentation of Vie same before the Court, if there is no defect.
3. All matters, in which permission is granted by Court and the date is given, shall be listed according to the permission and date given by the Court.
4. The Regular Daily Cause List, Supplementary Cause List shall be published and Daily Cause List must be delivered to the Advocates a day in advance.
5. The cases in which no fixed date is given by the Court, then Office shall give the date specifically in the file itself.
6. In the cases which are not taken up by the Court due to paucity of time, in those matters a sea"! may be put by the Court Master "Not Reached" and he may sign, upon which the date will be given by the Office.
7. There shall be no procedure of keeping the file in the Registry and Office without any date.
8. The Cause List shall be prepared according to the date given in the File as well as, as per the direction referred above.

By the Order of  
Hon'ble the Chief Justice  
Sd/- **P.R. Dash**  
**Registrar General**

### **Memo No. 13261-13331 /Accts.**

**Dated 23.09.2011**

Copy forwarded to the Registrar (Vigilance) / Registrar (Estab.) / Registrar (Admn.) / All Joint Registrars including Joint Registrar (L&C) / J.R.-cum-P.P.S. to Hon'ble the Chief Justice / All Deputy Registrars / l/c P.A. Section/ All Court Masters / All Assistant Registrars including Assistant Registrar (Protocol)-cum-Court Officer / All Section Officers / Oath Commissioner / Stamp Reporter Jharkhand High Court, Ranchi for information and necessary action.

**Registrar General**

## ORDER

### **No. 18 /Apptt.**

**Dated Ranchi the 23rd September, 2011**

Dated Ranchi the 23rd September, 2011The Court have been pleased to order that in view of change in nomenclature of all the Courts, as notified in the Jharkhand Gazettee No. 236 dated 30th April, 2010 containing Notification No. L.G.-08/2007-23 / Lej. dated 28th April, 2010 of Law (Judicial) Department, Jharkhand, Ranchi, all the Courts shall transcribe their name according to new name given.

2. The Courts of Civil Judge (Junior Division) in a district where more than one such Officer is posted, shall be addressed as Civil Judge (Junior Division) No. I or No. II or No. III and so on, as the case may be. However, the above numbers shall not represent the seniority amongst the Judicial Officers appointed on the post of Civil Judge (Junior Division).

3. The Civil Judge (Senior Division), other than Civil Judge-cum-Chief Judicial Magistrate, shall be addressed as Civil Judge (Senior Division) No. I or No. II or No. III and so on, as the case may be. However, the number of the Courts shall not be indicative of seniority of the Judge in the Court amongst the Civil Judges (Senior Division). Civil Judge (Senior Division) No. I shall also be designated as A.C.J.M.
4. For the purpose of adjustment of work, the Principal District Judge, Ranchi shall for all practical purpose divide the jurisdiction of Civil Judge (Senior Division) No. I between two Civil Judges (Senior Division) over local areas included in the Police Stations under the provisions of Section 13(2) of "the Bengal, Agra & Assam, Civil Courts Act, 1887".
5. Other than the Principal District Judge, the District Judges shall be the District Judge No. I or No. II or No. III and so on, as the case may be. However, the number of the Courts may not be according to the seniority of the aforesaid District Judges, who have been given number against their posts.

**By Order,  
Sd/- P. R. Dash  
Registrar General**

**Memo No. 16611-93 /Apptt.**

**dated Ranchi. the 23rd & 24th September. 2011**

Copy forwarded to All the Principal District & Sessions Judges of the State including Judicial Commissioner, Ranchi / the Central Project Co-ordinator I/c, Jharkhand High Court, Ranchi / Registrar (Vigilance) I/c / Registrar (Establishment / the Registrar (Administration) / the Joint Registrar-cum-PPS. to Hon'ble the Chief Justice and All Joint Registrars / All Deputy Registrars / All Assistant Registrars / All Section Officers ..... Jharkhand High Court, Ranchi for information and necessary action.

