

561/18

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL WRIT JURISDICTION

WRIT PETITION (C) NO. 819 OF 2018

(Under Article 32 of the Constitution of India)

IN THE MATTER OF:

Madhya Pradesh Judge's Association

Petitioner

Versus

The State of Madhya Pradesh and another Respondents

[FOR INDEX: KINDLY SEE INSIDE]

ADVOCATE FOR THE PETITIONER: SAMIR MALIK

423, New Lawyers Chambers, Setalvad Block, Supreme Court of India, New Delhi

**INDEX**

**RECORD OF PROCEEDINGS**

**S.NO. DT. OF RECORD OF PROCEEDINGS PAGE(S)**

1. Court Order dated \_\_\_\_\_
2. Court Order dated \_\_\_\_\_
3. Court Order dated \_\_\_\_\_
4. Court Order dated \_\_\_\_\_
5. Court Order dated \_\_\_\_\_
6. Court Order dated \_\_\_\_\_
7. Court Order dated \_\_\_\_\_
8. Court Order dated \_\_\_\_\_
9. Court Order dated \_\_\_\_\_
10. Court Order dated \_\_\_\_\_
11. Court Order dated \_\_\_\_\_
12. Court Order dated \_\_\_\_\_
13. Court Order dated \_\_\_\_\_
14. Court Order dated \_\_\_\_\_
15. Court Order dated \_\_\_\_\_

### INDEX

Sl. No.	Particulars of Document	Page No. of part to which it belongs		Remarks
		Part I	Part II (Contents of file alone)	
		(Contents of Paper Book)		
	Court fee			
(i)	(ii)	(iii)	(iv)	(v)
1.	Listing Proforma	A1-A2	A1-A2	
2.	Cover page of paper book		A-3	
3.	Index of Record of proceedings		A-4	
4.	Defect list		A-5	
5.	Note Sheet		NS 1 to	
6.	List of Dates	B-G		
7.	Writ Petition with affidavit	1-39		
8.	Appendix Article 14, 16, 19, 21, 229, 235 309 of the Constitution of India	40-45		
9.	<b><u>Annexure P-1</u></b> A True Copy of the Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994 (Amended)	46-50		
10.	<b><u>Annexure P-2</u></b> A True Copy of the order dated 30.09.2013 in the case of Rajesh Kumar Sharma Vs. Union of India	51		

11.	<b><u>Annexure P-3</u></b> A True Copy of the order dated 07.10.2013 in the case of R.K.Kapoor Vs. Union of India	52		
12.	<b><u>Annexure P-4</u></b> A True Copy of the report dated 07.07.2014 of the man Power planning in Judiciary	53		
13.	<b><u>Annexure P-5</u></b> A True Copy of the Madhya Pradesh District Court Establishment (Recruitment and Conditions of Service) Rules, 2016 notified on 25.02.2017	54-71		
14.	<b><u>Annexure P-6</u></b> A True Copy of the Madhya Pradesh Higher Judicial Service (Recruitment and Conditions of Service) Rules, 2017 notified on 13.03.2018	72-83		
15.	<b><u>Annexure P-7</u></b> A true copy of the report dated 14.03.2018 of the Standing Committee of Rajya Sabha	84-89		
16.	<b><u>Annexure P-8</u></b> A true copy of the Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Sanshodhan	90-92		

	Adhyadesh, 2018 notified on 31.03.2018			
17.	<b><u>Annexure P-9</u></b> A True Copy of the representation dated 11.04.2018 to the Government of, Madhya Pradesh	93-97		
18.	<b><u>Annexure P-10</u></b> A True Copy of the reply dated dated 27.04.2018 of the Registrar General of the High Court	98-102		
19.	Filing Memo		103	
20.	V/A		104	

21 Registration Certificate

105-108

A1

LISTING PROFORMA

SECTION: X

- ☐ Central Act: (Title): The Constitution of India
- ☐ Section: Article 14,16,19,21,229(2),235 and 309
- Central Rule: NA
- ☐ Rule No. (S):NA
- ☐ State Act:
- ☐ Section:
- ☐ State Rule: the "Madhya Pradesh Higher Judicial Service (Recruitment and Conditions of Service) Rules, 2017
- ☐ Rule No(S): 14
- ☐ Impugned Interim Order: (Date) NA
- ☐ Impugned Final Order/Decree: NA
- ☐ High Court (Name): NA
- ☐ Name of Judge: NA
- Tribunal/Authority: NA

- 
1. Name of Matter ☒ Civil ☐ Criminal
2. (a) Petitioner/Appellant No. I: Madhya Pradesh Judge's Association
- (b) e-mail ID
- (c) Mobile Phone number:
3. (a) Respondent No.1: The State of Madhya Pradesh and another
- (b) e-mail ID:
- (c) Mobile Phone number:
4. (a) Main category classification: 30 : Matters relating to judiciary
- (b) Sub Classification: 3004: Others

- A2
5. Not to be listed before: NA
6. Similar/Pending matter No
7. **Criminal Matters:**
- (a) Whether accused convict has surrendered ☐ Yes ☐ No / NA
- (b) FIR No. NA
- (c) Police Station: NA
- (d) Sentence Awarded: NA
- (e) Sentence Undergone: NA
8. Land Acquisition Matters: NA
- (a) Date of Section 4 notification: NA
- (b) Date of Section 6 notification: NA
- (c) Date of Section 17 notification: NA
9. **Tax Matters:** State the tax effect: NA
10. **Special Category** (first petitioner/appellant only):
- ☐ Senior citizen > 65 years ☐ SC/ST ☐ Woman/child ☐ Disabled
- ☐ Legal aid Case ☐ In Custody
11. Vehicle Number (in case of Motor Accident Claim Matters): NA
12. Decided cases with citation: NA

Date: 09.07.2018

SAMI R MALIK  
ADVOCATE FOR THE PETITIONER  
Academics423@gmail.com  
Mobile : 9810083102

B

### **SYNOPSIS AND LIST OF DATES**

The instant Writ Petition is being filed by the petitioner under Article 32 of the Constitution of India for issuance of an appropriate writ/ order / direction to the respondents to increase the age of superannuation of the members of Subordinate Judiciary in the State of M.P. to 62 years as has been done for the M.P. state government employees vide notification dated 31.03.2018 as also for modification of paras 26 and 40 of the judgment and order dated 21.03.2002 of this Hon'ble court in the case of All India Judges Association and Others vs. Union of India and Others reported in (2002) 4 SCC 247 in view of changed circumstances and subsequent development. The failure on the part of the respondents to do so has resulted in hostile discrimination vis-à-vis State Government employees who all are governed by the same service rules. It is submitted that State Government employees would be getting the benefit of superannuation at the age of 62 but judges have to retire at age of 60, which is clearly violative of Article 14 of Constitution of India.



C

21.03.2002 This Hon'ble Court in the matter of All India Judges Association v. Union of India (2002) 4 SCC 247 at page 269 in para 26 while considering the recommendations of Justice Shetty Commission held that superannuation age of subordinate judicial officers can not be raised to 62 years as age of superannuation of High Court Judges is 62 and Supreme Court Judges 65. It also passed an order directing "all the matters with regard to the service conditions of judicial officers shall be heard by this Hon'ble Court.

30.09.2013 In a similar matter related to increase in superannuation age of judges of not only subordinate courts but Judges of Hon'ble High Court and Supreme Court also, Hon'ble Supreme Court in "Rajesh Kumar Sharma Vs. Union of India and others" in writ petition (Civil) No. 691/2013 permitted to be withdrawn in order to approach the appropriate authority in the matter of increase in the superannuation age.

D

07.10.2013 This Hon'ble court in the matter of R.K.Kapoor Vs. Union of India and others in writ petition (Civil) No. 773/2013 relating to increase in superannuation age of judges permitted to be withdrawn in order to approach the appropriate authority in the matter of increase in the superannuation age.

07.07.2014.. Law Commission of India has submitted its report "Manpower Planning in Judiciary: A Blue Print", to the Ministry of Law & Justice, Government of India suggesting that "Age of retirement of Subordinate judges be raised to 62".

31.03.2018 The State of Madhya Pradesh promulgated ordinance titled the Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Sanshodhan Adhyadesh, 2018 wherein the age of superannuation of state employees was increased to age of 62 years from the age of 60 years.

11.04.2018 Aggrieved with the discrimination caused by the Government of M.P., the petitioner submitted a

E

representation to the government of M.P. through its Principal Secretary.

27.4.2018 The respondent no.2, registrar General of the High Court rejected the representation of the petitioner in these terms " consent for incorporating amendments in the Madhya Pradesh Higher Judicial Service (Recruitment & Conditions of Service) Rules, 2017 and Madhya Pradesh Judicial Service (Recruitment & Conditions of Service) Rules, 1994, to increase age of retirement of Judicial Officers from 60 to 62 years, can not be given; in view of the order dated 21/03/2002 passed in All India Judges Association & Others Vs Union of India & Others reported in AIR 2002 SC 1752."

It is respectfully submitted that the aforesaid ordinance disables the petitioner from availing the benefit of the increase in superannuation age thereby arbitrarily discriminating against the subordinate Judicial Officers. Other state employees are availing the benefit and retire at the age of 62 years while the subordinate judicial employees are forced to retire at

F

the age of 60 years. It is submitted that the petitioner is discriminated against without any rational basis. Therefore, in view of the judicial pronouncements of this Hon'ble Court, fundamental rights of the petitioner as guaranteed under Article 14, 16, 19 and 21 of the Constitution of India are being violated

The petitioner being aggrieved by the impugned rule, has no other alternative but to file the instant Writ Petition seeking issuance of appropriate writ/ order / direction declaring as unconstitutional to the extent it disables the officers of subordinate judiciary to avail the benefit of increase in age of superannuation. This infringes the fundamental rights of the petitioner herein as guaranteed under Article 14, 16, 19 and 21 of the Constitution of India. Accordingly This Hon'ble Court may graciously Issue a writ of mandamus or any other appropriate writ, order or direction to the respondents to issue or direct the respondents to increase the age of superannuation of the members of the subordinate judicial officers to 62 years as has been done for the State Government employees and consequently

G

amend the Rule 14 of the "Madhya Pradesh Higher Judicial Service (Recruitment and Conditions of Service) Rules, 2017" and Rule 16 of "The Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994 (Amended)".

09.07.2018 Hence, the present Writ Petition.

**IN THE SUPREME COURT OF INDIA**  
**(CIVIL ORIGINAL WRIT JURISDICTION)**

WRIT PETITION (CIVIL) NO.        OF 2018

**IN THE MATTER OF**

Madhya Pradesh Judge's Association,  
Behind District Court premises,  
Arera Hills Bhopal (Madhya Pradesh)  
Through its President Shri. Dinesh Naik

.....Petitioner

Versus

1. The State of Madhya Pradesh,  
Ministry of Law and Legislature  
Secretariat Bhopal,  
Madhya Pradesh  
Through its *Principal Secretary*
  
2. The High Court of Madhya Pradesh  
Jabalpur (Madhya Pradesh)  
Through its Registrar General

..... Respondents

2

WRIT PETITION UNDER ARTICLE 32 OF THE  
CONSTITUTION OF INDIA

To,

The Hon'ble the Chief Justice of India  
and His Companion Justices of the  
Hon'ble Supreme Court of India

The humble Petition of the petitioner  
above named

**MOST RESPECTFULLY SHOWETH:**

1. That this is a Writ Petition under Article 32 of the Constitution of India for issuance of an appropriate writ/ order / direction to the respondents to increase the age of superannuation of the members of Subordinate Judiciary to 62 years as has been done for the state government employees vide notification dated 31.03.2018 as also for modification of paras 26 and 40 of the judgment and order dated 21.03.2002 of this Hon'ble court in the case of All India Judges Association and Others vs. Union of India and Others reported in (2002) 4 SCC 247 in view of changed circumstances and subsequent development. The failure on the part of the respondents to do so has resulted in hostile discrimination vis-à-vis State Government employees who all are governed by the same service rules. It is submitted

that State Government employees would be getting the benefit of superannuation at the age of 62 but judges have to retire at age of 60, which is clearly violative of Article 14 of Constitution of India.

