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

+ CONT.CAS(C) 224/2016 & CM APPLs. 15444/2017, 34709/2019 & 53062/2019

DELHI PROSECUTORS WELFARE ASSOCIATION (REGD)

..... Petitioner

Through: Mr. Ashish Dixit, Advocate

versus

RAJIV MEHRISHI & ANR

..... Respondents

Through:

Mr. Anil Soni, CGSC for UOI

Mr. Anuj Aggarwal, ASC for GNCTD with Ms. Ayushi Bansal, Mr. Sanyam Suri, Ms. Arshya Singh, Advocates for R-2

+ W.P.(CRL) 1549/2009 & CRL.M.As. 18506/2013, 13869/2014, 14366/2014, 11196/2015, 8509/2019 & 31954/2019

COURT ON ITS OWN MOTION

..... Petitioner

Through: Mr. Rajeev K Virmani, Senior Advocate (*Amicus Curiae*) with Ms. Deveshi Madan, Advocate

versus

STATE

..... Respondent

Through:

Mr. Ajay Diggpaul, CGSC with Mr. Kamal Diggpaul, Ms. Swati Kwatra, Advocates for UOI

Mr. Ripudaman Bhardwaj, SPP for CBI with Mr. Kushagra Kumar, Advocate

Mr. Ashish Dixit, Advocate for Delhi Prosecutors Welfare Association

Mr. Naresh Kaushik, Mr. Shubham Dwivedi, Advocates for UPSC

Mr. Sumer Singh Boparai, Mr. Sidhant Saraswat, Mr. Prateek Ahuja, Advocates for Intervenors in

CRL.M.A.8509/2019

Mr. Vikas Arora, Ms. Radhika Arora,
Advocates in CRL.M.A.31954/2019

+ W.P.(C) 1091/2013 & CM APPLs. 9415/2014 & 14231/2015
GAURAV KUMAR BANSAL Petitioner

Through:

versus

GOVT OF NCT OF DELHI & ANR Respondents

Through: Ms. Pragya Barsaiyan, Advocate for
Mr. Gautam Narayan, ASC for
GNCTD

Mr. Gaurav Agarwal, Advocate for
High Court of Delhi

Mr. Dev P Bhardwaj, CGSC for UOI
with Ms. Anubha Bhardwaj,
Mr.Sarthak Anand, Advocates

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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11.01.2023

1. The last affidavit in respect of the vacancies of Public Prosecutors was filed on 14.09.2022. Learned Counsel for GNCTD has informed this Court that a fresh requisition has been sent to UPSC for filling up of 108 vacant posts of Public Prosecutors. Let an affidavit be filed positively within two weeks.

2. Learned Counsel for GNCTD shall serve all the documents to the learned *Amicus Curiae* before filing the same.

3. Learned *Amicus Curiae* has pointed out that as many as 108 courts in Delhi are in fact non-functional for want of Public Prosecutors. Further, it has been brought to the notice of this Court by Mr. Ashish Dixit, learned

Counsel appearing on behalf of Delhi Prosecutors Welfare Association, that one Public Prosecutor is handling almost three to four courts and that this has brought the entire criminal justice system to a standstill.

4. The criminal justice system is already plagued with a huge backlog of cases which can be remedied only if vacancies of Public Prosecutors are filled up at the earliest. The GNCTD is the only authority which can fill these vacancies. By way of last indulgence, four weeks' time is granted to GNCTD to expedite the process of filling up vacant posts of Public Prosecutors. Let a fresh Status Report be filed before the next date of hearing.

5. It is made clear that if the Status Report is not filed and proper explanation is not given as to why the vacancies have not been filled up, this Court will direct the personal appearance of the Law Secretary and other officers who are responsible for the delay.

6. The Department of Personnel & Training (DoPT) is also granted last opportunity to file reply in the matter as directed by this Court, failing which this Court will direct the personal appearance of the Secretary, DoPT.

7. List on 14.02.2023.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

JANUARY 11, 2023

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