

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE**

LOK SABHA

**UNSTARRED QUESTION NO.2562
TO BE ANSWERED ON WEDNESDAY, THE 04th AUGUST, 2021**

POST OF JUDGES LYING VACANT

2562. SHRI JAYADEV GALLA:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the number of posts of judges lying vacant in District Courts of Andhra Pradesh at present and time since when they are lying vacant, district-wise;**
- (b) the number of cases pending in the above district courts during the last five years, year-wise and district-wise and the reasons for such backlog pendency;**
- (c) whether the Government is persuading State Governments to fill the vacancies; and**
- (d) the timeline by when these vacancies is likely to be filled?**

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a): Details of number of posts of judges lying vacant at present and time since when they are lying vacant in respect of District Courts of Andhra Pradesh as provided by the High Court of Andhra Pradesh is enclosed at ***Annexure-I***.

(b): Details of number of cases pending District-wise during the last five years, year-wise as provided by High Court of Andhra Pradesh is enclosed at ***Annexure-II***. Time taken for disposal of a case depends on several factors such as category of case (civil or criminal), complexity of facts involved, nature of evidence, co-operation of stakeholders viz. bar, investigation agencies, witnesses and litigants besides the availability of physical infrastructure, supporting court staff and applicable rules of procedure. There are several factors which may lead to delay in disposal of cases. These, inter-alia, include vacancies of judges, frequent adjournments, lack of adequate arrangement to monitor, track and bunch cases for hearing etc.

(c) & (d): Under Article 235 of the Constitution of India, the administrative control over the members of district and subordinate judiciary in the States vest with the concerned High Court. Further, in exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the constitution, the respective State Government, in consultation with the High Court, frames the Rules and Regulations regarding the issue of appointment, promotion, reservations and retirement of Judicial Officers in the State Judicial Service. Hence, in so far as recruitment of judicial officers in the States is concerned, respective High Courts do it in certain States, whereas the High Courts do it in consultation with the State Public Service Commissions in other States.

The Union Government does not have a role under the Constitution in the selection and appointment of judicial officers in District/ subordinate judiciary. The Supreme Court, in its orders of 04th January, 2007 in Malik Mazhar case, has devised a process and time frame to be followed for the filling up of vacancies in subordinate judiciary which stipulates that the process for recruitment of judges in the subordinate courts would commence on 31st March of a calendar year and end by 31st October of the same year. The Supreme Court has permitted State Governments / High Courts for variations in the time schedule in case of any difficulty based on the peculiar geographical and climatic conditions in the State or other relevant conditions.

Further, in compliance of the above directions of the Supreme Court, Department of Justice forwarded a copy of the Malik Mazhar judgement to Registrars General of all High Courts for necessary action. Department of Justice is writing from time to time to Registrars General of all High Courts to expedite the filling up of vacancies in subordinate judiciary mandated by Malik Mazhar case.

In September, 2016, Union Minister of Law & Justice wrote to the Chief Ministers of States and the Chief Justices of High Courts to enhance the cadre strength of the District and Subordinate Courts and provide physical infrastructure to the State judiciary. The same was reiterated in May, 2017. In August, 2018, in the context of

increasing pendency of cases, the Union Minister of Law & Justice has written to all Chief Justices of High Courts including High Court of Andhra Pradesh to monitor the status of the vacancies regularly and to ensure proper coordination with the State Public Service Commission to fill up vacant posts as per time schedule prescribed by the Hon'ble Supreme Court in the Malik Mazhar Sultan case. The filling up of vacancies is also being monitored by the Supreme Court in a *suo-motu* Writ Petition (Civil) No. 2 of 2018.

STATEMENT REFERRED TO IN REPLY TO PART (A) OF LOK SABHA UNSTARRED QUESTION NO. 2562 FOR ANSWER ON 04.08.2021 REGARDING POST OF JUDGES LYING VACANT