- 1A. That the petitioner- Sangh is a duly registered Society under the MP' Society Registration Act 1973 at S.No 6286/98 dated 27.08.98 and the petition is being filed through its president who is authorized by the Judges Association to file this case.
2. That the petitioner herein- M.P. Judge's Association is elected body and as such concerned with the welfare of subordinate judicial officers of the State. The President of the association in representative capacity is filing the instant petition on behalf of the subordinate judicial officers of State of M.P.
3. That, in these facts and circumstances of the case, the only remedy left to the petitioner is to approach this Hon'ble Court under Article 32 of the Constitution of India for appropriate relief.
4. That on 21-03-2002, this Hon'ble court in Writ Petition (Civil)No. 1022/1989 (All India Judges Association case) reported in (2002) 4 SCC 247 has passed an order directing all the matters with regard to the service conditions of judicial officers shall be heard by this Hon'ble Court.

'Para 40' of the aforesaid judgment reads as follows:

Para 40-



4

"Any clarification that may be required in respect of any matter arising out of this decision will be sought from this court. The proceedings, if any, for implementation of the directions given in this judgment shall be filed only in this court and no other court shall entertain them."

5. That in terms of the aforesaid order of this Hon'ble Court, the petitioner is preferring this instant petition for increase in the superannuation age of judicial officers of subordinate courts of M.P.
6. That this petition raises the following important and substantial questions of law of great general public importance, which require consideration by this Hon'ble Court:
  - A. Whether the State Government is the appropriate government to frame rules with regard to service conditions of judicial officers as some judicial exams are conducted by the state itself?
  - B. Whether the benefits extended to other state employees be denied to judicial officers arbitrarily?

C. Whether the discrimination meted out to the judicial officers does not violate the fundamental rights of the petitioner as enshrined under Articles 14, 16, 19 and 21 of the Constitution of India?

D. Whether the right to grow in career as per qualification and eligibility in absence of any express constitutional prohibition is not the fundamental right of a person as enshrined in Article 21 of the Constitution of India?

7. That the Madhya Pradesh Judicial service (Recruitment and Conditions of service) Rule, 1994, the age of the superannuation was 16 years. It was provided that the Rule 56(3) of the Fundamental Rules and Rule 42(1)(b) of MP Civil services rules 1976, the age of superannuation of a member of service shall be 60 years.

A True Copy of the Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994 (Amended) is annexed herewith as **Annexure-P1** (page 46-50 ).

8. That in a Matter related to increase in superannuation age of judges not only subordinate courts but judges of Hon'ble High Court and Supreme Court also, Hon'ble Supreme Court in

6

"Rajesh Kumar Sharma Vs. Union of India and others" in writ petition (Civil) No. 691/2013 and "R.K.Kapoor Vs. Union of India and others" and another writ petition (Civil) No. 773/2013 permitted to be withdrawn in order to approach the appropriate authority in the matter of increase in the superannuation age.

A True Copy of the order dated 30.09.2013 in the case of Rajesh Kumar Sharma Vs. Union of India and others along with office note is annexed herewith as **Annexure-P-2** (page 51 ).

A True Copy of the order dated 07.10.2013 in the case of R.K.Kapoor Vs. Union of India and others along with office note is annexed herewith as **Annexure-P-3** (page 52 ).

9. It is respectfully submitted that on 7<sup>th</sup> of July 2014, Law Commission of India has also submitted its report "Manpower Planning in Judiciary: A Blue Print", to the Ministry of Law & Justice, Government of India, in which with other recommendations, the highlight at Point no. (ii) of the recommendations, it was also suggested that "Age of retirement of Subordinate judges be raised to 62".

7

A True Copy of the report dated 07.07.2014 of the man Power planning in Judiciary is annexed herewith as **Annexure-P4** (page 53 ).

10. That according to Rule 32 of Madhya Pradesh District Court Establishment (Recruitment and Conditions of Service) Rules, 2016, age of superannuation of a member of the service shall be age specified by the Government from time to time for the employees of the Government of the same cadre.

A True Copy of the Madhya Pradesh District Court Establishment (Recruitment and Conditions of Service) Rules, 2016 notified on 25.02.2017 is annexed herewith as **Annexure-P-5** (page 54 - 71 ).

11. It is further submitted that on perusal of the Ordinance along with *The Madhya Pradesh District Court Establishment (Recruitment and Conditions of Service) Rules, 2016*, *The Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994 (Amended)* and the *Madhya Pradesh Higher Judicial Service (Recruitment and Conditions of Service) Rules, 2017*, the position comes as under:-

(1) Rule 31 of "*The Madhya Pradesh District Court Establishment (Recruitment and Conditions of Service) Rules, 2016*" runs as under: -

**PART-V****MISCELLANEOUS****32. Age of superannuation.-**

Subject to the provision contained in Rule 56(3) of the "*Fundamental Rules*" and Rule 42(1)(b) of "*The Madhya Pradesh Civil Services (Pension) Rules, 1976*", the age of superannuation of a member of the service shall be the age specified by the Government from time to time for the employees of the Government of the same cadre.

(2) Rule 16 of "*The Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994 (Amended)*" runs as under:-

**16. Superannuation-**

Subject to the provision contained in the Rule 56(3) of the "*Fundamental Rules*" and Rule 42(1)(b) of "*The Madhya Pradesh Civil Services (Pension) Rules, 1976*", the age of superannuation of a member of service shall be 60 years.

(3) **Sub-Rule (16) of Rule 13 and Rule 14 of the "*Madhya Pradesh Higher Judicial Service (Recruitment and Conditions of Service) Rules, 2017*" runs as under:-**

9

**13. Applicability of other Rules/Circulars etc. :-**

Except as otherwise provided in these Rules, the members of the Service shall be regulated by the following Rules, as amended from time to time, namely:-

(16) Madhya Pradesh Fundamental Rules.

**14. Superannuation Age:-**

- (1) Subject to the provisions of sub-rule (2) and (3), every member of the service shall retire from the service on the afternoon of the last day of the month, in which he attains the age of 60 (sixty) years provided he is found fit and suitable to continue after 58 (fifty eight) years in service by the High Court:

Provided that a member of service whose date of birth is the first day of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of 60 (sixty) years:

Provided further that an officer of the service, who has retired on superannuation at the age of 60 (sixty) years, may be re-employed on the recommendation of the High Court up to the age of

62 (sixty-two) years to act as Presiding Officers of the Family Court.

- (2) Notwithstanding anything to the contrary contained in these Rules or any other Rules for the time being in force, a member of the Service may, in public interest, be retired at any time after he has completed 10 (ten) years of service, or on attaining the age of 50 (fifty) years, whichever is earlier.
- (3) For the purpose of the sub-rule (1) and (2), the Chief Justice may constitute a Screening Committee for the scrutiny and assessment of such member of the service, based on his past record of service, character rolls, quality of judgments/orders and other relevant matters like his integrity, reputation and utility to the Service etc.

A True Copy of the Madhya Pradesh Higher Judicial Service (Recruitment and Conditions of Service) Rules, 2017 notified on 13. 03. 2018 is annexed herewith as **Annexure-P 6** (page 72-83 ).

That on 14.03.2018, the Department related Parliamentary Standing Committee of Personnel Public Grievances Law and Justice in its Ninety –Sixth report has also recommended the age of retirement of Subordinate judges be raised to 62.

A true copy of the report dated 14.03.2018 of the Standing Committee of Rajya Sabha is annexed as **Annexure P-7**( page 84 - 89):

12. That prior to 31-03-2018, in the State of M.P. superannuation age of its employee was 60. It is respectfully submitted that the Government of Madhya Pradesh has promulgated an Ordinance No. 4 of 2018 which is "*The Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Sanshodhan Adhyadesh, 2018*" published in the "*Madhya Pradesh Gazette (Extra-ordinary)*", dated 31<sup>st</sup> March, 2018. The notification dated 31/03/2018 is providing an amendment in "*The Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967*" along with Sub-Rule (1) of Rule 56 of the "*Fundamental Rules*" enhancing the age of Superannuation of Government Employees of Madhya Pradesh from 60 to 62 years.

Sub-Rule (1) of Rule 56 of the "*Fundamental Rules*" to this Ordinance is as follows (before amendment):-

#### CHAPTER IX

#### COMPULSORY RETIREMENT

##### F.R. 56. Age of superannuation.-

- (1) Subject to the provisions of sub-rule (2), every Government Servant other than a Government Servant mentioned in sub-rules (1-a), (1-b), (1-c), (1-d), (1-e), (1-f), (1-g), (1-h), (1-i), (1-j)



and (1-k), shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years:

Provided that a Government Servant other than a Government Servant mentioned in sub-rules (1-a), (1-b), (1-c), (1-d), (1-e), (1-f), (1-g), (1-h), (1-i), (1-j) and (1-k), whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of Sixty years.

**After this Ordinance, the Sub-Rule (1) of Rule 56 of the "Fundamental Rules" is as follows: -**

**CHAPTER IX  
COMPULSORY RETIREMENT**

**F.R. 56. Age of superannuation. -**

- (1) Subject to the provisions of sub-rule (2), every Government Servant other than a Government Servant mentioned in sub-rules ~~(1-a), (1-b), [omitted]~~ (1-c), (1-d), (1-e), (1-f), (1-g), (1-h), (1-i), (1-j) and (1-k), shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty two years ~~(sixty years)~~:

Provided that a Government Servant other than a Government Servant mentioned in sub-rules ~~(1-a), (1-b), [omitted]~~ (1-c), (1-d), (1-e), (1-f), (1-g), (1-h), (1-i), (1-j) and (1-k), whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty two years ~~(sixty years)~~.

A true copy of the Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Sanshodhan Adhyadesh, 2018 notified on 31.03.2018 is annexed herewith as **Annexure- P-8** (page- 90-92.).

13. That it is further submitted that by promulgation of Ordinance, the superannuation of age of Judges of Subordinate Judiciary will be 60 years whereas Subordinate Employees of District Courts Class-III and Class-IV will retire at the age of 62 years.
14. That it is humbly submitted that Government of M.P. has deprived subordinate Judicial officers of State of M.P. the benefit of increase in the superannuation age and thereby Government of M.P. has discriminated judicial officers, as other State Officers and employees are getting benefit of superannuation age of 62 but the Judicial Officer has to retire at the age of 60. This is clear cut violation of fundamental right guaranteed under Article 14 of Constitution of India.
15. That aggrieved with the discrimination caused by the Government of M.P. applicant submitted its representation to the government of M.P. through its Principal Secretary on 11-04-2016. Government of M.P. sought opinion of Hon'ble High Court

14

of M.P. Hon'ble High Court of M.P. communicated to Government of M.P. as well as to the applicant by D.O. 27-04-2018 that in view of the observation and directions in para 26 and 40 in the matter of All India Judges Association and others (Supra) increase in the superannuation age of subordinate Judges can not be given.

A True Copy of the representation dated 11.04.2018 to the Government of Madhya Pradesh is annexed herewith as **Annexure-P 9** (page 93-97 ).

16. That on 27.4.2018, the respondent no.2 , registrar General of the High Court rejected the representation of the petitioner in these terms " consent for Incorporating amendments in the Madhya Pradesh Higher Judicial Service (Recruitment & Conditions of Service) Rules, 2017 and Madhya Pradesh Judicial Service (Recruitment & Conditions of Service) Rules, 1994, to increase age of 'retirement of Judicial Officers from 60 to 62 years, can not be given; in view of the order dated 21/03/2002 passed in All India Judges Association & Others Vs Union of India & Others reported in AIR 2002 SC 1752. "

A True Copy of the reply dated 27.04.2018 of the Registrar General of the High Court is annexed herewith as **Annexure-PI9** (page 98-102 ).

17. That the Hon'ble Court in the matter of All India Judges Association v. Union of India (2002) 4 SCC 247 at page 269 in para 26 while considering the recommendations of Justice Shetty Commission held that superannuation age of subordinate judicial officers can not be raised to 62 years as age of superannuation of High Court Judges is 62 and Supreme Court Judges 65.

