

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

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

ALL INDIA JUDGES ASSOCIATION & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA NOS.121642/2018,162199/2018,162201/2018,162247/2018,  
162248/2018, 91009/2022 AND I.A. NO.77008/2020 AND 77010/2020  
IS TO BE LISTED.

IA No. 162248/2018 - CLARIFICATION/DIRECTION  
IA No. 162201/2018 - CLARIFICATION/DIRECTION  
IA No. 121642/2018 - CLARIFICATION/DIRECTION  
IA No. 77008/2020 - INTERVENTION APPLICATION  
IA No. 162247/2018 - INTERVENTION APPLICATION  
IA No. 162199/2018 - INTERVENTION APPLICATION  
IA No. 91009/2022 - INTERVENTION/IMPLEADMENT  
IA No. 77010/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 07-02-2023 This matter was called on for hearing today.

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HON'BLE MR. JUSTICE VIKRAM NATH

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

I.A. NO.91009/2022 in I.A. NO. 88342/2022

These applications be placed before the Three Judge Bench, in accordance with the orders passed by this Court on 10.01.2023 in I.A. No.73015/2021 etc.

The Registry is, therefore, directed to place these matters before Hon'ble the Chief Justice of India for obtaining appropriate orders.

I.A. No. 23985/2023

Issue notice, returnable on 28.02.2023, to the Union of India through Ministry of Law and Justice and Delhi High Court through its Registrar General.

In addition to the usual mode, liberty is granted to the applicant(s) to serve notice through the Central Agency/Standing Counsel for the Delhi High Court.

I.A. Nos. 121642/2018, I.A. No.5933/23 in I.A. NO.121642/2018, I.A. No.162247/2018, 162248/2018, 162199/2018, and 162201/2018

Vide order dated 10.01.2023 passed in I.A. Nos.121642/2018 etc., this Court has specifically recorded that merely issuance of notification of revision in pension is not sufficient, what is necessary is that the arrears should actually be disbursed to the retired judicial officers.

We had, therefore, directed the Chief Secretaries of all the State Governments/Union Territories to file their affidavits on or

prior to 03.02.2023, stating therein as to whether the amount has actually been disbursed to the retired judicial officers or not.

We have further clarified that if any State Government/Union Territory fails to comply with the said directions, the Court would be constrained to take action against the Chief Secretary of the State Governments/Union Territories for committing contempt of this Court.

Pursuant to the aforesaid order, various State Governments/Union Territories have filed their respective affidavits. The learned Amicus Curiae has placed on record a chart showing details about the State Governments/Union Territories who have complied with the directions and the State Governments/Union Territories who have not complied with the directions.

The chart would reveal that the States/Union Territories of Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Gurajat, Haryana, Himachal Pradesh, Meghalaya, Odisha, Tripura, Goa, West Bengal, Andhra Pradesh, Andaman and Nicobar, Chandigarh and various other Union Territories have complied with the directions issued by this Court.

We appreciate the State Governments/Union Territories, who have filed their respective affidavit, in compliance of the directions issued by this Court.

Insofar as the State of Chhattisgarh is concerned, though the affidavit filed by it is not clear as it ought to have been, Mr. Sumeer Sodhi, learned counsel appearing for the State of Chhattisgarh, on instructions, makes a categorical statement that the actual disbursement has in fact been made.

It would thus reveal that it is the State Governments of Jharkhand, Maharashtra, Manipur, Punjab, Rajasthan, Uttar Pradesh, Karnataka, Kerala, Tamil Nadu, NCT of Delhi, Madhya Pradesh, Sikkim, Telangana and Uttrakhand who have not filed their respective affidavits, as directed by this Court.

When a specific direction was issued to the State Governments/Union Territories to file a specific affidavit, as to whether actual disbursement has been made or not, non-compliance of the said directions could have been construed seriously and we could have proceeded to take action against the respective Chief Secretaries.

We may specify that insofar as the State of Jharkhand is concerned, the stand taken is totally unwarranted. A retired judicial officer cannot be expected to make an application to the Accountant General for revision of pension. All the papers pertaining to the service rendered by a Judicial Officer is always available with the employer.

Shri Tapesh Kumar Singh, learned Additional Advocate General for the State of Jharkhand, states that there is some problem at the end of the Accountant General and the office of the Accountant General is not under the control of the State Government.

When a specific direction is issued to the Chief Secretary of the State, it is expected of him/her to sort out the matter with the Accountant General. If there is any resistance from the office of the Accountant General, the same can very well be brought to the notice of the Court so that the Court can proceed against the authority, who are acting as hindrance, in compliance of the

directions issued by this Court.

Though we could have taken a serious view of the matter, we are inclined to grant one more opportunity, by way of last chance.

The matter is, therefore, directed to be kept on 28.02.2023. All the State Governments/Union Territories who have not filed their respective affidavit, in compliance of the directions issued by this Court on 10.01.2023, are given last chance to file their affidavit on or prior to 24.02.2023 that they have complied with the directions issued by this Court on 10.01.2023 in letter and spirit.

Needless to state that the Chief Secretaries of such of the State Governments/Union Territories, which fail to file the affidavit, as aforesaid, prior to 24.02.2023 shall personally remain present in this Court on 28.02.2023 and show cause as to why an action be not taken against them for committing contempt of this Court.

(NARENDRA PRASAD)  
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)  
COURT MASTER (NSH)