

**Address of Hon'ble Mr Justice Pankaj Mithal, Chief Justice
at the Full Court Farewell Reference
on Transfer of His Lordship to the Rajasthan High Court**

Justice Ali Mohammad Magrey, Chief Justice Designate and brother and sister judges of High Court of J&K and Ladakh, Learned Advocate General, Mr D.C. Raina, Mr Vishal Sharma and Mr. Tahir Majid Shamsi, Dy. Solicitor Generals of India, Officer bearers and Executive of the High Court Bar Association both at Jammu and Srinagar, Senior Advocates of the High Court, Senior Administrative Officers of the Government, Members of the Bar, Ladies and Gentlemen, good evening to all of you.

I am overwhelmed by the kind words of praises showered upon me by the learned Advocate General. I doubt whether I deserve those praises.

I took over as Chief Justice of the High Court of Jammu & Kashmir and Ladakh on 04th January, 2021 and after serving here for little less than two years, I am destined to leave this place for my onward journey to Rajasthan. Jammu and Kashmir and Rajasthan are entirely different in many respects but are identical so far as their cultural diversity is concerned. When I joined this High Court I had

absolutely no doubt in my mind that I was going to a place which is no less than any other part of the country in any respect. Soon I realised that this place, especially the High Court, is full of opportunities and people working in the institution are full of potential. Generally I have found the people here simple, sober, hardworking and honest in their dealings. The only thing which I felt they lacked was the exposure. Given the opportunities available and those which are likely to be generated in near future, I am sure that the level of exposure which is needed shall surely come. One reason for lack of exposure, which I have been able to analyse, is the policies of protectionism. Now is the time when we should tighten our belts and be ready to compete with the best in the outside world and to further excel in every field.

I come from a High Court which is one of the oldest high courts of India. Allahabad High Court is rich in traditions. Every place and every institution has its own traditions and history, so is the case with the High Court of Jammu & Kashmir and Ladakh. The traditions which have worked unquestionably over a period of time need to be preserved and respected for the future generations to revere them and to build upon for the growth of the institution. Only when the traditions are respected, the institution commands respect. In this High

Court many traditions are intact but there is a need to revive many traditions which are getting weakened. There is also a need to inculcate a healthy culture and to build new traditions in line with the glory of the Judicial Institution. There is also a need to revisit many things which are impeding the growth of the institution. After all, it matters a lot what we pass on to our next generation.

During my tenure here this High Court saw a maximum strength of 17 Judges against the sanctioned strength of 17. With the transfer of Justice Thakur we were left with 16 and now with my transfer strength will be reduced to 15. In two months the strength is expected to further reduce unless some more judges from outside are transferred to this High Court. Transfer of judges from other High Courts to this High Court is due otherwise also. With an increased number of judges I was tempted to get maximum disposal of cases and to reduce the pendency of cases. No doubt it had put extra burden on my sister and brother judges but my faith in them was honoured by them. Quite a good number of cases could be disposed of during this period. Judges in this High Court are endowed with great sense of justice, integrity, competence, sobriety and have all the qualities of head and heart. They are trying their best to live upto the expectations of the litigants and

are largely successful in their endeavour. I would like to take this opportunity to request my sister and brother judges to exert a bit more to ameliorate the sufferings of the public. This will surely place their image and reputation of the High Court on a high pedestal. We are to restore faith, trust and confidence of the citizens of this great nation in judicial institutions.

While conducting the Court and while interacting with lawyers at different fora, I have generally found the lawyers to be quite competent, skillful and persuasive in their approach. Given a chance they can compete with any good lawyer of any other High Courts. They only need to open up and flutter their wings. They should start taking briefs in all jurisdictions and seek experience in all other places. This way they can prepare themselves for any challenge coming in their way. In all I have received appreciable assistance from the lawyers which made me decide the matters and to make an endeavour to render justice in letter and spirit. It is my earnest request to the lawyers at all levels to put in best efforts to develop jurisprudential concepts in all jurisdictions of law. What I have noticed here is the limited sphere of litigation and in limited areas. It is for the lawyers to venture into new fields and to think out of the box and get maximum

benefit from the courts. I hope and trust that not only the lawyers who are senior in practice but also the younger lot would not hesitate in experimenting and venturing into unseen horizons. My best wishes to all of them.