Para 26:-

"The Shetty Commission had recommended that there should be an increase in retirement age from 60 to 62 years, in our opinion, this cannot be done for the simple reason that the age of retirement of a High Court Judge is constitutionally fixed at 62 years. It will not be appropriate, seeing the constitutional framework with regard to the judiciary, to have an identical age of retirement between the members of the subordinate judicial service and a High Court. As of today, the age of retirement of a Supreme Court Judge is 65 years, of a High Court Judge it is 62 years and logically the age of retirement

of a judicial officer is 60 years. This difference is appropriate and has to be maintained. However, as there is a backlog of vacancies which has to be filled and as the Judge strength has to be increased, as directed by us, it would be appropriate for the States in consultation with the High Court to amend the service rules and to provide for re-employment of the retiring judicial officer till the age of 62 years if there are vacancies in the cadre of the District Judge. We direct this to be done as earlier as possible."

18. That the judicial officers of subordinate courts of M.P. are employees of government of M.P. and under article 309 of the Constitution of India, the Hon'ble Governor has power to frame service condition rules of subordinate Judicial Officers of M.P., however, in consultation with Hon'ble High Court. The law has been explained by the Hon'ble Supreme Court in the matter of B.S. Yadav and others etc. Vs. State of Haryana etc. reported in 1981 AIR (SC) 561. The Constitution Bench has held that rule relating to service conditions of judicial officers of State are within domain of State Government under article 309 of the Constitution. It was further held that under Article 235 does not confer upon the High Court power to make rules

relating to conditions of services of judicial officers attached to District Court and the court of subordinate thereto. The relevant paras of Judgment are reproduced herein below for ready reference:

- (i) These writ petitions under Article 32 of the Constitution involve the consideration of a two-fold controversy: first, as to the rules governing seniority between direct recruits and promotees appointed to the Superior Judicial Services of Punjab and Haryana and second, between the control over district courts and subordinate courts vested in the High Court by Art. 235 and the power conferred upon the Governor by the proviso to Art. 309 of the Constitution to make rules regulating the recruitment and conditions of service of persons appointed, inter alia, to the Judicial Service of the State.

40. "On a plain reading of Articles 235 and 309 of the Constitution, it is clear that the power to frame rules regarding seniority of officers in the judicial service of the State is vested in the Governor and not in the High Court. The first part of Article 235 vests the control over

district courts and courts subordinate thereto in the High Court. But the second part of that article says that nothing in the article shall be construed as taking away from any person belonging to the judicial service of the State any right of appeal which he may have under the law regulating the conditions of his service or as authorising the High Court to deal with him otherwise than in accordance with the conditions of his service prescribed under such law. Thus, Article 235 itself defines the outer limits of the High Court's power of control over the district courts and courts subordinate thereto. In the first place, in the exercise of its control over the district courts and subordinate courts, it is not open to the High Court to deny to a member of the subordinate judicial service of the State the right of appeal given to him by the law which regulates the conditions of his service. Secondly, the High Court cannot, in the exercise of its power of control, deal with such person otherwise than in accordance with the conditions of his service which are prescribed by such law.

41. "Who has the power to pass such a law? Obviously not the High Court because, there is no power in the High Court to pass a law, though rules made by the High Court in the exercise of power conferred upon it in that behalf may have the force of law. There is a distinction between the power to pass a law and the power to make rules, which by law, have the force of law. Besides, "law" which the second part of Article 235 speaks of, is law made by the legislature because, if it were not so, there was no purpose in saying that the High Court's power of control will not be construed as taking away certain rights of certain persons under a law regulating their conditions of service. It could not have been possibly intended to be provided that the High Court's power of control will be subject to the conditions of service prescribed by it. The clear meaning, therefore, of the second part of Article 235 is that the power of control vested in the High Court by the first part will not deprive a judicial officer or the rights conferred upon him by a law made by the legislation regulating him conditions of service.



42. "Article 235 does not confer upon the High Courts the power to make rules relating to conditions of service of judicial officers attached to district courts and the courts subordinate thereto. Whenever, it was intended to confer on any authority the power to make any special provisions or rules, including rules relating to conditions of service, the Constitution has stated so in express terms. See, for example Articles 15(4), 16(4), 77(3), 87(2), 118, 145(1), 146(1), and 2(148)(5), 166(3), 176(2), 187(3), 208, 225, 227(2) and (3), 229(1) and (2), 234, 237 and 283(1) and (2). Out of this fasciculus of Articles, the provisions contained in Articles 225, 227(2) and (3) and 229(1) and (2) bear relevance on the question, because these Articles confer power on the High Court to frame rules for certain specific purposes. Article 229(2) which is directly in point provides in express terms that subject to the provisions of any law made by the legislature of the State, the conditions of service of officers and servants of a High Court shall be such as may be prescribed by the rules made by the Chief Justice or by some other Judge or Officer of the Court authorised by the Chief Justice to

make rules for the purposes. With this particular provision before them, the framers of the Constitution would not have failed to incorporate a similar provision in Article 235 if it was intended that the High Courts shall have the power to make rules regulating the conditions of service of judicial officers attached to district courts and courts subordinate thereto.

43. "Having seen that the Constitution does not confer upon the High Court the power to make rules regulating the conditions of service of judicial officers of the district courts and the courts subordinate thereto, we must proceed to consider: who, then, possesses that power? Article 309 furnishes the answer. It provides that Acts of the appropriate legislature may regulate the recruitment and conditions of service of persons appointed to posts in connection with the affairs of the Union or of any State. Article 248(3), read with Entry 41 in List II of the Seventh Schedule, confers upon the State legislatures the power to pass laws with respect to "State public services" which must include the judicial services of the State. The power of control

vested in the High Court by Article 235 is thus expressly, by the terms of that Article itself, made subject to the law which the State legislature may pass for regulating the recruitment and service conditions of judicial officers of the State. The power to pass such a law was evidently not considered by the Constitution makers as an encroachment on the "control jurisdiction" of the High Courts under the first part of Article 235. The control over the district courts and subordinate courts is vested in the High Court in order to safeguard the independence of the judiciary. It is the High Court, not the executive, which possesses control over the State judiciary. But, what is important to bear in mind is that the Constitution which has taken the greatest care to preserve the independence of the judiciary did not regard the power of the State legislature to pass laws regulating the recruitment and conditions of service of judicial officers as an infringement of that independence. The mere power to pass such a law is not violative of the control vested in the High Court over the State Judiciary.

44. "It is in this context that the proviso to Article 309 assumes relevance and importance. The State legislature has the power to pass laws regulating the recruitment and conditions of service of judicial officers of the State. But it was necessary to make a suitable provision enabling the exercise of that power until the passing of the law by the legislature on that subject. The Constitution furnishes by its provisions ample evidence that it abhors a vacuum. It has therefore made provisions to deal with situations which arise on account of the ultimate repository of a power not exercising that power. The proviso to Article 309 provides, in so far as material, that until the State legislature passes a law on the particular subject, it shall be competent to the Governor of the State to make rules regulating the recruitment and the conditions of service of the judicial officers of the State. The Governor thus steps in when the legislature does not act. The power exercised by the Governor under the proviso is thus a power which the legislature is competent to exercise but has in fact not yet exercised.

It partakes of the characteristics of the legislative, not executive, power. It is legislative power.

- 46 "It is true that the power conferred by Article 309 is "subject to" the provisions of the Constitution. But it is fallacious for that reason to contend that the Governor cannot frame rules regulating the recruitment and conditions of service of the judicial officers of the State. In the first place, the power of control conferred upon High Courts by the first part of Article 235 is expressly made subject, by the second part of that Article, to laws regulating conditions of service of its judicial officers. The first part of Article is, as it were, subject to a proviso which carves out an exception from the area covered by it. Secondly, the Governor, in terms equally express, is given the power by the proviso to Article 309 to frame rules on the subject. A combined reading of Articles 235 and 309 will yield the result that though the control over Subordinate Courts is vested in the High Court, the appropriate legislature, and until that legislature acts, the Governor of the State, has the power to make rules regulating the recruitment and the conditions of

service of judicial officers of the State. The power of the legislature or of the Governor thus to legislate is subject to all other provisions of the Constitution like, for example, Articles 14 and 16. The question raised before us is primarily one of the location of the power, not of its extent. The second part of Article 235 recognises the legislative power to provide for recruitment and the conditions of service of the judicial officers of the State. The substantive provision of Article 309, including its proviso, fixes the location of the power. The opening words of Article 309 limit the amplitude of that power.

That, it appears that Hon'ble Court failed to take notice of the law laid down in B.S. Yadav (Supra) while passing especially in para'26' of All India Judges Association case (Supra).

19. In the Constitution of India, there is no provision that superannuation age of judicial officers of subordinate courts has to be less than superannuation age of High Court Judges. There is no provision in the Constitution of India which restricts State Government not to increase superannuation age of judicial

officers of subordinate courts. However, there is provision for upper age limit of High Court Judges and Supreme Court Judges therefore, whatever, held in para '26' in Judges Association case (Supra) is without any legal support from any of the provision of Constitution.

20. In the matter of B.S.Yadav (Supra) and latter in the matter of Rajesh Kumar Sharma and R.K. Kapoor, Hon'ble Supreme Court categorically held that increase in the superannuation age of Judges, respective governments are the appropriate authority not the High Courts or Supreme Court. It is also evident that earlier superannuation age of State Government employees of M.P. was 58 and as such subordinate judge being employee of State Government superannuation age was 58. Thereafter-- government of M.P. raised superannuation age for its employee from 58 to 60 the same benefit was extended to subordinate judge of State of M.P. Therefore, it is not the constitutional framework that prescribes superannuation age of subordinate Judge is 60.
21. That in the above mentioned legal scenario, it is ample clear that increase in superannuation age is the exclusive power of State Government. It is further submitted that as per Article 233 of "*The Constitution of India*", the appointments, posting and

promotion of District Judges is made by the Governor of the State in consultation with the High Court. As per Article 234 "The Constitution of India", the other Judges of judicial service are appointed by the Governor of the State after consultation with the State Public Service Commission and with the High Court. As per Article 235 "The Constitution of India", High Court is only Supervising Authority of District Courts. Meaning thereby the Judges of District Judiciary are also State Government Servant and the Governor has power to frame Rules under Article 309 of "The Constitution of India" with the consultation of the High Court which governs the appointment and service conditions of the Judges of Subordinate Courts. Thus, the Judges being Employees of the State Government are entitled to the benefits provided by the State Government to the other Employees of the State.

22. It is further submitted that looking to the Ordinance extending the age of superannuation from 60 to 62 years for Class-III and Class-IV Employees, the superannuation age for the Members of Higher Judicial Services and Madhya Pradesh Judicial Services, is required to be enhanced by amending the Rule 14 of the "Madhya Pradesh Higher Judicial Service (Recruitment



*and Conditions of Service) Rules, 2017" and Rule 16 of "The Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994 (Amended)".*

23. It is further submitted that in reference to aforesaid recommendation of Law Commission, the Delhi Government submitted before Hon'ble Supreme Court on 04<sup>th</sup> of November, 2014, it could consider raising the retirement age of Trial Court Judges from 60 to 62 years, according to Law Commission's recommendation, but the proposal has to come from the High Court of Delhi, New Delhi.
24. That in the aforesaid facts and circumstances, it is humbly requested that this Hon'ble Court be pleased to allow this petition.
25. That the petitioner has not filed any other petition for similar relief in Hon'ble High Court or in this Court on any earlier occasion.
26. That the petitioner prefer the instant writ petition, interalia amongst others on the following:-

**GROUND**

- A. Because the alleged classification is not based on any intelligible differentiation and has no reasonable rationale or nexus with the object sought to be achieved.
- B. Because in the facts and circumstances of the case it is submitted that on 31<sup>st</sup> March, 2018 the Government of Madhya Pradesh has promulgated an Ordinance No. 4 of 2018 which is "*The Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Sanshodhan Adhyadesh, 2018*" published in the "*Madhya Pradesh Gazette (Extra-ordinary)*". The notification dated 31/03/2018 is providing an amendment in "*The Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967*" along with Sub-Rule (1) of Rule 56 of the "*Fundamental Rules*" enhancing the age of Superannuation of Government Employees of Madhya Pradesh from 60 to 62 years. It is respectfully submitted by the petitioner herein that the aforesaid disables the petitioner herein to avail the benefit of increase in age of superannuation solely because it deprives the subordinate judicial officers of State of Madhya Pradesh the benefit of increase in the superannuation age and thereby discriminating

against judicial officers. Other State Officers are entitled to the benefit of superannuation age of 62 but judge has to retire at age of 60. It is respectfully submitted herein that by serving in the judiciary, the Petitioner equally competent and well equipped and stand on equal footing with other state employees. However, it is submitted that services rendered by the Petitioner in the subordinate judiciary is being treated as a bar to his prospect of continuing in service. The impugned Rules therefore are in the teeth of the judicial pronouncements of this Hon'ble Court and violate and restrict the fundamental rights of the petitioner as enshrined under Articles 14, 16, 19 and 21 of the Constitution of India.

