

(1993) 08 SC CK 0015

In the Supreme Court Of India

Case No : T.P. (C) No. 779 of 1993

Hon'ble Chief Justice, High Court M.P., Jabalpur and Others

APPELLANT

Vs

Mohan Kumar and Another

RESPONDENT

Date of Decision : 23-08-1993

Acts Referred:

Constitution of India, 1950 — Article 139A

Citation : (1993) 4 SCALE 656 : (1994) 2 SCC 602 Supp

Hon'ble Judges : S. Ratnavel Pandian, J;Kuldip Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. We are in a state of extreme pain on receipt of a distress signal sent by the learned Chief Justice of Madhya Pradesh by his letter dated 6th August, 1993 informing this Court that the judicial work in the State of Madhya Pradesh in all the three benches and the] judicial administration at the State level have virtually come to a grinding halt for the reasons mentioned in the letter and requesting this Court to take notice of the present unpleasant and unsavoury situation and transfer the public interest litigation initially registered as NP No. 1532/93 at Indore and subsequently transferred to the main set of the High Court at Jabalpur and re-registered as NP No.3077/93 by exercising the powers under Article 139-A(2) of the Constitution.

2. Though we are quite aware of the legal position that this Court is not having any supervisory control over the administration of a High Court, yet in order to keep the machinery of the institution on move and also in order to avoid any further complications, we are constrained to make the following order: -

3. Under this circumstance the learned Chief Justice of Madhya Pradesh shall call for a full court meeting of all the Hon'ble Judges of all the three branches, namely, Gwalior Jabalpur and indore on 28th August, 1993 at 3.00 p.m. in the court premises at Jabalpur. If the learned Chief Justice, for any reason, is unable

to attend the meeting, the said meeting shall be presided over by the senior most puisne judge present.

4. In the said meeting an Administrative Committee consisting of seven judges of all the branches of the High Courts including the learned Chief Justice shall be constituted.

5. The Committee shall comprise of two judges from each of the branches of the High Courts and shall be presided over by the learned Chief Justice. This Committee shall be constituted/elected/selected by the Full Court.

6. The said Committee shall function upto December 31, 1993 looking after the transfer of subordinate judges and shall be responsible for the administration including the transfers of the subordinate judiciary. This Committee shall be in supersession of the earlier Administrative Committee and the Transfer Committee.

7. We direct a notice be issued to the Registrar of the High Court of Jabalpur directing him to submit a report on or before 2.9.93 intimating the results of the proceedings of the meeting and the action taken thereon.

8. At this stage Mr. SK Agnihotri accepts notice on behalf of the Registrar as well as of the learned Chief Justice of Madhya Pradesh. Mr. S.K. Gambhir appearing with Mr. A Mathur accepts notice for Mr. Mohan Kumar, respondent herein.

9. The Registry is directed to send this order to the learned Chief Justice and to the Registrar of the High Court by telex/fax and also by the normal method.

10. Meanwhile there will be a stay of the proceedings in the said MP No.3077/93 pending in the High Court of Jabalpur. The transfer orders of the Subordinate judges pursuant to the order dated 17th July 1993 are suspended.

11. List the matter on 2.9.93 before the same Bench. If the same Bench is not sitting on that day, list the matter in the chambers at 1.30 p.m.