Talking about judicial officers in Jammu & Kashmir and Ladakh, I have found the officers to be quite competent, docile and persons of calibre and great integrity. The officers are of immense potential and are delivering quite appreciably but going by the vast potential and the promise in them it is possible to bring out the best from them. The officers can compete with judicial officers from other jurisdictions with ease. There is still a lot of scope for them to broaden their horizons and prove themselves to be finest judicial officers in the Country. I wish good luck to all of them and hope that no stone is left unturned by them in their quest for judicial excellence. Recently we hosted the North Zone Regional Conference, organised by the National Judicial Academy at Srinagar, which was quite successful. We were able to bring home the point that in the matters of organising skills we are not behind any other judicial institution elsewhere. Rather in many respects we excel and have the potential to be the best in the Country. It is my sincere request to all the Judicial Officers to make best use of

the facilities available here in the Judicial Academy and wholeheartedly participate in the Conferences, Seminars and Training Programmes organised here to achieve further heights.

It is a matter of great satisfaction that many infrastructural projects have been completed in the recent past and many are in the pipeline. Two projects of construction of new High Court Buildings, one at Srinagar and one at Jammu have been conceived. Work on building at Srinagar has already started and I wish that it takes off in Jammu very soon. Government is making all possible efforts to see to it that all the important projects are completed in good time. The Central Government's support is also appreciable. The only thing which I would urge from the lawyers community is to become foresighted and look beyond the short term goals. You need to imagine the broader spheres and think ahead of time. When I see the buildings of the High Court at both the capital cities, I feel that a more pragmatic approach was required to be adopted while planning. In not too many years the spaces have been found wanting in infrastructure requirements. Now while planning for creation of new spaces and working atmosphere we need to think 50 years ahead.

While I am leaving this High Court, I am greatly satisfied about my tenure here. I have received full support from all my colleagues on the Bench in all the matters of policy planning etc. My endeavour has all along been to put in place policy frameworks wherever there have been gaps. I think by doing so we serve the need of consistency, efficiency and excellence in the institution which is considered to be the saviour of the rights of the public at large. I hope and trust that more policy initiatives shall be carried out to create a robust judicial system in this beautiful part of the country.

I am fortunate to have with me very efficient and competent officers in the Registry who have toiled hard to give life to my vision for the High Court. They always ensured that their self does not take precedence over the demands of the institution. You are the limbs of the High Court and your sturdiness determines the administrative efficiency of the High Court. Keep working for the betterment of the judicial institution and take it to new heights.

I would like to make special mention of the administrative and logistic support provided by all the government machinery during my tenure in this High Court. I am grateful to Hon'ble Lieutenant Governor Sh. Manoj Sinha for providing every possible help in all the

endeavours of the High Court. During the foundation stone laying ceremony for the new High Court building at Srinagar and recently during the North Zone Regional Conference, Hon'ble Lieutenant Governor had taken personal interest and had directed the government machinery to see that the programmes were highly successful. I would like to place on record my personal gratitude to the Hon'ble Lieutenant Governor and the administration of the UT of Jammu & Kashmir led by the Chief Secretary Sh. Arun Kumar Mehta. Sh. Achal Sethi, Secretary to the government, Department of Law, Justice and Parliamentary Affairs who was always available for the cause of judicial administration and he has contributed a lot for the infrastructure and administrative requirements of the High Court. Sh. Shailender Kumar, Principal Secretary, Public Works Department also has rendered full cooperation to the High Court in timely completing the infrastructure projects of the High Court and Subordinate Courts.

I thank all my sister and brother Judges, members of the bar, Judicial Officers, Staff of the High Court and Subordinate Courts for their unflinching support to me and to my efforts in this High Court. In me you will always find a good friend and guide, whenever you need my services.

I am thankful to my personal staff, Secretaries, Private Secretaries, Stenographers, Typists, Research Assistants, Jamadars, Restorers and Orderlies in the High Court for their sincere and dedicated service rendered to me during my tenure, without which it would not have been possible for me to discharge my duties.

I am taking with me sweet memories which I shall always cherish.

और अंत में मैं सिर्फ इतना कहूंगा कि गुण तो न था कोई भी पर अवगुण मेरे भुला देना, अवगुण मेरे भुला देना।

Thank you very much.

Jai Hind Jai Bharat.