C. Because in the Constitution of India, there is no provision that superannuation age of judicial officers of subordinate courts has to be less than superannuation age of High Court Judges. There is no provision in the Constitution of India which restricts State Government not to increase superannuation age of judicial officers of subordinate courts. However, there is provision for upper age limit of High Court Judges and Supreme Court Judges therefore, whatever, held in para '26' in Judges Association case (Supra) is without any legal support from any of the provision of Constitution.

D. Because in the facts and circumstances of the case, it is submitted that this Hon'ble Court in a judgment of In the matter of B.S.Yadav (Supra) and latter in the matter of Rajesh Kumar Sharma and R.K. Kapoor, Hon'ble Supreme Court categorically held that increase in the superannuation age of Judges, respective governments are the appropriate authority not the High Courts or Supreme Court. That earlier superannuation age of State Government employees of M.P. was 58 and as such subordinate judge being employee of State Government superannuation age was 58. Thereafter-- government of M.P. raised superannuation age for its employee from 58 to 60 the same benefit was extended to subordinate judge of State of M.P. Therefore, it is not the constitutional framework that prescribes superannuation age of subordinate Judge is 60.

By no stretch of reasonable interpretation, it prohibits the persons to be recruited as District Judges solely on the ground that they are in judicial service if they otherwise fulfill the eligibility criteria.

E. Because in the facts and circumstances of the case it is submitted that the Constitution of India makes it abundantly as per Article 233 of "*The Constitution of India*", the appointments, posting and promotion of District Judges is made by the Governor of the State in consultation with the High Court. As per

Article 234 "*The Constitution of India*", the other Judges of judicial service are appointed by the Governor of the State after consultation with the State Public Service Commission and with the High Court. As per Article 235 "*The Constitution of India*", High Court is only Supervising Authority of District Courts. Meaning thereby the Judges of District Judiciary are also State Government Servant and the Governor has power to frame Rules under Article 309 of "*The Constitution of India*" with the consultation of the High Court which governs the appointment and service conditions of the Judges of Subordinate Courts. Thus, the Judges being Employees of the State Government are entitled to the benefits provided by the State Government to the other Employees of the State.

F. Because in the facts and circumstances of the case it is submitted that there was no intention of Constitution makers and of the Constitution to prescribe the mandatory age of superannuation of Judges of subordinate courts that is why Constitution itself does not provide any such provision for persons belonging to second source of recruitment i.e. judicial service as they are already well known with court procedure, but in no way, Constitution prohibit the benefits extended to other state services be denied to the Judges of lower judiciary.

G. Because in the facts and circumstances of the case, it is submitted that in this context that the proviso to Article 309 assumes relevance and importance. The State legislature has the power to pass laws regulating the recruitment and conditions of service of judicial officers of the State. But it was necessary to make a suitable provision enabling the exercise of that power until the passing of the law by the legislature on that subject. The Constitution furnishes by its provisions ample evidence that it abhors a vacuum. It has therefore made provisions to deal with situations which arise on account of the ultimate repository of a power not exercising that power. The proviso to Article 309 provides, in so far as material, that until the State legislature passes a law on the particular subject, it shall be competent to the Governor of the State to make rules regulating the recruitment and the conditions of service of the judicial officers of the State. The Governor thus steps in when the legislature does not act. The power exercised by the Governor under the proviso is thus a power which the legislature is competent to exercise but has in fact not yet exercised. It partakes of the characteristics of the legislative, not executive, power. It is legislative power.

- H. Because in the facts and circumstances of the case it is submitted that the Hon'ble Supreme Court in the matter of B.S. yadav and others etc. Vs. State of Haryana etc. reported in 1981 AIR (SC) 561, Hon'ble Constitution Bench held that rule relating to service conditions of judicial officers of State are within domain of State Government under article 309 of the Constitution. Hon'ble Constitution Bench further held that under article 235 does not confer upon the High Court power to make rules relating to conditions of services of judicial officers attached to district court and the court of subordinate thereto. This interpretation by no stretch of reasonable interpretation prohibits the benefits extended to other state employees to be denied to the Judges of lower Judiciary.
- I. Because for the extension of benefit of increased age of superannuation to other state employees a reasonable class has been created for being considered eligible for the said benefit. The said classification is founded on an intelligible differentia which distinguishes the persons in that reasonable class from others as the intelligible differentia is to give benefit to superannuation in the said service. Further, the intelligible differentia has a just and reasonable relation to the object sought to be achieved, which is continuation of competent and

meritorious employees. The Petitioner squarely falls within the said class and they cannot be arbitrarily and unjustly segregated from the said class in violation of their fundamental rights under Article 14 of the Constitution of India, merely because he joined judicial service. The Petitioner cannot be meted out a discriminatory treatment on an arbitrary and unreasonable basis as merely by joining judicial service. The exclusion of the Petitioner and similarly situated persons from the said class is not only arbitrary, evasive and artificial but also frustrates the very object of classification as mentioned above. Moreover, the right of growth of the Petitioner in his career is their fundamental right guaranteed under Article 21 of Constitution of India and cannot be arbitrarily curbed and they cannot be penalized for successfully entering into subordinate judicial service through a competitive examination.

J. Because in the facts and circumstances of the case, it is also settled position of-law that the interpretation advancing the cause of justice and in consonance with fundamental rights should be given preference over a restrictive interpretation. Thus, it is evidently clear that the case of the Petitioner is squarely covered and there is no impediment in considering their



position if Article 309 and 235 is interpreted in purposive and fundamental rights friendly manner.

### PRAYER

**It is therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to allow this petition, and**

- (i) Issue a writ of mandamus or any other appropriate writ, order or direction to the respondents to issue or direct the respondents to increase the age of superannuation of the members of the subordinate Judicial officers to 62 years in the State of MP as has been done for the State Government employees and consequently amend the Rule 16 of the "*Madhya Pradesh Higher Judicial Service (Recruitment and Conditions of Service) Rules, 2017*" and Rule 14 of "*The Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994 (Amended)*".
- (ii) pass such further orders as may be deemed necessary in the facts and in the circumstances of the case and in the interest of justice.

37

AND FOR THIS ACT OF KINDNESS, THE PETITIONER SHALL  
EVER PRAY.

Filed by

(SAMIR MALIK)  
Advocate for Petitioner

Drawn by:

Yunus Malik  
Advocate

NEW DELHI

Drawn on: 04.07.2018

Filed on: 09.07.2018

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL WRIT JURISDICTION  
WRIT PETITION (CIVIL) NO.      OF 2018.

IN THE MATTER OF:

Madhya Pradesh Judge's Association

Petitioner

Versus

The State of Madhya Pradesh and another

Respondents

A F F I D A V I T

I, Dinesh Kumar Naik S/o Late Shri K.L. Naik, Aged about 61 Years,  
Resident of D-21, Uppant Colony, Char Imli, Bhopal ( Madhya Pradesh)  
now at New Delhi do hereby solemnly affirm and state as under:

- 1 That I am the President of the petitioner in the above matter and as such, I am conversant with the facts and circumstances of the case and hence, am competent to swear the instant affidavit.
2. That I have read the contents of the accompanying Petition [paras 1 to 26] [Pages 1 to 39], List of Dates [ B - G ], and IAs, and having understood the contents thereof, I say that the facts stated are true to my knowledge and belief.
3. That the annexures are true / true translated copies of their respective originals.
4. That the Writ petition Paper book contains total 102 pages.

39

5. That the facts stated in the above affidavit are true to my knowledge and belief. No part of the same is false and nothing material has been concealed therefrom.

DEPONENT

VERIFICATION

I, the above named deponent do hereby verify that the facts stated in the above affidavit are true to my knowledge and belief. No part of the same is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 9th day of July, 2018.

DEPONENT

**Article 14 in The Constitution of India 1949**

14. Equality before law The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

**Article 16 in The Constitution of India 1949**

16. Equality of opportunity in matters of public employment

(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect or, any employment or office under the State

(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment

(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favor of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State

(5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

#### **Article 19 in The Constitution of India 1949**

19. Protection of certain rights regarding freedom of speech etc

(1) All citizens shall have the right

(a) to freedom of speech and expression;

(b) to assemble peaceably and without arms;

(c) to form associations or unions;

(d) to move freely throughout the territory of India;

(e) to reside and settle in any part of the territory of India; and

(f) omitted

(g) to practise any profession, or to carry on any occupation, trade or business

(2) Nothing in sub clause (a) of clause ( 1 ) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence

(3) Nothing in sub clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub clause

(4) Nothing in sub clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub clause

(5) Nothing in sub clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub clauses either

in the interests of the general public or for the protection of the interests of any Scheduled Tribe

(6) Nothing in sub clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub clause, and, in particular, nothing in the said sub clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,

(i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or

(ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise

#### **Article 21 in The Constitution of India 1949**

21. Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law



**Article 229(2) in The Constitution of India 1949**

(2) Subject to the provisions of any law made by the Legislature of the State, the conditions of service of officers and servants of a High Court shall be such as may be prescribed by rules made by the Chief Justice of the Court or by some other Judge or officer of the Court authorised by the Chief Justice to make rules for the purpose: Provided that the rules made under this clause shall, so far as they relate to salaries, allowances, leave or pensions, require the approval of the Governor of the State

**Article 235 in The Constitution Of India 1949**

235. Control over subordinate courts The control over district courts and courts subordinate thereto including the posting and promotion of, and the grant of leave to, persons belonging to the judicial service of a State and holding any post inferior to the post of district judge shall be vested in the High Court, but nothing in this article shall be construed as taking away from any such person any right of appeal which he may under the law regulating the conditions of his service or as authorising the High Court to deal with him otherwise than in accordance with the conditions of his service prescribed under such law

**Article 309 in The Constitution Of India 1949**

309. Recruitment and conditions of service of persons serving the Union or a State Subject to the provisions of this Constitution, Acts of the appropriate Legislature may regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the Union or of any State: Provided that it shall be competent for the President or such person as he may direct in the case of services and posts in connection with the affairs of the Union, and for the Governor of a State or such person as he may direct in the case of services and posts in connection with the affairs of the State, to make rules regulating the recruitment, and the conditions of service of persons appointed, to such services and posts until provision in that behalf is made by or under an Act of the appropriate Legislature under this article, and any rules so made shall have effect subject to the provisions of any such Act

**MADHYA PRADESH JUDICIAL SERVICE  
[RECRUITMENT AND CONDITIONS OF SERVICE] RULES, 1994  
(AS AMENDED TILL DATE)**

1. **Short title, commencement and application-**

- (1) These rules may be called **The Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules 1994.**
- (2) They shall come in to force on the date of their publication in the "Madhya Pradesh Gazette".
- (3) They Shall apply to all the members of the Madhya Pradesh Judicial Service.

