



CWP-5894-2025

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CWP-5894-2025

Date of decision : 03.03.2025

Gopal

...Petitioner

Versus

Union of India and others

.. Respondents

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present:- Mr. Jagdeep Singh Rana, Advocate for the petitioner.

Mr. Satyapal Jain, Additional Solicitor General of India with
Ms. Jyoti Choudhary, Advocate for Union of India.

Anupinder Singh Grewal, J. (Oral)

Learned counsel for the petitioner submits that the petitioner has preferred SA/414/2024 which is pending adjudication before the DRT-II. However, the same is not being heard due to non-functioning of DRT-II. He submits that petitioner may be protected till the DRT-II resumes its functioning.

2. Issue notice to the respondents.

3. Ms. Jyoti Choudhary, Advocate accepts notice on behalf of respondent No.1/Union of India and at the asking of the Court, Mr. Anant Kataria, DAG, Haryana accepts notice on behalf of respondents No.2 & 3.

4. Heard.

5. It is settled law that the petitioner cannot be left remediless especially when the same has been provided by a Statute. We also draw our



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support from the order of the Supreme Court dated 16.12.2021 in the case of **‘State Bar Council of Madhya Pradesh Vs. Union of India’** *Special Leave Petition (C) No.10911/2021*. Relevant extract is reproduced hereinbelow:-

“13. With a view to resolve the problem being faced by the parties, for the time being and purely as a stopgap arrangement, we request the concerned High Court(s) to entertain the matters falling within the jurisdiction of DRTs and DRATs under Article 226 of the Constitution of India, till further orders.

14. We make it clear that once the Tribunal(s) is/are constituted, the matters can be relegated to the Tribunals by the High Court(s).”

6. As DRT-II is stated to be non-functional, it would be in the interest of justice, if the petitioner is protected for some time till the DRT-II resumes its functioning.

7. At this juncture, Mr. Satyapal Jain, learned Additional Solicitor General of India submits that the proposal for extending the additional charge of DRT-II to DRT-I has been sent to the Appointments Committee of the Cabinet (ACC).

8. The petition is disposed of with a direction that no coercive measures shall be taken against the petitioner for a period of 15 days after the DRT-II resumes its functioning.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

March 03, 2025
sonia gugnani

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No