

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Transfer Petition(s)(Civil) No(s). 2419/2019

M/S PLR PROJECTS PVT. LTD.

Petitioner(s)

VERSUS

MAHANADI COALFIELDS LIMITED & ORS.

Respondent(s)

(IA No.152015/2019-EX-PARTE STAY, CHAIRMAN BCI REPRESENTED BY MR. S.N. BHAT AND THE PRESIDENT ORISSA HIGH COURT BAR ASSOC. REPRESENTED BY MR. KEDAR NATH TRIPATHY, ADV.,SIBO SANKAR MISHRA, STANDING COUNCIL FOR THE ORISSA. IA No. 152015/2019 - EX-PARTE STAY)

Date : 17-02-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Kaushik Poddar, AOR
Mr. Gautam Singh, Adv.

For Respondent(s) Mr. K.K.Venugopal, AG
Mr. Chinmayee Chandra, Adv.
Mr. Ankur Talwar, Adv.
For Mr.Gurmeet Singh Makker, AOR

For Central Action Committee Mr. Ashok Panda, Sr. Adv.
Ms. Renuka Sahu, Adv.
Mr. Sureshar Pradhan, Adv.
Mr. Dushmanta Ku. Naik, Adv.
Mr. Bijitendriya Pradhan, Adv.
Mr. Sagar Pradhan, Adv.
Mr. Ashok Arora, Adv.
Ms. Reena Rao, Adv.
Ms. Prerna Kumari, Adv.
Ms. Pooja Sharma, Adv.
Mr. Anurag, AOR
Mr. Tejaswi Ku. Pradhan, Adv.
Mr. Satyabrata Panda, Adv.
Mr. Manoranjan Paikaray, Adv.
Mr. Aniruddha Purushotham, Adv.
Mr. Abeer Sharma, Adv.

Mr. Vikas Singh, Sr. Adv.

For High Court of Odisha	Mr. Sibbo Sankar Mishra, AOR Mr. Niranjana Sahu, Adv. Mr. V.K.Mishra, Adv.
For State of Odisha	Mr. Shibashish Misra, AOR Mr. S. Debabrata Reddy, Adv. Mr. Chandan Kumar Mandal, Adv.
For Orissa High Court Bar Asscn.	Dr. Kedar Nath Tripathy, AOR
For Orissa Bar	Mr. Manas Mohapatra, Sr. Adv. Mr. Lalitendu Mohapatra, Adv. For M/s. Aura & Co., AOR
For Patna High Court	Ms. Priya Hingorani, Sr. Adv. Mr. Shantanu Sagar, AOR

UPON hearing the counsel the Court made the following
O R D E R

Learned senior counsel appears for the Central Action Committee of the Orissa State Bar Council and assures this Court that all the District Bar Councils will resume the work today itself. He submits that the larger aspect may be considered after the work is resumed. We agree with this course of action.

The affidavit filed in Court is taken on record.

The District Judges of the different districts in Orissa will submit a report through the counsel for the High Court certifying that the work has been resumed in all aspects.

Learned Attorney General has placed before us a chart of the average number of days taken by different authorities in the appointment process in 2019. Our take away from the same is that much time is taken and

whether initially endeavour should be if the time period can be compressed. We also put to learned Attorney General whether, considering the time period being taken, the High Courts should make recommendations more in advance but then as Mr. Vikas Singh, learned senior counsel submits, we are at a stage where pending vacancies are not being recommended much less future vacancies for six months or more.

We may note that our confidence in learned Attorney General to sort out the problem in getting the names cleared has been justified.

There is an important aspect which the learned Attorney General emphasises by referring to a chart Annexure-III submitted before us showing the inordinate delays in making recommendation to fill vacancies by the High Courts. The situation in some of the High Court is more alarming than the others but it is no better than the other including the court in the capital of the country. Needless to emphasise that Chief Justices of High Courts must make endeavours to recommend the names against the vacancies as early as possible even if they are not made at one go.

We may also note that there appears to be some hesitation in some courts to recommend the names without the earlier list being cleared. We understand that there is no such impediment and it should be a continuing process of recommending the names without waiting for the

result of the earlier recommendations till all recommendations are made. Otherwise, the time period to process names is such that by the time appointments takes place, another set of vacancies arise which brings the problem of vacancies to square one.

Learned Attorney General endeavoured to perusade us that may be notice is required to be issued to each of the High Courts. We desist from doing so at present but call upon the Registrars of the different High Courts to send to us the vacancy position as on date, when did they arise and number of vacancies likely to arise in the next six months explaining as to what is the time period within which one can expect recommendations to be made. We say so because in all the High Courts of the country, as per Annexure-III, no recommendations have been made to 199 posts of judges out of about 396 vacancies.

A copy of the order be sent to the Registrars of the different High Courts and we expect response to be filed within four weeks.

We may take note of the fact, as noticed earlier, that the large number of recommendations turned down by the Supreme Court Collegium itself as submitted by learned Attorney General requires a reflection on this issue as to why the Collegiums are not on the same page.

We are sanguine that the learned Attorney General will continue the endeavour to get the names cleared as quickly as possible.

List on 23rd March, 2020.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER

