

ITEM NO.3

COURT NO.8

SECTION X

**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 &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(ONLY IA NOS.23985 OF 2023 AND 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 TO BE LISTED AS PER COURT'S ORDER DATED 07.02.2023

As per mentioning order dated 15.02.2023 - IA Nos. 93974 of 2019, 72900, 73015, 40695 and 50269 of 2021 and 201893 of 2022 also to be listed on 28.02.2023

IA No. 50269/2022 - APPLICATION FOR PERMISSION  
IA No. 5933/2023 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 121642/2018 - CLARIFICATION/DIRECTION  
IA No. 72900/2021 - CLARIFICATION/DIRECTION  
IA No. 93974/2019 - CLARIFICATION/DIRECTION  
IA No. 162248/2018 - CLARIFICATION/DIRECTION  
IA No. 162201/2018 - CLARIFICATION/DIRECTION  
IA No. 23985/2023 - INTERVENTION APPLICATION  
IA No. 162247/2018 - INTERVENTION APPLICATION  
IA No. 162199/2018 - INTERVENTION APPLICATION  
IA No. 40695/2021 - INTERVENTION/IMPLEADMENT  
IA No. 201893/2022 - MODIFICATION  
IA No. 73015/2021 - MODIFICATION OF COURT ORDER)

Date : 28-02-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE VIKRAM NATH  
HON'BLE MR. JUSTICE SANJAY KAROL

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

I.A. No. 121642 of 2018, I.A. No. 5933 in I.A. No. 121642 of 2018,  
I.A. No. 162247 and 162248 of 2018 and I.A. Nos. 162199 and 162201  
of 2018

1. Mr. Sidhartha Bhatnagar, learned Amicus Curiae has placed on record a note containing the status with regard to the actual disbursement of pension to the Retired Judicial Officers.
2. Vide our order dated 07.02.2023, we had perused the note of the learned Amicus curiae and recorded that the various States had complied with the direction issued by this Court.
3. We had also placed on record our appreciation to the said State Governments.
4. In so far as the State Governments which had not complied with our directions in letters and spirit, we had granted them time by way of last chance to file affidavit by 24.02.2023.
5. We had further directed that in the event, the State Governments do not comply with our directions, the Chief Secretaries of the State Governments shall remain personally present in this Court.

6. In compliance of the aforesaid directions, various State Governments have filed their affidavits. Learned Amicus Curie has placed on record a chart showing the averments made in the affidavit(s).

7. From the said chart, it is clear that State of Jharkhand, Karnataka, Kerala, Maharashtra, Manipur, Punjab, Rajasthan, Uttar Pradesh, Telangana, Tamil Nadu, Madhya Pradesh and Uttarakhand have substantially complied with the directions.

8. Though, this has been done belatedly, we place on record our appreciation to the learned Standing Counsel for pursuing the matter and the State Governments for complying with the orders.

10. A problem of non-compliance appears to be only with the Government of NCT of Delhi and the State of Sikkim.

11. Insofar as the Government of NCT of Delhi is concerned, it appears that there has been some confusion at the level of the Registry of the High Court and the office of Principal District & Session Judge (HQ).

12. The perusal of the affidavits placed on record by the Government of Delhi would reveal that though Government of NCT of Delhi initially proceeded to pursue the matter, it appears that the office of the Principal District Judge (Headquarter) was under some erroneous impression.

13. However, that has now been clarified and vide letter dated 23.02.2023, the matter has been referred to the Ministry of Home Affairs, Government of India.

14. Shri Wasim S. Quadri, learned senior counsel appearing for the Government of NCT of Delhi submits that the actual disbursement to

the beneficiaries will be made within a period of 10 days from today.

15. After the actual disbursement is made, the Government of NCT of Delhi shall file an affidavit in compliance thereof.

16. Insofar as the State of Sikkim is concerned, though the affidavit has been filed in December, 2022, it does not clearly mention the actual position with regard to actual disbursement. We grant two weeks' time to the State of Sikkim to file fresh affidavit placing on record the actual position with regard to the disbursement.

I.A. No. 201893 of 2022

1. This application has been filed by the learned Amicus Curiae with basically two prayers:

(i). That the LDCE quota, which was initially determined at 25% and subsequently reduced to 10% should be restored to 25%.

(ii). That the minimum requirement of having an experience of 5 years as a Civil Judge (Senior Division) should be brought down to 2 years.

2. We issue notice to all the State Governments and the High Courts, returnable on 18.04.2023.

3. All the High Courts and the State Governments shall file their response on or before 04.04.2023 with an advance copy to the learned Amicus Curiae.

4. It is made clear that in the event any of the State Governments or the High Courts do not file their response aforesaid

period, it shall be presumed that they are in agreement with the suggestions made by the learned Amicus Curiae.

I.A. Nos. 72900, 73015 and 40695 of 2021, 50269 of 2022

Issue notice to the State of Maharashtra and the Bombay High Court, returnable on 18.04.2023.

Mr. Sandeep Deshmukh, learned counsel waive notice for the Bombay High Court and Mr. Aniruddha A. Pande, learned counsel waive notice for the State of Maharashtra.

I.A. No. 93974 of 2019

List this application on 18.04.2023.

IA No. 23985 of 2023

1. Before passing any orders in this application, we find that it will be appropriate that the view of the State Governments and the High Courts are obtained.
2. Issue notice to the Chief Secretaries of all the State Governments and the Registrar General(s) of the High Courts, returnable on 18.04.2023.
3. We are, however, *prima facie*, of the view that the ratio of 1/3<sup>rd</sup> of the Judges who are elevated from the service cadre and 2/3<sup>rd</sup> of the Judges who are elevated from the Bar needs to be maintained.
4. We request the High Courts to take into consideration this aspect of the matter while recommending the names for elevation.

(DEEPAK SINGH)  
COURT MASTER (SH)

(ANJU KAPOOR)  
COURT MASTER (NSH)