2. **Definitions-** In these rules, unless the context otherwise requires :-

- (a) "**Commission**" means Madhya Pradesh Public Service Commission.
- (b) "**Direct Recruitment**" means direct recruitment to the posts in Category (1) of rule 3(1) in manner prescribed in rule 5(1) of the Rules;
- (c) "**Government**", "**Governor**" and "**State**" means respectively the Government Of Madhya Pradesh, The Governor of Madhya Pradesh and the State of Madhya Pradesh.
- (d) "**High Court**" means the High Court of Madhya Pradesh;
- (e) "**Service**" means the Madhya Pradesh Judicial Service;

3. **Constitution of Service-**

[1] The service shall consist of the following categories, namely;-

- |  |   |
|--|---|
| (i) <b><u>Civil Judge [Entry Level]</u></b><br>Rs. 9000-250-10750-300-13150-350-14550  | Now revised as<br>27700-770-33090-920-40450-<br>1080-44770  |
| (ii) <b><u>Civil Judge Grade-II</u></b><br>Rs. 10750-300-13150-350-14900<br>[On completion of 5 years continuous service from the date of entry, first stage of Assured Career progression (ACP) Scale]          | Now revised as<br>33090-920-40450-1080-45850                |
| (iii) <b><u>Civil Judge Grade-I</u></b><br>Rs. 12850-300-13150-350-15950-400-17550<br>[On completion of another 5 years continuous service in Grade-II. Second stage of Assured Career Progression (ACP) Scale]. | Now revised as<br>39530-920-40450-1080-49090-<br>1230-54010 |
| (iv) <b><u>Senior Civil Judge-</u></b><br>(Promotion Cadre)<br><br>Rs. 12850-300-13150-350-15950-400-17550)  | Now revised as<br>39530-920-40450-1080-49090-<br>1230-54010 |

- (v) Senior Civil Judge/Chief Judicial Magistrate / Additional Chief Judicial Magistrate Grade-II (On completion of 5 years continuous service in the cadre of Senior Civil Judge). First Stage of Assured Career Progression (ACP) Scale.

Rs. 14200-350-15950-400-18350

Now revised as

43690-1080-49090-1230-56470

- (vi) Senior Civil Judge/Chief Judicial Magistrate / Additional Chief Judicial Magistrate Grade-II (On completion of 5 years continuous service in the cadre of Senior Civil Judge). First Stage of Assured Career Progression (ACP) Scale.

Rs. 16750-400-19150-450-20500

Now revised as

51550-1230-58930-1380-63070

**[2] The service shall consist of following person:-**

- (a) Person who, at the time of commencement of these rules, are holding substantially or in officiating capacity, the post of Civil Judge.
- (b) Persons entitled to the service in accordance with the provision of these rules.

**4. Strength of service-**

The strength of service shall be as determined by the government from time to time in consultation with the High Court;

Provided that the number of posts in categories (iv), (v) and (vi) taken together in the cadre of senior Civil Judge shall be 40 percent of the total number of posts in the cadre of Civil Judges.

**5. Method of appointment and the appointing authority-**

- (1) All Appointment to category (i) of Rule 3(1) shall be made by the Governor by direct recruitment in accordance with the recommendation of the High Court on selection.

Candidates shall be selected on the basis of Written Examination conducted by the High Court and Viva-voce thereafter and the procedure and curriculum for holding examination for the selection of the candidates shall be prescribed by the High Court.

- (2) Examination shall be conducted by the High Court every year as far as possible on the basis of availability of vacancies for selection of candidates.
- (3) Appointment to the cadre of Senior Civil Judge shall be made by the High Court by selection on the basis of merit-cum-seniority from amongst the civil Judges who have completed 5 years of continuous service.
- (4) Appointment to the post of Chief Judicial Magistrate/Additional Chief Judicial Magistrate under Section 12 of the Code of Criminal Procedure, 1973, shall be made from amongst the senior Civil Judges, by the High Court, on the basis of merit-cum-Seniority.

- (5) ACP scales as provided in categories (ii), (iii), (v) and (vi) under b-rule (1) of rule 3, shall be granted by the High court to the members of the service on appraisal of their work and performance and on completion of requisite continuous period of service as indicated in that sub-rule.

6. **Reservation of posts for Scheduled Castes, Schedule Tribes and Other Backward Classes-**

Posts for direct recruitment shall be reserved for the candidates belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes in accordance with the provisions of the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Janjatiyon Aur Anya Pichhade Vargon Ke liye Arakshan) Adhiniyam, 1994 (No.21 of 1994).

7. **Eligibility**

No person shall be eligible for appointment by direct recruitment to posts in category (i) of Rule 3 (1) unless:-

- (a) he is a citizen of India;
- (b) he has attained the age of 21 years and not completed the age of 35 years on the first day of January of the next following year in which application for appointment are invited;

Provided that the upper age limit shall be relaxable up to a maximum of three years if a candidate belongs to Schedule Castes Schedule Tribes or Other Backward classes;

Provided further that the upper age limit of a candidate who is a Government Servant (whether permanent or temporary) shall be relaxable up to 38 years;

Provided further that upper age limit of a candidate shall be relaxable by appropriate number of years, if no recruitment takes place for one year or more, to the Madhya Pradesh Lower Judicial Service.

- (c) he possess a degree in Law of any recognized University;

- (d) he has good character and is of sound health and free from any bodily defect, which renders him, unfit for such appointment.

8. **Disqualification-**

Any attempt on the part of the candidate to obtain support for his candidature by any means may be treated as a disqualification for his selection to the examination.

9. **Finality of High Court's decision about the eligibility of a candidate-**

The decision of the High Court as to the eligibility or otherwise of a candidate for admission to the examination shall be final.

10. **List of the candidates recommended by the High Court-**

- (1) The High court shall forward to the Government a list arranged in order of merit of the candidates selected for recruitment by the High Court. the list shall be published for general information.

- (2) Subject to the provisions of these rules and the Madhya Pradesh Civil Services (General conditions of service) Rules, 1961, the candidates will be considered for appointment to the available vacancies, in the order in which their names appear in the list.

11. **Probation-**

- (a) A person appointed to category (i) of rule 3 (1) shall, from the date on which he joins duty, be on probation for a period of two years.
- (b) The High court may, at any time, extend the period of probation but the total period of probation shall not exceed three years.
- (c) It shall be competent for High Court at any time during or at the end of the period of probation in the case of Civil Judge (Entry Level) to recommend termination of his service and in the case of Senior Civil Judge, to revert him on account of unsuitability for the post.
- (d) On successful completion of probation, the probationer shall, if there is permanent post available be confirmed on the service or post to which he has been appointed and if no permanent post is available, a certificate shall be issued by the High court to the effect that he would have been confirmed, but for the non-availability of the permanent post and as soon as permanent post become available, he will be confirmed, if the High court decides that he has successfully completed the period of probation and he is suitable to hold the post.

12. **Postings and transfers -**

All postings and transfers of persons appointed in the service shall be made by the High court.

13. **Seniority-**

The seniority of persons appointed to the service shall be determined in accordance with the provisions of the M.P. Civil services (General conditions of service) Rules, 1961.

14. **Pay, allowances and other conditions of service-**

(1) The dearness allowance of the members of Lower Judicial Service be governed by the Madhya Pradesh Judicial Service Revision of Pay Rules, 2003 and the same D.A. formula as being adopted at Central Government be followed.

(2) The basic pay of Civil Judge and Senior Civil Judge shall be 42.3% and 58.5% respectively of the salary of High Court judge.

15. **Interpretation-**

If any question arises relating to the interpretation of these Rules, the decision of the High Court shall be final.

16. **Superannuation-**

Subject to the provision contained in the Rule 56(3) of the Fundamental Rules and Rule 42(1)(b) of M.P. Civil Services (pension) Rules, 1976, the age of superannuation of a member of service shall be 60 years.

16-A. **\*Resignation with Lien.-**

In-service Civil Judge, who is eligible for being appointed as direct recruit under clause (c) of rule 7 of the Madhya Pradesh Higher Judicial Services (Recruitment and Conditions of Service) Rules, 1994, may resign with prior permission of the Competent Authority to keep lien for a period of one year on the post held by him."

*[\*Note - This provision has been inserted vide Govt. of M.P. Notification F.No. - 17(E) 40-88-XXI-B (one)-1803 dated 13.08.2015]*

17. **Oath-**

Every person appointed to the service before he joins, shall make and subscribe before such person as may be specified by the Chief Justice, Oath or affirmation in the following form:-

"I ....., having been appointed as a member of the Madhya Pradesh Judicial Service, do swear in the name of God/solemnly affirm, that I will bear true faith and allegiance to the constitution of India as by law established, that I will uphold the sovereignty and integrity of India that I will duly and faithfully and to the best of my ability, knowledge and judgment, perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the constitution and the laws."

18. **Deputation -**

Any member of service may with the concurrence of the High Court be deputed for not exceeding the continuous period of 4 years to perform the duties of any post in the Central Government or the State Government or to service in any organization, which is wholly or partly owned or controlled by the Government.

19. **Power to relax.-**

Where the High Court is satisfied that the operation of any of these rules causes undue hardship in any particular case [or class of cases], it may for reasons to be recorded in writing dispense with or relax the particular rule to such extent and subject to such exceptions and conditions as may be deemed necessary;

Provided that as and when any such relaxation is granted by the High Court the Governor shall be informed of the same.

20. **Repeal-**

All rules corresponding to these rules, Orders and Resolutions, if any, and in force immediately before their commencement are hereby repealed in respect of matters covered by these rules;

\220

51  
ANNEXURE - P-2

ITEM NO.42

COURT NO.1

SECTION PIL

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 (CIVIL) NO.691 OF 2013  
(For Prel. Hearing)

RAJESH KUMAR SHARMA AND ANR

Petitioner(s)

VERSUS

UNION OF INDIA AND ANR

Respondent(s)

(With appln(s) for permission to appear and argue in person)

Date: 30/09/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s)

Petitioners-In-Person

For Respondent(s)

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

Petitioners, who are appearing in person, seek permission to withdraw the writ petition, with liberty to approach the appropriate authority to vindicate their grievance. Permission is granted.

The writ petition is dismissed as withdrawn.

(Chetan Kumar)  
Court Master

(Savita Sainani)  
Court Master



52  
ANNEXURE - P-3

R

ITEM NO.49

COURT NO.1

SECTION PIL

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 (CIVIL) NO(s). 773 OF 2013(For Prel.Hearing)

R.K. KAPOOR, ADVOCATE

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(With appln(s) for and office report)

Date: 07/10/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s)

Mr. R.K. Kapoor (In-Person)

Ms. Shiwani M.Adv.

Ms. Shweta Kapoor,Adv.

Mr. Rajat Kapoor,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Petitioner who is appearing in person, seeks permission to withdraw the writ petition with liberty to approach the appropriate authority to vindicate his grievance. Permission is granted.

The writ petition is dismissed as withdrawn.

[Madhu Bala]  
Court Master

[Savita Sainani]  
Court Master

53  
ANNEXURE -P-4

Press Information Bureau  
Government of India  
Ministry of Law & Justice

07-July-2014 18:01 IST

Law Commission of India Submits its Report on Setting Up New Courts in the Country

Law Commission of India today submitted its report "Manpower Planning in Judiciary: A Blue Print" to Mr. Ravi Shankar Prasad, Minister of Law & Justice and Communications & IT.

Speaking on the occasion, Mr. Ravi Shankar Prasad said that the report will guide the Government in overcoming the shortage of judges in the judiciary. Efforts made by the Government for filling up vacancies of judges and setting up new courts would soon lead to curbing of delays and timely delivery of justice to citizens.

Government has already written to Chief Justice of India for filling up the existing vacancies of High Courts and subordinate Courts. Law Minister gave the assurance that the Government would give serious consideration to the recommendations of the Report and in principle decision has already been taken to increase the number of judges by 20 per cent. Six States in India: Madhya Pradesh, Himachal Pradesh, Delhi, Jharkhand, Odisha and Punjab have already acceded to this request.

Speaking on the occasion, Justice Ajit Prakash Shah, Chairman, Law Commission of India, said that the Commission has tried to use scientific formula to the extent possible to estimate the number of judges needed in the country.

Some of the highlights of the conclusions and recommendations are as below:-

- i) Recruitment of new judges should focus, as a matter of priority, on the number of judges required to breakeven and to dispose of the backlog, in a 3 year time frame;
- ii) Age of retirement of Subordinate judges be raised to 62.
- iii) Special morning and evening Courts be set up for dealing with Traffic/ Police Challan cases which constitute 38.7% of the institutions and 37.4% of all pending cases in the last three years before the Subordinate Judicial Services.
- iv) Recent law graduates may be appointed for short durations, e.g. 3 years, to preside over these special traffic Courts.
- v) Adequate provisions be made for staff and infrastructure required for the working of additional Courts.
- vi) High Courts be directed to evolve uniform data collection and data management methods in order to ensure transparency and to facilitate data based policy prescriptions for the judicial system.
- vii) Creation of additional Courts is one amongst various measures required to ensure timely justice and facilitate access to justice. The Commission recognizes that apart from increasing judge strength, many other measures have to be undertaken for reducing delays, including the application of good judicial management practices such as putting into place timeliness and performance benchmarks.

