SC SUGGESTS POSTING RETIRED JUDGES TO CLEAR BACKLOG IN HCS

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The Supreme Court on Thursday pushed for the appointment of retired judges to battle pendency of cases in High Courts.

A Bench led by Chief Justice of India Sharad A. Bobde said retired judges could be chosen on the basis of their expertise in a particular field of dispute and allowed to retire once the pendency in that zone of law was over.

Several problems

"There are suits pending in chartered courts, and in North India, some courts have cases pending for 30 years... there are all kinds of problems," Chief Justice Bobde said at a virtual hearing of a petition filed by NGO, Lok Prahari, on the mounting backlog.

The Bench said retired judges who had handled certain disputes and fields of law for over 15 years could deal with them faster if brought back into harness as ad-hoc judges.

The court said the appointment of ad-hoc judges would not be a threat to the services of other judges. "Ad-hoc judges will be treated as the junior most," Chief Justice Bobde said.

The Chief Justice said the appointment of ad-hoc judges was provided for in the Constitution under Article 224A. Under the Article, the Chief Justice of a High Court for any State may at any time, with the previous consent of the President, request any person who has held the office of judge of that court or of any other High Court to sit and act as a judge of the High Court for that State.

The court orally outlined prospective guidelines for the appointment and functioning of an ad hoc judge. "If in a particular jurisdiction, the pendency goes beyond a certain limit, say eight or 10 years, the Chief Justice may appoint a certain [retired] judge with expertise in those fields of laws as an ad hoc judge.

The next hearing is scheduled for April 8.

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