IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PIL-CJ-LD-VC No.33 OF 2020

Chirag Chanani & Ors. } Petitioners
Versus
Union of India & Ors. } Respondents

And
PIL-CJ-LD-VC-IA No.1 OF 2020
IN
PIL-CJ-LD-VC No.33 OF 2020

Sagar Sahani } Applicant

In the matter between
Chirag Chanani & Ors. } Petitioners
Versus
Union of India & Ors. } Respondents

And
PIL-CJ-LD-VC-IA No.2 OF 2020
IN
PIL-CJ-LD-VC No.33 OF 2020

Nitin Bagonda Patil } Applicant

In the matter between
Chirag Chanani & Ors. } Petitioners
Versus
Union of India & Ors. } Respondents

And
PIL-CJ-LD-VC-IA No.3 OF 2020
IN
PIL-CJ-LD-VC No.33 OF 2020

Chirag Chanani & Ors. } Applicants

In the matter between
Chirag Chanani & Ors. } Petitioners
Versus
Union of India & Ors. } Respondents

And
PIL-CJ-LD-VC-IA No.5 OF 2020
IN
PIL-CJ-LD-VC No.33 OF 2020

Ashley David Cusher } Applicant

In the matter between
Chirag Chanani & Ors. } Petitioners
Versus
Union of India & Ors. } Respondents

And
PIL-CJ-LD-VC-IA No.6 OF 2020
IN
PIL-CJ-LD-VC No.33 OF 2020

Venkatesh C. Kyathan } Applicant

In the matter between
Chirag Chanani & Ors. } Petitioners
Versus
Union of India & Ors. } Respondents

And
PIL (L.) No.3784 OF 2020

Bar Council of Maharashtra }
& Goa } Petitioner
Versus
The Union of India & Ors. } Respondents

And
CIVIL WP-AS-DB-LD-VC No.157 OF 2020

Priyatosh R. Tiwari } Petitioner
Versus
The State of Maharashtra } Respondent

Mr.Shyam Dewani with Ms.Heena Kapoor and Ms.Bhoomi Kataria, Kandarp Trivedi i/b.Dewani Associates for Petitioners in PIL-CJ-LD-VC-33/2020

Dr.Milind Sathe, Senior Advocate with Mr.Prasad Dhakephalkar, Senior Advocate with Dr.Uday Warunjikar i/b.Sumit Kate, for the Petitioner in PIL (L) No.3784/2020.

Mr.Parth Zaveri for Applicants in PIL-CJ-LD-VC-IA No.1/20.
Mr.Uday Warunjikar, for the Applicant in IA 2/20.

Mr.Ashley David Cushar for Applicants in PIL-CJ-LD-VC-IANo.5/20.

Mr.Abhay Anturkar with Ranjit Shinde i/b. Ajinkya Udhane, for Applicant in IA 6/20.

Mr.Anil Singh, ASG with Mr.Sandesh Patil and Mr.T.J.Pandian, Mr.D.P.Singh, for Respondent No.1-UOI.

Mr.A.A. Kumbhakoni, A.G., with Ms.Purnima Kantharia, GP, with Ms.Jyoti Chavan, AGP for State.

Ms.K.H.Mastakar, for MCGM.

Mr.A.M.Saraogi, for the Petitioner in WP AS DB LD VC 157/2020.

Mr.P.P.Kakade, Govt.Pleader with Smt.Nisha Mehra for State in WP AS DB LD VC 157/2020.

CORAM : DIPANKAR DATTA CJ & G.S.KULKARNI, J.

DATED : OCTOBER 19, 2020.

P.C.:-

1. Mr.Kumbhakoni, learned Advocate General representing the State has placed before us a “Brief Note” and has referred to its contents in some details.

2. Having read the brief note, we find that the State is still in the process of exploring a workable solution applicable to employees/staff of all sectors. What has, however, emerged from such brief note is that staggering of office timings could be a viable solution for spreading the passengers, desirous of availing local train services, evenly across the day and thereby enabling all concerned to maintain social distancing as well as to avoid overcrowding in the trains.