## विधि और विधायी कार्य विभाग

क्रमांक 771-2017-इक्कीस-ब (एक)

भोपाल, दिनांक 25 फरवरी 2017

The Madhya Pradesh District Court Establishment  
(Recruitment and Conditions of Service) Rules, 2016PREAMBLE

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Madhya Pradesh, in consultation with the High Court of Madhya Pradesh, hereby make the following Rules for regulating the recruitment and conditions of service of employees of the establishment of District Courts under the superintendence of High Court of Madhya Pradesh, in supersession of all rules, instructions and orders in force:

PART-IGENERAL1- Short title, extent and commencement :

- (i) These Rules may be called "The Madhya Pradesh District Court Establishment (Recruitment and Conditions of Service) Rules, 2016".
- (ii) Rules shall come into force from the date of their publication in Madhya Pradesh Gazette.
- (iii) Rules shall apply to every member of the service without prejudice to the generality of the provisions contained in the Madhya Pradesh Civil Services (General Conditions of Service) Rules, 1961.

2- DEFINITIONS :

In these Rules, unless there is any thing repugnant in the subject or context-

- (a) "Appointing Authority" means the High Court or the District and Sessions Judge of respective Districts, as specified in Schedule II;
- (b) "Chief Justice" means the Chief Justice of the High Court of Madhya Pradesh;
- (c) "Counseling" means process of allocation of District on the choice of candidate on the basis of merit for appointment in a particular district;
- (d) "Departmental Promotion Committee" means committee as specified in Rule 17;
- (e) "Establishment" means District Court establishment;

- (f) "Examination" means examination conducted by the "Examination Cell" of the High Court for selection of employees of the District Court;
- (g) "Examination Committee" means Committee constituted by the Hon'ble the Chief Justice to monitor and overseeing the selection process for the recruitment of various staff of District Courts;
- (h) "Governor" means Governor of Madhya Pradesh;
- (i) "Government" means the Government of Madhya Pradesh;
- (j) "Other Backward Class" means the other Backward Classes of citizens as specified by the State Government vide notification No. F.85-XXV-4-84, dated the 26<sup>th</sup> December, 1984 as amended from time to time;
- (k) "Post" means posts as mentioned in Schedule II;
- (l) "Schedule" means each schedule appended to these rules;
- (m) "Scheduled Castes" means any caste, race or tribe or part of or a group within a caste, race or tribe specified as scheduled castes with respect to the State of Madhya Pradesh under article 341 of the Constitution of India;
- (n) "Scheduled Tribe" means any tribe, tribal community or part of or group within a tribe or tribal community specified as scheduled tribes with respect to the State of Madhya Pradesh under article 342 of the Constitution of India;
- (o) "Selecting Authority" means "Examination Cell" of the High Court established for the purpose;
- (p) "Service" means Madhya Pradesh District Court service;
- (q) "Specially abled" means persons coming under the provision of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996).
- (r) "Year of Recruitment" means year commencing from 1<sup>st</sup> January to 31<sup>st</sup> December;

56

**PART-II****3- Constitution of Service:**

- (1) On and from the date of commencement of these Rules "M.P. District Court Services" shall be constituted.
- (2) The M.P. District Court Services shall consist of the following persons, namely:
  - (i) Persons, who at the time of commencement of these rules are holding substantively or in an officiating capacity, the posts specified in the Schedule II;
  - (ii) Persons recruited to the service before the commencement of these rules; and
  - (iii) Persons recruited to the service in accordance with the provisions of these rules.

**4- Classification, Scale of Pay etc:**

- (1) The classification of the service, the number of posts included in the service and the scale of pay attached thereto shall be as specified in Schedule II.

Provided that the Government may, from time to time, add or reduce the number of posts included in the service either on permanent or temporary basis.
- (2) The member of service shall have eligibility of time pay scale under the provisions of the circular dated 24<sup>th</sup> July 2008 of the Finance Department.

**PART-III****RECRUITMENT****5- Method of Recruitment:**

Recruitment to the service after the commencement of these rules shall be made by the following method, namely;

- (a) By direct recruitment; through Competitive Examination or Interview or by both for the posts indicated in the Schedule II;

- (b) By promotion; of members of service as specified in Schedule II;
- (c) By transfer or deputation of persons who hold in substantive or officiating capacity such posts in such service as may be specified in this behalf by the High Court;

**Appointment to the service :**

All appointments to the service after the commencement of these rules shall be made by the appointing authority and no appointment shall be made except after selection by one of the methods of recruitment as specified in these Rules;

**Appointment by Direct Recruitment :**

**Eligibility for direct recruitment:**

In Order to be eligible for selection, a candidate must satisfy the following conditions, namely:

- (a) He must be a citizen of India;
- (b) He should have attained the age of 18 years but should not have attained the maximum age as specified in Schedule III;
- (c) The Upper age limit for candidates belonging to Schedule Caste, Schedule Tribe or Other Backward Classes and females shall be relaxable as specified in Schedule III which is subject to change as per the Government policy;
- (d) The Upper age limit shall also be relaxable in respect of widows, destitute or divorced women candidates as specified in Schedule III;
- (e) The upper age limit shall also be relaxable in respect of the candidates who are or have been the Permanent or Temporary Employee of the Madhya Pradesh Government or Board and Corporation owned by the Government of Madhya Pradesh as specified in schedule III subject to change as per Government policy. This concession shall also be

admissible to the contingency paid, work-charged or contract employee;

- (f) The relaxation in the upper age limit in respect of "Specially abled" candidates shall be as per the Orders/Guidelines issued by the Government from time to time.

Provided that in no case maximum age limit shall exceed 45 years including all relaxations in all categories.

**Date of reckoning of age:** The age limit shall be reckoned as on 1<sup>st</sup> January of the current year of recruitment.

**Explanation -** A woman candidate will be deemed to be destitute if she has no source of income and her parents and her husband do not support her financially or who has some source of income but that does not exceed a sum of money specified by the High Court as determined by the State Government.

**Note -** In no other case will these age limits be relaxed. Departmental candidates must obtain previous permission of their appointing authority to appear for the selection.

**8- Educational Qualification :**

The candidate must possess the educational qualifications prescribed for the service as shown in schedule I.

**9- Disqualification for Appointment:**

- (1) No persons shall be eligible for appointment unless he is citizen of India.
- (2) No candidate who has more than one spouse living will be eligible for appointment to the service.
- (3) No candidate shall be eligible for appointment unless he has been certified to be medically fit for appointment to the post by the District Medical Board;

Provided that a candidate may be appointed provisionally subject to production of Medical fitness certificate as aforesaid within a period of 30 days from the date of appointment. If the candidate is found unfit by the Medical Board, his services shall be liable to be terminated forthwith.

(4) Any attempt on the part of the candidate to obtain support for his candidature by any means shall be held by the Committee to disqualify him for selection.

(5) No person shall be eligible for appointment if he or she-

(a) Is or has been a member of, or has associated himself or herself with, any body or association after such body or association is declared as an unlawful body or association;

or

(b) Has participated in or is associated with, any activity or programme-

- (i) Aimed at subversion of the Constitution of India.
- (ii) Aimed at organized breach or defiance of law involving violence;
- (iii) Which is prejudicial to the interests of the sovereignty and integrity of India or the security of the State; or
- (iv) Which promotes on grounds of religion, race, language, caste or community, feelings of enmity or hatred between different sections of the people;

or

(c) Is dismissed from service under the Government of India or any State Government or any High Court;

or

(d) Is or has been debarred or disqualified by the Union or any State Public Service Commission or any High Court from



60

appearing for any examination or selection conducted by it;

or

- (e) Is or has been convicted of an offense involving moral turpitude.

10- A selected candidate shall be eligible for appointment subject to the satisfaction of the Appointing Authority after verification of his testimonials and antecedents.

**11- Requisition from District Establishments :**

All the District Establishments shall send their requisition forms to the Registrar (D.E.) of the High Court by 30<sup>th</sup> September every recruitment year for all such posts which are to be filled and likely to fall vacant in the ensuing recruitment year. District Establishments in their requisition shall show the details of the posts of the reserved categories. Registrar (D.E.) of High Court after receiving all requisitions from District Establishments shall compile in tabular form details of all posts including reservations by the 30<sup>th</sup> October to the Examination Cell for starting recruitment process.

**12- Mode of Selection:**

- (a) Selection will be made in a centralized manner by the Examination Cell of the High Court as per directions of the Examination Committee.
- (b) Examination Cell shall advertise the total number of vacancies across the State in daily newspapers, both, English and Hindi language.
- (c) Examination Cell shall conduct a centralized written examination followed by interview as per the directions of the Examination Committee of the High Court. The examination may be conducted offline or online system between the months of January to April every year.

- (d) The Examination Cell may change the mode of testing the suitability of candidates as per the recommendation of the Examination Committee as and when such change is considered to be appropriate.
- (e) In conducting "Online examination", precautions mentioned in Schedule IV, to the extent considered applicable by the Examination Committee, shall be adhered to.
- (f) The Examination Cell, on the directions of Examination Committee, may hold screening test, which may also be held online, prior to main written examination if the ratio of number of eligible candidates and the number of posts is inordinately high in view of Examination Committee.
- (g) The names of candidates recommended for appointment shall be sent by the Examination Cell to Appointing Authority.

### 13- Appointment of Candidates

Appointing Authority, after scrutinizing documents of the recommended candidates and satisfying itself as to his eligibility regarding suitability in all respects of an appointment to the post in the cadre, shall issue an order of appointment which shall be final.

### 14- Requirement of Character Certificate:

No person shall be appointed unless the Appointing Authority is satisfied that he is of good character and is in all respect suitable for appointment to the service. Every candidate selected for direct recruitment shall furnish to the Appointing Authority certificates given not more than six months prior to the date of selection, by two respectable persons.

### 15- Conditions relating to Physical fitness:

No candidate selected for appointment shall be appointed to any post unless he satisfies the

62

Appointing Authority that he is physically fit to discharge the duties that he may be called upon to perform. Appointing Authority, may by order, prescribe the physical standards required to be satisfied by a person for appointment and specify the medical authority which may grant the certificate of physical fitness and provide such other incidental matters as may be necessary. The opinion of the Medical Authority, regarding the physical fitness or otherwise of the candidate shall be binding on the candidates

However, a Candidate selected for appointment who fails to appear before the Medical Authority specified by the Appointing Authority shall be given one more opportunity to appear before such authority. If the candidate fails to appear before Medical Authority given on second occasion his name shall be deleted from the list of selected candidates and he shall cease to be eligible for appointment.

**16- Examination Fees etc.:**

Every candidate for direct recruitment to any category of post shall be required to pay such fees and portal charges if any, as may be specified by the Examination Committee in respect of his applications.

The relaxation of fee which is applicable to the candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes shall be applicable to the domiciles of Madhya Pradesh who have been declared by the Government as Scheduled Castes, Scheduled Tribes and Other Backward Classes only.

Provided further that the candidates belonging to Other Backward Classes and are coming in creamy layer shall not be eligible for the benefit of reservation relaxation in age limit or any other benefit of the category.

Provision for fee relaxation shall also be applicable for Specially abled candidates.

**17- Joining time for appointment :**

(1) A Candidate appointed by direct recruitment shall assume charge of the post specified by the Appointing Authority on the date or within the period specified in the order.

However, the Appointing Authority may, on the application of the candidate and if satisfied that there are good and sufficient reasons for doing so, by order in writing, grant such further time but not exceeding thirty days as it may deem necessary.

**Explanation** - For the purpose of the sub-rule "the date of the order of appointment" means the date of dispatch of order of appointment by registered post to the address given by the candidate.