**Registrar General**



## **ORDER**

**N0.16 /Apptt.**

**Dated Ranchi, the 23rd September, 2011**

The Court have been pleased to order that all Subordinate Courts shall implement the Software CIS (Case Information System) immediately without any further delay.

The implementation report and any working problem may be intimated to the Central Project Co-ordinator, Jharkhand High Court, Ranchi on mail, which shall be addressed by the Central Project Co-ordinator within a period of 36 hours.

**By Order of  
Hon'ble the Chief Justice  
Sd/- P. R. Dash  
Registrar General**

**Memo No. 16439-519 / Apptt. dated Ranchi, the 23rd September, 2011**

Copy forwarded to all the Principal District & Sessions Judges of the State including Judicial Commissioner, Ranchi / the Central Project Co-ordinator I/c, Jharkhand High Court, Ranchi / I/c NIC Cell, Jharkhand High Court, Ranchi / Registrar (Vigilance) I/c / Registrar (Establishment / the Registrar (Administration) / the Joint Registrar-cum-PPS. to Hon'ble the Chief Justice and All Joint Registrars / All Deputy Registrars / All Assistant Registrars / All Section Officers ..... Jharkhand High Court, Ranchi for information and necessary action.

**Registrar, General**



## ORDER

**No. 17 /Apptt.**

**Dated Ranchi, the 23rd September, 2011**

The Court have been pleased to order that Central Project Co-ordinator, Jharkhand High Court, Ranchi will look every mail received from the Subordinate Courts, in relation to the implementation of the Computerisation in Subordinate Courts, promptly and shall respond to the queries within 36 hours, and even if a problem is not solved, he shall intimate the Subordinate Courts the period within which such problem will be solved.

**By Order of  
Hon'ble the Chief Justice  
Sd/- P. R. Dash  
Registrar General**

**Memo No. 16520-605 /Apptt.**

**dated Ranchi. the 23rd September, 2011**

Copy forwarded to the Central Project Co-ordinator I/c, Jharkhand High Court, Ranchi / All the Principal District & Sessions Judges of the State including Judicial Commissioner, Ranchi / I/c NIC Cell, Jharkhand High Court, Ranchi / Registrar (Vigilance) I/c / Registrar (Establishment / the Registrar (Administration) / the Joint Registrar-cum-P.P.S. to Hon'ble the Chief Justice and All Joint Registrars / All Deputy Registrars / All Assistant Registrars / All Section Officers ..... Jharkhand High Court, Ranchi for information and necessary action.

**Registrar General**

## ORDER

**No. 20 /Apptt.**

**Dated Ranchi, the 24th September, 2011**

The Court have been pleased to direct all the Subordinate Courts to see that all records which have been summoned by them should reach to their Court and be tagged in the relevant file before 21st October, 2011.

Further, all the Subordinate Courts, who are required to send the record to any Subordinate Court, they shall ensure that record is transmitted to the Subordinate Court before 21st October, 2011/Apptt.

**By Order of  
Hon'ble the Chief Justice,  
Sd/-P.R. Dash  
Registrar General**

**Memo No. 17718-804 / Apptt.**

**dated Ranchi. the 24th September. 2011**

Copy forwarded to All the Principal District & Sessions Judges of the State including Judicial Commissioner, Ranchi with a request to communicate the aforesaid order to all concerned for necessary compliance / Registrar (Vigilance) I/c / Registrar (Establishment / the Registrar (Administration) / the Joint Registrar-cum-P.P.S. to Hon'ble the Chief Justice and all Joint Registrars / All Deputy Registrars / All Assistant Registrars / All Section Officers ..... Jharkhand High Court, Ranchi for information and necessary action.

