

ITEM NO.33

COURT NO.4

SECTION X

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

Writ Petition (Civil) No.268/2022

CENTRAL ADMINISTRATIVE TRIBUNAL (PRINCIPAL
BENCH) BAR ASSOCIATION

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With IA No.55977/2022-GRANT OF INTERIM RELIEF)

WITH W.P.(C) No.302/2022 (X)

(With IA No.63177/2022-STAY APPLICATION)

Date : 13-05-2022 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s)

Mr. V.K. Verma, AOR

Mr. Abhaya K. Behera, Sr. Adv.

Ms. Amita Singh Kalkal, AOR

Ms. Aditi Gupta, Adv.

For Respondent(s)

Mr. Balbir Singh, ASG

Mr. Shyam Gopal, Adv.

Mr. Samarvir Singh, Adv.

Ms. Surbhi Singh, Adv.

Ms. Sagarika Kaul, Adv.

Mr. Siddhant Kohli, Adv.

Mr. A.K. Sharma, Adv.

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

- 1 A counter affidavit has been filed on behalf of the Union of India.
- 2 The counter affidavit indicates that besides the vacancy in the post of Chairperson of the Central Administrative Tribunal, out of a sanctioned strength of 69 Judges only 29 Judges are in position leaving 41 vacancies (inclusive of the Chairperson). Counsel appearing on behalf of the petitioners, on the other hand, has submitted that as a matter of fact the correct present strength of the Judges is 27 and not 29, thus resulting in an additional two vacancies beyond what is stated by the Union Government.
- 3 The chart which has been submitted by Mr Balbir Singh, Additional Solicitor General during the course of the hearing indicates that further vacancies are due to occur on 17 June 2022 and 30 June 2022. Thereafter, vacancies will occur on 23 August, 3 September, 13 September, 14 September and 2 November 2022. Vacancy circulars have now been issued on 4 April 2022, commencing the process of selection. The Additional Solicitor General states that it is anticipated that the process of appointment would be completed by the end of July 2022.
- 4 The contents of the counter affidavit indicate that Benches which have vacancies have taken recourse to hybrid or virtual mode by joining members from other Benches. Annexure R-1 to the counter affidavit demonstrates that most Benches of the Central Administrative Tribunal have substantial vacancies and the constitution of a regular Bench for hearing of OAs would be a difficult exercise, if not impossible in certain benches.
- 5 The vacancies impinge upon the citizens' right to access to justice. Hence, this Court is of the considered view that the exercise of the jurisdiction under Article 142 is mandated. We accordingly direct that pending further orders,

the incumbents who are holding the post either of Judicial Member or Administrative Member shall continue to function even after the completion of their tenures, subject to their consent and availability to act as Judges. This arrangement is being made till the next date of listing by which date it is anticipated in terms of the statement which has been made on behalf of the Union of India before this Court that the vacancies would have been filled up.

- 6 List the Petition on 26 July 2022.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master