Sl No.	Name of the District	Sanctioned Strength	Working Strength	Vacancy	Date from when Vacant
1	Anantapur	8	7	1	Chairman Industrial Tribunal –cum- POLC, Ananthapuramu from 26.03.2020
2	Chittoor	13	9	4	VI ADJ, Chittoor from July, 2021 POSCO Court, from 01.01.2021 X ADJ, Tirupati, from July, 2021 VII ADJ, Madanapalli, from 01.09.2020
3	Cuddapah	8	6	2	I ADJ, Kadapa, from 02.07.2020 VII ADJ (Women) Court, Kadapa, - Date Nil-
4	East Godavari	13	7	6	POSCO Court, Kakinada, from February, 2021 Special Judge for SCs and STs Act, Rajamahendravaram from July, 2021 Judge, Family Court, Rajamahendravaram from July, 2021 V ADJ, Rajamahendravaram from 01.01.2020 VIII ADJ, Rajamahendravaram, from 01.07.2021 VI ADJ, Kakinada, from 01.06.2021
5	Guntur	12	7	5	III ADJ, Guntur, from 26.08.2020 Judge, Family Court, Guntur, from July, 2021 POSCO Court, Guntur, from 02.10.2019 X ADJ, Gurazala, from 12.09.2019 V ADJ, Guntur, from July, 2021
6	Krishna	21	11	10	I ADJ, Machilipatnam, from June 2020 VI ADJ, Machilipatnam, from 01.08.2020 SPE and ACB Court, Vijayawada, from February, 2021 XIV ADJ, Vijayawada, from 10.07.2020 Co-Operative Tribunal, Vijayawada from 01.02.2018 POSCO Court, Vijayawada, from 02.10.2019 VII ADJ, Vijayawada, from June 2020 Special Court for Trial of Criminal Cases relating to elected MPs and MLAs, Vijayawada from 07.03.2018 Special Court for Protection of depositors of financial establishment

					Act, 1999, Vijayawada from 15.12.2016 XVI ADJ, Nandigama, from July, 2021
7	Kurnool	9	7	2	I ADJ, Kurnool, from July, 2021 VII ADJ (Women) Court, Kurnool - Date Nil-
8	Nellore	10	8	2	VII ADJ (Women) Court, Nellore, from July, 2021 POSCO Court, Nellore, from 02.10.2019
9	Prakasam	7	4	3	Family Court, Ongole from July, 2021 II ADJ, Ongole from 19.09.2019 POSCO Court, Ongole, from 02.10.2019
10	Srikakulam	7	4	3	I ADJ, Srikakulam from 24.06.2020 Special Court for SCs and STs Act, Srikakulam, from 01.03.2021 V ADJ, Lakshmipeta from 01.02.2014
11	Visakhapatnam	21	14	7	III ADJ, Visakhapatnam 08.07.2020 Family Court from 31.08.2020 I and III Addl. CBI, from May, 2018 VAT Appellate Tribunal, from 11.04.2018 VII ADJ, 07.07.2020 XIII ADJ, from July, 2021
12	Vizianagaram	6	4	2	Special Court for SCs and STs, Vizianagaram from 01.06.2021 V ADJ, Vizianagaram from 06.03.2021
13	West Godavari	11	6	5	Chairman LRAT-cum- II ADJ, Eluru, from 01.06.2021 Judge, Family Court, from 10.10.2020 Special Court for SCs and STs Act, from 10.07.2020 V ADJ, Eluru, from 01.01.2019 X ADJ, Narsapur, from July, 2020
Total		146	94	52	

Annexure-II**STATEMENT REFERRED TO IN REPLY TO PART (B) OF LOK SABHA UNSTARRED QUESTION NO. 2562 FOR ANSWER ON 04.08.2021 REGARDING POST OF JUDGES LYING VACANT****Number of pending cases year wise and district wise**

Sl No.	Name of the District	2016	2017	2018	2019	2020	2021 (as on 30.06.2021)
1	Anantapur	4577	5952	6568	6370	5973	6568
2	Chittoor	9289	9472	8978	9024	9190	9839
3	Cuddapah	5665	5891	5708	6306	7611	8260
4	East Godavari	9197	10622	11294	12652	13954	15789
5	Guntur	9844	11566	12994	14618	14106	15649
6	Krishna	13444	14731	15331	16095	18201	19945
7	Kurnool	6484	8023	8703	9124	7993	8547
8	Nellore	6819	6691	6608	7191	7687	8613
9	Prakasam	4370	5189	6513	7125	7842	7923
10	Srikakulam	2586	2524	2188	2274	2880	3374
11	Visakhapatnam	17711	18522	20492	20432	21564	22385
12	Vizianagaram	2384	2641	2467	2947	3120	3241
13	West Godavari	7350	8117	8892	10380	10459	11081