

D.No. 526/B

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RECEIPT

30 SEP 2024

**DISTRICT AND SESSIONS COURTS EMPLOYEES
WELFARE ASSOCIATION: DELHI(REGD.)**

Room No.28A, Tis Hazari Courts, Delhi.

Room No. 204, Receipt & Issue Branch (Contractual)
Office of the Principal District & Sessions Judge (H.Q.)
Tis Hazari Courts, Delhi

No. 21/DSCFWA/2024

Dated: 28.09.2024

To

Ld. Principal District & Sessions Judge (HQs)
Tis Hazari Courts, Delhi.

Sub: Engagement of Contractual Employees through GeM/Government approved agencies for anticipated new courts.

Respected Sir

On the captioned subject, with due reverence, we venture leave of your goodself to request for review and reconsider engagement of "*Contractual Employees*" for anticipated new courts in this establishment. Your goodself would appreciate that unlike other departments this establishment deals with the conflict among the parties, criminal matters, highly sensitive issues, correspondence from the Hon'ble Supreme Court and Hon'ble High Court etc. which are highly confidential, private and not open to third parties. The ancillary staff deputed in this institution have an implied duty to maintain secrecy & confidentiality of sensitive information, hearing and documents generated during the course of hearing or filed by the litigants / advocates.

Believing a recent report published in a national newspaper, the Ministry of Housing and Urban Affairs (MoHUA) taking note of security lapses involving contractual employees in the government departments and ministries, has asked its officers to ensure that "unauthorised persons" or non-regular staff don't get access to any confidential documents and sensitive information. It has been reported that the security agencies found the disclosure of sensitive documents and covert information to 'outside elements' by the contractual employees of the government department and ministries.

Since this institution is bearing the responsibility of delivery of justice in the society, engaging Contractual Employee for the anticipated courts may put the reputation of this establishment and trust of the society at stake. As the contractual employees would gain access to the documents (*irrespective of the fact wherever they would be posted/deputed*), secret & sensitive information, hearing record etc., the privacy and confidentiality can be compromised, risked and breached.

It is respectfully urged to kindly take note of the fact that for smooth functioning of a court, subject to the pendency therein, there is requirement of at least 01 Reader, 02 Stenographers, 01 Ahlmad, 01 Asstt. Ahlmad and 02 Orderlies. At this stage, we would like to draw kind attention of your goodself to the Notification dated 15.01.2024 whereby nearabout 2000 vacant seats of different cadre were notified informing that the post of Sr. PA, PA and JJAs are to be filled up through *direct recruitment* by DSSSB which process is at its verge now. Out of large number of vacancies, most of

them are promotional posts to be filled up either by way of seniority-cum-merit or departmental exam.

It is submitted that after implementation of the DDCE Rules, 2012 it is for the first time the '*departmental exam*' is being conducted for filling up different vacant promotional posts. Your goodself would appreciate that engagement of '*contractual employees*' on these posts would cause double jeopardy to the staff working in this establishment. On the one hand the eligible officials have been deprived of getting timely promotion and secondly, they would be monitored / commanded by the contractual employees / outsiders. Number of JAs and JJAs are eligible and awaiting to be promoted as SJAs and JAs for deputing them as '*Reader*' and '*Ahlmad*' respectively. The biggest challenge with the Contractual Staff would be *handing over – taking over charge* with them. Sooner or later, the responsibility of the loss because of the negligent contractual staff, if any, would be upon the regular staff as they are engaged for a short term and it is not necessary that the negligence, if any, comes to the notice during their tenure. Further, Reader-cum-Ahlmads in Digital Courts face numerous daily challenges. Ideally, they should focus on core court functions, while technical tasks like digitization of judicial records could be outsourced. This would optimize productivity and efficiency.

Given this, we would like to request your goodself with folded hands that instead of outsourcing manpower by hiring contractual employees from outside, in the alternative, kindly fill up the '*Promotional Posts*' such as '*Reader*' or '*Ahlmad*' through *Seniority-cum-Suitability* from the feeder cadre (i.e. JA and JJA) on '*ad-hoc*' basis as a stop-gap arrangement till the regular appointment is made by this office.


AND as we had requested earlier also, kindly hire technical staff / DEO (*on contract as of now*) not only to meet the immediate requirement but also for easing the additional avoidable burden of the staff for conducting '*Data Entry*' work, on-going *scanning / digitization* of the judicial record, preparation of files for consignment, paging etc.

Further, your goodself would be grateful if the representatives from the Staff Associations of this establishment are given hearing on the issue by the Committee constituted by your goodself vide order dated 27.09.2024 in the larger interest of the subordinate staff of this establishment.

We shall be highly grateful in the anticipation for giving consideration to the submissions made above.

Thanking you

Yours faithfully


(Deepak Bhardwaj)
President