3. Mr.Kumbhakoni has sought for more time on the ground that the Hon’ble Ministers could not be involved in the process, as desired by this Court earlier, and also because all stake holders could not be brought together for deliberations. He has also informed us that the State would like to obtain from the members of the Bar Council of Maharashtra and Goa the approximate number of lawyers willing to avail the local train services for assessment of demand which would, in turn, enable the State to take an appropriate decision.

4. Mr.Singh, learned Additional Solicitor General, representing the Railways has given us figures of increase in

operation of local train services in terms of the desire expressed by the Court on the earlier occasion. According to him, from today, the Central Railway would be operating 706 services, whereas the Western Railway would be operating 700 services. He has also stressed on the need to stagger work timings to ensure on the one hand health of the passengers by avoiding overcrowding of the compartments and maintaining social distancing and on the other to secure the commercial interest of the Railways, which has been operating services without adequate number of passengers.

5. Dr.Sathe, learned senior counsel appearing for the Bar Council has brought to the notice of the Court that due to delayed uploading of the earlier order and non-identification of the officers competent to issue certificates, it is a bit premature to comment on the workability of the arrangement spelt out in the earlier order dated 9th October, 2020. He has, however, prayed for continuation of the arrangement till at least Diwali vacation. It is his further submission that lawyers, who have professional work not related to court proceedings, may also be considered for travelling on the local trains during non-peak hours.

6. Mr.Dewani, learned advocate representing the petitioner in the lead petition, has urged that the restrictions on movement of lawyers in local trains be lifted.

7. Mr.Abhay Anturkar, learned advocate representing the registered clerks has also submitted on behalf of such clerks that the benefit of the earlier order dated 9th October, 2020

may be extended to such of those registered clerks, who may have to assist lawyers in rendering professional work other than physical filing of matters.

8. Responding to the prayers of Dr.Sathe and Mr.Anturkar, Mr.Kumbhakoni has submitted that the Government should be allowed to take a call and the concerned parties would be made aware of the decision of the Government at the earliest.

9. Mr.Kumbhakoni's submission that there may not be any serious objection in granting the prayers made by Dr.Sathe and Mr.Anturkar is recorded. He, however, hastens to add that an informed decision has to be taken considering the pros and cons of the ground reality; hence, the Government may be allowed to take a decision and to communicate the same to the concerned parties by tomorrow.

10. Hearing of these matters stands adjourned till 29th October, 2020 to enable the State to take an appropriate decision with regard to permitting the employees/staff of other sectors to avail the increased number of local train services being operated by the Central Railway and Western Railway, as noted above. Having regard to the fact that the Government has been opening up activities of different sectors as part of "MISSION BEGIN AGAIN" programme but there has been no corresponding increment in the category of service providers who could avail the increased train services, apart from lady passengers, the Government may consider the desirability of allowing daily wagers, vendors, shop employees, staff of hotels and restaurants, cinema halls,

multiplex and other needy people to avail of the local train services during non-peak hours. This Court expresses hope and trust that a decision taken in the light of the above by the State would be a step in the proper direction to address their concerns.

11. Mr.Kumbhakoni has assured that by the next date of hearing, the Government would be in a position to take a prudent decision in this regard.

12. Insofar as the lawyers having professional work not related to court proceedings as well as registered clerks, who have work to perform other than physical filing of matters, this Court requests the Government to take a decision, preferably by tomorrow, and inform the same to the learned advocates for the petitioners.

13. The arrangements referred to in the orders dated 15th September, 2020 and 9th October, 2020 shall continue till 6th November, 2020 or until further orders whichever is earlier.

14. Stand over to **29th October, 2020** for further consideration.

15. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

Jayant V. Salunke

Digitally signed by Jayant V. Salunke
Date: 2020.10.19 17:26:30 +0530

(G.S.KULKARNI, J.) **(CHIEF JUSTICE)**