**Registrar General**

## ORDER

**No.C9/2011/R&S**

**Dated Ranchi. the 26th September. 201 1**

It has come to the notice of the Court that the Statistical figures regarding pendency of cases forwarded by the Subordinate Courts includes Complaint Petitions which have been forwarded to the concerned Police Station for investigation under Section 156 (3) of the Code of Criminal Procedure. The Court is of the view that such Complaint Petitions are not to be included in the list of pending cases of the Court concerned.

The Court have been pleased to direct that Complaint Petitions which have been forwarded for investigation under Section 156 (3) Cr. P.C. be not included in the pendency figures of the concerned Courts and the statements regarding pendency be sent accordingly.

By Order,  
Sd/- **P.R. Dash**  
Registrar General

**Memo No. 889-917 / R&S**

**Dated Ranchi, the 26th September. 201 1**

Copy forwarded to all the Principal District & Sessions Judges of the State including Judicial Commissioner, Ranchi with a request to communicate the aforesaid order to all concerned for strict compliance/ the Registrar (Vigilance) I/c. / the Registrar (Establishment) / the Registrar (Administration) / the Joint Registrar-cum-P.P.S. to Hon'ble the Chief Justice and all Joint Registrars - Jharkhand High Court, Ranchi for information and necessary action.

**Registrar General**

## ORDER

The order dated 23rd September, 2011 passed by-the Hon'ble Apex Court in Special Leave to Appeal (Civil) No. 26090 of 2011 relates to the recruitment and other service conditions of the "Administrative Staff in Subordinate Courts" in the State Judiciary.

So far as the issue that as to why the recruitment be not centralized in the State of Jharkhand is concerned, recruitment on the post of above Class-IV, recruitment is centralized and is made by the High Court. However, the appointment of Civil Judge (Junior Division) is made on recommendation of the State Public Service Commission and recruitments of other judicial officers are being made by the High Court.

So far as second question that why the relevant Rules governing the service conditions of the entire staff above the level of Class-IV be not amended to make these post, transferable posts is concerned, in the State of Jharkhand, though the service of the judiciary staff above the level of Class-IV is not transferable but transfer in the entire State is permissible in exigency of service upon approval of the High Court which can be effected by the order of the High Court.

Since recruitment of the administrative staff in judiciary in the State of Jharkhand is centralized, therefore, presently there is no need of any amendment in Rule and provision for transfer of staff above the level of Class-IV is also there, therefore, the transfer can be effected without further amending the Rules.

## CIRCULAR


No.- 01 /R&S.

Dated, Ranchi the 31st January, 2012

In view of the direction issued by the Hon'ble Supreme Court in the case of **Afcons Infrastructure Ltd. V. Cherian Varkey Construction Co. (P) Ltd., (2010) 8 SCO 24**, the Hon'ble the Chief Justice has been pleased to order that while adjudicating the cases as mentioned hereinafter all the Subordinate Courts are directed to abide by the following guidelines in connection with ADR process:-

"Every court shall form an opinion for a case that whether it is one that is capable of being referred to and settled through ADR process or not. Having regard to the tenor of provisions of Rule 1-A of Order 10 of the Code, the civil court should invariably refer cases to ADR process. Only in certain recognized excluded categories of cases, it may choose not to refer to an ADR process. Where the case is unsuited for reference to any of the ADR processes, the court will have to briefly record the reasons for not resorting to any of the settlement procedures prescribed under Section 89 of the Code. After completion of pleadings, to consider recourse to ADR process under Section 89 of the Code, is mandatory. However, actual reference to an ADR process in all cases is not mandatory. Where the case falls under an excluded category there need not be reference to ADR process. In all other cases reference to ADR process is a must.

