

ITEM NO.2

COURT NO.5

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(s)(Civil) No(s). 1022/1989

ALL INDIA JUDGES ASSOCIATION &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(ONLY IA NOS.93974/2019, 121642/2018 AND IA NO.1/2017 IN IA NO.336/2015 IN WC 1022/1989 IS TO BE LISTED AS PER HON'BLE COURTS ORDER DATED 05.04.2022 AND 11.04.2022 RESPECTIVELY WITH SLP D NO.2656/2020.

IA No. 93974/2019 - CLARIFICATION/DIRECTION  
IA No. 121642/2018 - CLARIFICATION/DIRECTION)

WITH

Diary No(s). 2656/2020 (IX)

Date : 04-05-2022 These matters were called on for hearing today.

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HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE B.R. GAVAI

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

Diary No(s). 2656/2020

Delay condoned.

The respondent, a retired District and Sessions Judge, filed this writ petition before the High Court while he was working at Nanded on 31.12.1993 for the following reliefs :

"(B) To issue any appropriate writ, direction or order to consider the Revised Pension of the petitioner, in the light of Justice Shetty Commission recommendations, at 50% of the minimum pay of the post held at the time of his retirement, as revised from time to time i.e. Rs. 8,375/- p.m. (Revised Scale under Shetty Commission, being 16750-400-19150-450-20500), instead of Rs.8,248/- p.m., and accordingly issuance of the P.P.O. (Pension Payment Order) by the second respondent for payment. of the differential amount together with admissible Dearness Allowance, for the period 01.01.1996 to 31.12.2005.

(C) To issue any appropriate writ, direction or order

requiring the first and the third respondent to take immediate steps to implement the recommendation of Justice Padmanabhan Committee comprised in paragraph 31(d) and approved by the Hon'ble Apex Court in it's Order dated 27.07.2010 in I. A. No. 244 in W.P. (C) No. 1022/1989, All India Judges Association V/s Union of India and Others in the matter of the Medical Facilities as regards the Treatment and reimbursement of Expenditure etc. to the retired Judicial Officers, also entitling petitioner to avail all the said benefits."

The High Court allowed the said writ petition and directed the State Government to implement the recommendations made by Justice Padmanabhan Committee as approved by this Court and extend the facility of medical reimbursement, which was applicable to serving judicial officers, to the respondent as well.

The State of Maharashtra has filed this special leave petition challenging the said judgment of the High Court dated 22.03.2019.

Justice Padmanabhan Committee, in the Report dated 17.07.2009, dealt with medical facilities of the retirees *inter alia* as under :

**"Part-V - PENSION STRUCTURE FOR PAST PENSIONERS  
I.E. WHO RETIRED PRIOR TO 1-1-2006**

31. The recommendations of the First National Judicial pay Commission with respect to past pensioners are given in paragraph 23.18 which are as under :-

.....

(6) All the medical facilities that we have recommended to serving Judicial Officers with regard to treatment and reimbursement of expenditure etc. be made applicable to retirees.

31(d) - The other recommendation of First National Judicial Pay Commission at No.6 with regard to treatment and reimbursement of expenditure etc. holds good and the same to continue."

This Court, by an Order dated 26.07.2010, approved the recommendations made by Justice Padmanabhan Committee. This Court also observed that there was no objection raised by any State for acceptance of the recommendations made by Justice Padmanabhan Committee.

In view of the order passed by this Court on 26.07.2010, the respondent is entitled for medical facilities recommended for serving judicial officers. There is no justifiable reason for the State of Maharashtra to deny the respondent medical facilities which are applicable to the serving judicial officers.

The special leave petition is, accordingly,

dismissed. Pending application(s), if any, shall stand disposed of.

It is open to the State of Maharashtra to carry out amendment to the Rules, if the need arises. All the State Governments are also directed to implement the recommendations made by Justice Padmanabhan Committee relating to the payment of pension including extending medical facilities to serving judicial officers, if not already done. In the event of a necessity of amending rules, it is open to the State Governments to carry out the said amendment.

IA No.121642/2018 and I.A. No.1 of 2017.

Taking note of the fact that some of the retired judicial officers are around 90 years old a direction was issued by this Court 10 years back to pay pension in accordance with the formula mentioned therein. This Court, by an Order dated 05.04.2022, directed all the State Governments to comply with the said directions issued on 08.10.2012 and submit a report of compliance.

Mr. Siddharth Bhatnagar, learned Amicus Curiae, has prepared a chart giving particulars of the States which have complied with the orders and

those which have not. Such of those State Governments which have not complied with the Order dated 05.04.2022 are directed to do so within a period of four weeks from today and report compliance. A copy of the status report shall be served on the learned Amicus Curiae before filing in the Registry.

List after four weeks along with I.A. Nos.89524/2020, 162247/2018 & 162248/2018,162199/2018 & 162201/2018, 72900/2021, 73015/2021, 40695/2021, 50269/2022.

IA No.93974/2019

List after ensuing summer vacations, 2022 before 3-Judges' Bench.

(Geeta Ahuja)  
Court Master

(Anand Prakash)  
Court Master