(2) The name of the candidate who fails to assume charge of the post within the time specified in sub rule(1) shall stand deleted from the list of selected candidates and the candidate concerned shall cease to be eligible for appointment and in that event, Appointing Authority may appoint candidates from the wait list as per the Rules frame in that respect.

(3) **Duration of validity of the final list of successful candidate :** The final list of the successful candidates in the examination in any recruitment year shall be valid upto 18 months from the date of declaration of the final list, but shall become invalid after declaring the results of next years examination.

**18- Provision for reservation of Appointment :**

(1) Posts shall be reserved for the members of the Schedule Castes, Schedule Tribes, and for Other Backward Classes to such extent and in such manner as may be specified by the Government. The reservations for these categories shall be applicable only vertically.

Provided that for reservation on the district level posts shall be given as per the district wise

64

reservation roster, issued by the General Administration Department shall apply.

(2) A total 6 percent Horizontal reservation shall be given to persons with physical impairment, with 2 percent each for hearing, visually and orthopaedically impaired.

Provided that the reservation shall be made as per the posts identified and marked by the High Court for specially abled persons.

(3) As per the provision of the Madhya Pradesh Civil Services (Special Provisions for Appointment of Women) Rules, 1997, 30 percent Horizontal reservation shall be applicable for women candidates.

(4) Appointments shall be made strictly in accordance with the roster prescribed separately for direct recruitment and promotion.

(5) Verification of percentage of physical impairment in case of "Specially abled" candidates shall be verified by the Medical Board.

(6) In the event of non-availability of the eligible and suitable candidates amongst the Other Backward Casts, Scheduled Castes and Scheduled Tribes, as the case may be, in a particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure, and an equivalent number of additional vacancies shall be reserved in the subsequent year. Such of the vacancies which remain so unfilled shall be carried forward to the subsequent three recruitment years in total and thereafter such reservation would lapse.

#### Appointment by Promotion

#### **19. Constitution of Departmental Promotion Committee:**

(1) There shall be constituted a three members Committee consisting of District Judge as Chairman,

Senior-most Additional District Judge (for the time being working), Senior-most Civil Judge Senior Division (for the time being working).

(2) The selection list prepared by the Committee and the District Judge shall issue appointment orders based on the recommendation of the Committee.

(3) The exercise of making promotion shall be carried out every year regularly as per **Calendar** containing date wise Schedule for appointments to various posts.

(4) The selection shall be made on the basis of seniority-cum-merit up to Accountant and thereafter on the basis of merit-cum-seniority subject to Rule 19.

(5) While making exercise of promotions the confidential record of each candidate shall also be considered and candidates with "Average" performance in the past 5 years shall not be considered for promotion.

(6) An employee who has not been found fit for being promoted or whose seniority has been affected may submit his representation before the High Court within thirty days from the date of publication of the list.

(7) The Committee of the High Court considering such representation may cancel or modify such selection list.

**20- Provision for Departmental Competitive Examination to promote merit :**

In Order to promote merit, 15% of vacancies in any cadre shall be kept open for appointment from Lower Cadre by selection through competitive examination and only in case of non availability of suitable candidates through competitive examination, the same will not be carried forward and such vacancies may be filled by promotion on the basis of seniority-cum-merit.

66

**21- Seniority :**

Seniority of the person included in the select list shall follow the order in which the names of such persons appear in the select list.

In case list of candidates promoted on the basis of seniority-cum-merit and the list of candidates selected through competitive examination is brought out during the same recruitment year, the seniority of candidates promoted on the basis of seniority-cum-merit shall be over and above the seniority of candidates selected through competitive examination.

**22- Preparation of List of suitable Officers:**

- (1) The Departmental Promotion Committee shall prepare a list of such persons who satisfy the conditions prescribed and as are held by the Committee to be suitable for promotion to the service. The list shall be sufficient to cover the anticipated vacancies on account of retirement and promotion during the course of one year from the date of preparation of the select list. A reserved list containing 25% of the number of persons included in select list shall also be prepared to meet the unforeseen vacancies occurring during the course of the aforesaid period.
- (2) The names of selected officials included in the list shall be arranged in order of seniority in service;

**Explanation :**

A person whose name is included in the select list but who is not promoted during the validity of the list, shall have no claim to seniority over those considered in a subsequent selection merely by the fact of his earlier selection.

- (3) The list so prepared shall be reviewed and revised every year.
- (4) If in the process of selection, review or revision it is proposed to supersede any member of the service, the committee shall record its reasons for the proposed supersession.

67

**23- Reservation :**

Reservation for the promotion to any service in favour of the Schedule Castes, Scheduled Tribes and Other Backward Classes shall be in accordance with the orders issued by the High Court from time to time.

**24- Select List :**

The select list shall ordinarily be in force until it is reviewed or revised in accordance with sub-rule (3) of Rule 21 mentioned above, but its validity shall not be extended beyond the total period of 12 months from the date of its publication.

Provided that in the event of a grave lapse in the conduct of performance of duties on the part of any person included in select list a special review of the select list may be made at the instance of the Appointment Authority and it may, if it thinks fit, remove the name of such person from the select list.

**PART-IV****PROBATION**

**25-(1)** All appointments to the Service by direct recruitment or by promotion shall be on probation for the period of two years.

(2) The period of probation for reasons to be recorded in writing, may be extended by the Appointing Authority by such period not exceeding the period of probation specified in sub rule(I) or (II) of Rule 3.

(3) At the end of period of probation or the extended period of probation the Appointing Authority shall consider the suitability of the person so appointed or promoted to hold the post to which he was appointed or promoted, and

(I) If it is decided that he is suitable to hold the post to which he was appointed or



68

promoted, it shall, as soon as possible, issue an order declaring him to have satisfactorily completed the period of probation and such an order shall have effect from the date of expiry of the period of probation, including extended period, if any, as the case may be.

(II) If it is considered that the person is not suitable to hold the post to which he was appointed or promoted, as the case may be, he shall by order.

(a) If he is a promotee, revert him to the post which he held prior to his promotion.

(b) If he is probationer, discharge him from service.

(4) A person shall not be considered to have satisfactorily completed the period of probation unless a specific order to the effect is passed, any delay in passing such an order shall not entitle the person to be deemed to have satisfactorily completed the period of probation.

**26- Discharge of a probationer during the period of probation :**

Notwithstanding anything contained in the rule mentioned above the Appointing Authority may, at any time during the period of probation, discharge from the service, a probationer on account of reasons that his/her services are no more required.

**27- Increment during the period of probation:**

A probationer or promotee may draw the increments that fall due during the period of probation. He shall not, however, draw any increment after the expiry of the period of probation unless and until he is declared to have satisfactorily completed his probation.

When a probationer or promotee is declared to have satisfactorily completed his probation, he shall draw, from the date as such order takes effect, the

69

pay he would have drawn had he been allowed the increments for the whole of his service from the date of his appointment or probation.

**28- Appointment to the service from the select list:**

- (1) Appointments of the persons included in the select list shall follow the order in which the names of such persons appear in the select list.
- (2) In case of promotion, it shall not ordinarily be necessary to consult the Committee for exclusion of a person whose name is included in the select list if during the period intervening between the inclusion of his name in the select list and the date of the proposed appointment, there occurs any deterioration in his work, which, in the opinion of the Appointing Authority, is such as to render him unsuitable for appointment to the service.

**29- Applicability of other Rules :**

The pay, allowance, pensions, gratuity, leave, retirement, T.A., Medical Allowance, GPF, discipline, control, punishment and other conditions of service of persons appointed to the District Courts establishment shall be governed by the rules applicable to the employees of the Government.

**30- Transfer :**

- 1- The High Court, may, in public interest or for administrative reasons, transfer any member of the service from one District Court establishment, to another District Court establishment within the State and the member of the service so transferred, shall carry his seniority with him.
- 2- However, in case the employee seeks transfer on his own choice, he shall not be entitled to keep his seniority which he held prior to such transfer and his seniority in his new place of posting, his position, will be at the bottom of other employees

70

of the same cadre posted in the District to which he is transferred.

**31- Deputation :**

Any member of the service may be deputed by the High Court for a continuous period not exceeding four years to perform the duties of any post in the Central Government or the State Government or took service in any Organization, which is wholly or partly owned or controlled by the Government.

**PART-V**

**MISCELLANEOUS**

**32- Age of superannuation,-**

Subject to the provision contained in Rule 56(3) of the Fundamental Rules and Rule 42(1)(b) of M.P. Civil Services (Pension) Rules, 1976, the age of superannuation of a member of the service shall be the age specified by the Government from time to time for the employees of the Government of the same cadre.

**33- Retirement in public interest.-**

Notwithstanding anything contained in these rules or any other law the appointing authority may, if it is of the opinion that it is in the public interest so to do, have the absolute right to retire any member of the Service who has put in not less than twenty years of service or has attained the age of 50 years, by giving him notice of not less than three months in writing or three months pay and allowances in lieu of such notice.

**34- Training etc.-**

(1) Every person appointed by direct recruitment to the Service shall, undergo such training as the High Court may, from time to time specify.

71

(2) Every member of the Service shall be given such periodical training as the High Court may, from time to time specify.

(3) Every member of the Service shall pass such tests or examinations and within such time as the High Court may, from time to time specify.

**35- Interpretation :**

If any question arises regarding the interpretation of the rules, it shall be referred to the Chief Justice whose decision thereon shall be final.

**36- Relaxation :**

Nothing in these Rules shall be construed to limit or abridge the power of the High Court to deal with the case of any person(s) to whom these rules apply may dispense with or relax the particular rule in such a manner as may appear to him to be just and equitable;

**37- Repeal and Savings:**

All Rules, orders, instructions and circulars corresponding to these Rules, in force immediately before the commencement of these Rules are hereby repealed in respect of matters covered by these Rules;

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

**38- Residuary provision.-**

(1) All members of the service shall be subject to the superintendence of the High Court.

(2) In respect of all matters (not provided in these rules) regarding the conditions of service of the members of the service, including matters relating to the conduct, control and discipline, provisions of M.P. Civil Services (Conduct) Rules 1965, M.P. Civil Services (CCA) Rules 1966 and all others applicable to M.P. State Government employee shall apply subject to such modification, variation and exceptions, if any, as the High Court may, from time to time specify:

72

ANNEXURE P-6

MADHYA PRADESH GAZETTE  
(Extra ordinary)

Published under Authority

S.N. 157

Bhopal, Tuesday, Dated 13<sup>th</sup> March 2018- Fagun 22, Shak 1939

Law and Legal Affairs Department

S.No. 1315-2018- Twenty one -B(One)  
13<sup>th</sup> March 2018

Bhopal Dated

In exercise of powers conferred by Article 233 read with proviso to Article 309 of the Constitution of India and in supersession of the Rules on the subject in force, the Governor of Madhya Pradesh, in consultation with the High

Court, hereby, makes the following rules, in respect of Madhya Pradesh Higher Judicial Service, namely:-

### **RULES**

**1. Short title, Extent and Commencement:-**

- (1) These Rules may be called the "Madhya Pradesh Higher Judicial Service (Recruitment and Conditions of Service) Rules, 2017".
- (2) They shall apply to all the members of the Madhya Pradesh Higher Judicial Service.
- (3) These Rules shall come into force on the date of their publication in the Official Gazette.

**2. Definitions:-**

In these Rules, unless the context otherwise requires --

- (a) "Advocate" means an advocate as defined in the Advocate Act 1961;
- (b) "Cadre" means the posts as defined in rule 4 and specified in Schedule-I as may be altered and modified from time to time by the State Government in consultation with the High Court;
- (c) "Chief Justice" includes the Acting Chief Justice of the High Court of Madhya Pradesh;
- (d) "Direct Recruitment" means direct recruitment to the post made under clause (a) of sub-rule (1) of Rule 3 in the manner prescribed under clause (c) of sub-rule (1) of Rule 5;
- (e) "District Judge" includes Principal District Judge, Additional District Judge, Sessions Judge and Additional Sessions Judge;
- (f) "Foreign Service" means the service as defined in sub-rule (7) of Rule 9 of the Madhya Pradesh Fundamental Rules;
- (g) "Service" means the Madhya Pradesh Higher Judicial Service;

74

- (h) "Recruitment Year" means year commencing from 1<sup>st</sup> Day of January of the year in which the recruitment process is initiated;
- (i) "Other Backward Classes" means Other Backward Classes as declared by the State Government from time to time by Notification;
- (j) "Scheduled Caste" means the Scheduled Caste as notified in relation to the State of Madhya Pradesh under Article 341 of the Constitution of India;
- (k) "Scheduled Tribe" means the Scheduled Tribe as notified in relation to the State of Madhya Pradesh under Article 342 of the Constitution of India.