The following categories of cases are normally considered suitable for ADR process in the light of the aforesaid decision of the Hon'ble Supreme Court:-

- 
- (i) All cases relating to trade, commerce and contract, including
    - disputes arising out of contracts (including all money claims);
    - disputes relating to specific performance;
    - disputes between suppliers and customers;
    - disputes between bankers and customers;
    - disputes between developers/builders and customers;
    - disputes between landlords and tenants/licensor and licensees;
    - disputes between insurer and insured;
  - (ii) All cases arising from strained or soured relationships, including
    - disputes relating to matrimonial causes, maintenance, custody of children;
    - disputes relating to partition/division among family members/coparceners/co-owners; and
    - disputes relating to partnership among partners.
  - (iii) All cases where there is a need for continuation of the preexisting relationship in spite of the disputes, including
    - disputes between neighbours (relating to easementary rights, encroachments, nuisance etc.);
    - disputes between employers and employees;
    - disputes among members of societies / associations / apartment owners' associations;
  - (iv) All cases relating to tortious liability, including
    - claims for compensation in motor accidents/other accidents; and

- (v) All consumer disputes, including
- Disputes where a trader/supplier/manufacturer/ service provider is keen to maintain his business/professional reputation and credibility or product popularity.

Following categories of cases are normally considered to be not suitable for ADR process having regard to their nature:-

- Representative suits under Order 1 Rule 8 CPC which involve, public interest or interest of numerous persons who are not parties before the Court. (In fact, even a compromise in such a suit is a difficult process requiring notice to the persons interested in the suit, before its acceptance).
- Disputes relating to election to public offices (as contrasted from disputes between two groups trying to get control over the management of societies, clubs, association, etc.).
- Cases involving grant of authority by the court after enquiry, as for example, suits for grant of probate or letters of administration.
- Cases involving serious and specific allegations of fraud, fabrication of documents, forgery, impersonation, coercion etc.
- Cases requiring protection of courts, as for example, claims against minors, deities and mentally challenged and suits for declaration of title against the Government.
- Cases involving prosecution for criminal offences.

The above enumeration of "suitable" and "unsuitable" categorisation of case is not intended to be exhaustive or rigid. They are illustrative, which can be subjected to just exceptions or additions by the court/ tribunal exercising its jurisdiction/discretion in referring a dispute/case to an ADR process."

All the Principal District Judges of Jharkhand including the Principal Judicial Commissioner, Ranchi are hereby directed to ensure the adherence of aforesaid direction and communicate ail the Judicial Officers posted in the concerned judgship. They shall follow the decision of the Hon'ble Supreme Court and the cases which are suitable for ADR process be necessarily referred to Mediation Centres of the concerned districts as per section 89 of the Code of Civil Procedure.

The Principal District Judges including the Principal Judicial Commissioner, Ranchi shall also ensure the sending of Quarterly statement to this court with regard to making reference and settlement of cases, in separate sheet, along with the quarterly statement of statistics. Be it noted that such reference and disposal by the Judicial Officer will be reflected in the Annual Confidential Report of the officer.

**By order,  
Sd/- P.R.Dash  
Registrar General**

**Memo no. 303 - 36 R&S**

**Dated, Ranchi the 31st Jan., 2012.**

Copy forwarded to the all the Principal District and Sessions Judges, Jharkhand / the Principal Judicial Commissioner, Ranchi / Secretary, Law (Judl.) Department, Govt. of Jharkhand, Ranchi / The Director, Judicial Academy, Jharkhand, Ranchi / The Member Secretary, JHALSA, Ranchi/ The Office of the Registrar General/ The Registrar (Admn.)/The Registrar (Estab.)/ The Registrar (Vigilance)/ The Joint Registrar, List & Computer/The Joint Registrar-cum-PPS. to Hon'ble the Chief Justice/ The Assistant Registrar (Judl.)/The Section Officer, Vigilance Cell/The Section Officer, Administrative (Appointment) Section Jharkhand High Court, Ranchi for kind information and needful.

**Registrar General**



# JHARKHAND AT A GLANCE



**Chandil Dam**



**Baidyanath Dham (Deoghar)**



**Dassam Fall (Ranchi)**



**Hundru Fall (Ranchi)**



**Rock Garden, Kanke Dam (Ranchi)**



**Kaocho Hill (Silli)**





**Jharkhand High Court, Ranchi**