### 3. Constitution of Service:-

- (1) The Service shall consist of the following categories, namely:
  - (a) District Judge (Entry Level) (in pay scale Rs. 51550-1230-58930-1380-63070);
  - (b) District Judge (Selection Grade) (in pay scale Rs. 57700-1230-58930-1380-67210-1540-70290);
  - (c) Principal District Judge (Super Time Scale) (in pay scale Rs. 70290-1540-76450);

The pay scales provided in clause (a), (b) and (c) shall be revisable from time to time.

- (2) The Service shall consist of following persons:-
  - (a) Persons who, at the time of commencement of these Rules, are holding substantive post of District Judge;
  - (b) Persons recruited directly or promoted to the service in accordance with the provisions of these Rules;
  - (c) Persons officiating and/or promoted against the post of District Judge.

### 4. Strength of Cadre:-

The strength of Cadre shall be as determined by the Governor from time to time in consultation with the High Court:

Provided that the number of posts in categories (a), (b) and (c) of sub-rule (1) of Rule 3 shall be 65%, 25% and 10% respectively of the total number of cadre posts:

Provided further that for the purpose of determining aforesaid percentage, the number of posts mentioned in column No. (4) of Schedule-I shall stand excluded.

**5. Method of Recruitment and Appointment:-**

(1) Recruitment and appointment to the posts in category (a) of sub-rule (1) of Rule 3 shall be made in every recruitment year as under:-

(a) 65% (sixty five percent) by promotion from amongst Civil Judges (Senior Division) on the basis of merit-cum-seniority and passing suitability test to be conducted by the High Court;

The number of vacancies and the officers to be brought under the zone of consideration for promotion shall be in the ratio 1:3 and the suitability of the officers shall be tested with reference to norms prescribed by the High Court;

The qualifying of the suitability test by a candidate shall be valid for a maximum period of 2 (two) recruitment years.

(b) 10% (ten percent) by promotion from amongst Civil Judges (Senior Division) having completed minimum 5 (five) years of service, strictly on the basis of merit, through limited competitive examination to be held by the High Court as per norms prescribed by the High Court:

Provided that in the event of non-availability of candidates under clause (b), the vacancy shall be deemed as a vacancy under clause (a) and the same shall be filled in accordance with clause (a).

(c) 25% (twenty five percent) by direct recruitment from amongst the eligible Advocates on the basis of written examination and viva-voce test to be conducted by the High Court as per norms prescribed by the High Court, which shall include prescribing cut-off marks for the written examination and/or viva-voce:

Provided that if for any reason, the posts meant for direct recruitment remain vacant even after two consecutive recruitment



76

years, the same shall be filled up by promotion from amongst the Civil Judges (Senior Division), in accordance with clause (a).

- (2) The procedure of selection for promotion to categories under clause (a) and (b) and for direct recruitment under clause (c) of sub-rule (1) shall be such as may be prescribed by the High Court from time to time before the start of the selection process.
- (3) The Selection Grade and Super time Scale in terms of clause (b) and (c) of sub-rule (1) of Rule 3 shall be granted on the basis of merit-cum-seniority in accordance with norms prescribed by the High Court.

**6. Reservation of posts for Scheduled Castes, Scheduled Tribes and Other Backward Classes:-**

- (1) 15%, 18% and 14% of Posts for direct recruitment under clause (c) of sub-rule (1) of rule 5 shall be reserved for the candidates of Scheduled Castes, Scheduled Tribes and Other Backward Classes respectively :

Provided that if such reserved posts or any of them are not filled in a given recruitment year due to non-availability of suitable candidates, they shall be re-advertised for respective categories once more. If any such posts remain vacant due to the same reason, they shall be treated as un-reserved posts.

- (2) 2% (two percent) posts shall be horizontally reserved, only at the time of initial recruitment under clause (c) of sub-rule (1) of Rule 5, for persons suffering from locomotor disabilities excluding those suffering from cerebral palsy, under clause (c) of sub-section (1) of Section 34 of The Rights of Persons with Disabilities Act, 2016.
- (3) Any Candidate, who is not a bonafide resident (domicile) of the State of Madhya Pradesh, shall be treated as Unreserved Category (UR) in all respects.

**7. Qualification for direct recruitment under clause (c) of sub-rule (1) of Rule 5 :—**

- (1) No person shall be eligible for appointment by direct recruitment unless,
  - (a) is a citizen of India ;

- (b) has attained the age<sup>1</sup> of 35 (thirty five) years and has not attained the age of 45 (forty five) years on the first day of January in the year in which applications for recruitment are invited;
  - (c) has for at least 7 (seven) years been an advocate on the first day of January of the recruitment year in which applications for recruitment are invited;
  - (d) has good character and is of sound mind and body and free from any physical and mental disability which renders him unfit for such appointment;
- (2) A person shall be disqualified for appointment by direct recruitment, if he or she –
- (a) has more than one spouse living ;
  - (b) has been dismissed or removed from service by any High Court, Central or State Government, Statutory Body or Local Authority ;
  - (c) has been convicted of an offence involving moral turpitude or has been permanently debarred or disqualified by any High Court or Union Public Service Commission or any State Public Service Commission or any Services Selection Board or Staff Selection Commission constituted under statutory provisions by the Government;
  - (d) has been involved in such other criminal case which in the opinion of the Appointing Authority is not suitable to discharge the functions as Judicial Officer ;
  - (e) has been found guilty of professional misconduct under the provisions of the Advocates Act, 1961 or any other law for the time being in force ;
  - (f) has more than two living children one of whom is born on or after 26-01-2001 in terms of sub-rule (6) of Rule 6 of The Madhya Pradesh Civil Services (General Conditions of Services) Rules, 1961 ;

**Explanation:-** For the purpose of this Sub Rule, child born within 280 days from the date of 26/01/2001 shall not constitute disqualification ;

- (g) if he has accepted or accepts dowry at the time of his marriage ;

**Explanation:-** In this clause, the word "dowry" shall have the same meaning as assigned to it in Dowry Prohibition Act, 1961 ( No.26 of 1961).

**8. Appointing Authority:-**

- (1) All appointments to category under clause (a) of sub-rule (1) of Rule 3 shall be made by the Governor in accordance with the recommendations of the High Court.
- (2) The Selection Grade and Super Time Grade to the officers falling in categories under clause (b) and (c) of sub-rule (1) of Rule 3 shall be granted by the High Court.

**9. Probation:-**

- (1) A person appointed to a post in category (a) of sub-rule (1) of Rule 3 shall be on probation for a period of 2 (two) years from the date on which he /she joins duty.
- (2) The High Court may, at any time, extend the period of probation but the total period of probation, shall not exceed 4 (four) years.
- (3) The High Court may at any time during or at the end of the period of probation revert a promotee member of the Service to his/her substantive post from which he/she was promoted and in case of a direct recruit recommend termination of his/her service.
- (4) On the successful completion of probation, the probationer shall, if there is a permanent post available, be confirmed in the service or post to which he has been appointed, or a certificate shall be issued in his favour by the appointing authority to the effect that the probationer would have been confirmed but for the non-availability of the permanent post and that as soon as a permanent post becomes available he shall be confirmed.
- (5) A probationer shall continue as such until confirmed or reverted or terminated, as the case may be.

**10. Postings and Transfers:-**

All postings and transfers of members of the service shall be made by the High Court except the postings in the Office of the High Court which shall be made by the Chief Justice.

**11. Seniority:-**

- (1) The relative seniority of the members of service holding substantive post within their respective quota at the time of commencement of these rules shall be as it exists before the commencement of these rules.
- (2) After the commencement of these rules, the cadre posts in category (a) of sub-rule (1) of Rule 3 shall be filled up by rotation based on the quota fixed in clauses (a), (b) and (c) of sub-rule (1) of Rule 5 in every recruitment year.
- (3) For the purpose of proper maintenance and determination of seniority of persons appointed through the aforesaid sources, a roster for filling of vacancies based on quota of vacancies reserved here-in-above, as given in Schedule-II shall be maintained for each recruitment year. This roster would operate on yearly basis in which applications for appointment were invited in the recruitment year.
- (4) Seniority of persons appointed under clause (a), (b) and (c) of sub-rule (1) of Rule 5 to the Service in category (a) of rule (1) of Rule 3 shall be determined in following manner:-
  - (a) The Seniority, *inter se*, of persons appointed by promotion under clause (a) of sub-rule (1) of Rule 5 shall be determined by their *inter se* seniority in the lower cadre;
  - (b) The Seniority, of person promoted through limited competitive examination of Civil Judges (Senior Division) under clause (b) of sub-rule (1) of Rule 5 shall be determined in accordance with the *inter se* Seniority in the lower cadre;
  - (c) The *inter se* seniority of Persons appointed to the Service by direct recruitment under clause (c) of sub-rule (1) of Rule 5 shall be fixed in the order of merit they are placed in the selection list, those recruited earlier shall rank senior to those recruited later;

- (5) The seniority of the members of the service promoted under clause (a) of sub-rule (1) of Rule 5 and under proviso to clause (c) of sub-rule (1) of Rule 5 of the HJS Rules, 1994, (amended vide L.D. No.F:17(E)40/88/21-B(one) dated 13-08-2015) shall be as per the seniority in the lower cadre.

**12. Pay, Allowances, Facilities and other Conditions of Service:-**

- (1) The members of the Service shall be entitled to such pay, allowances and facilities as recommended by the National Judicial Pay Commissions from time to time;
- (2) In addition to and apart from the above, the payment of dearness allowance to the members of the Higher Judicial Service shall also be governed by the Madhya Pradesh Judicial Service Revision of Pay Rules, 2003 and the Madhya Pradesh Judicial Services (Revision of Pay, Pension and other Retirement Benefits) Rules, 2010 and as applicable to Class-I employees of the Central Government.
- (3) In addition to the benefits which are granted under clause sub-rule (1) and (2) the Members of Higher Judicial Service shall also be entitled to other benefits that are given by the State to its Class-I Officers; and under any other rule, regulation, notifications, instructions that are issued by the State Government from time to time as applicable to its Class-I employees and any other benefit adopted by the High Court.

**13. Applicability of other Rules/Circulars etc. :-** Except as otherwise provided in these Rules, the members of the Service shall be regulated by the following Rules, as amended from time to time, namely:-

- (1) The Madhya Pradesh Civil Services (General Conditions of Services) Rules, 1961.
- (2) The Madhya Pradesh Civil Services (Conduct) Rules, 1965;
- (3) The Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966;
- (4) The Madhya Pradesh Civil Services (Pension) Rules, 1976;
- (5) The Madhya Pradesh Civil Services (Commutation of Pension) Rules, 1996;
- (6) The Madhya Pradesh Civil Services (Extraordinary Pension) Rules, 1963.
- (7) The Madhya Pradesh Civil Services (Joining Time) Rules, 1982.

- (8) The Madhya Pradesh Civil Services (Leave) Rules, 1977.
- (9) The Madhya Pradesh Civil Services (Medical Attendance) Rules, 1958.
- (10) The Madhya Pradesh Civil Services (Medical Examination) Rules, 1972.
- (11) The District and Sessions Judge (Death-cum-Retirement Benefits) Rules, 1964.
- (12) The Madhya Pradesh Civil Services (Travelling Allowances) Rules.
- (13) The Madhya Pradesh Government Servants (Temporary and Quasi-Permanent Service) Rules, 1960.
- (14) The Madhya Pradesh Judicial Service Revision of Pay Rules 2003.
- (15) The Madhya Pradesh Judicial Services (Revision of Pay, Pension and other Retirement Benefits) Rules, 2010.
- (16) Madhya Pradesh Fundamental Rules.
- (17) Madhya Pradesh Treasury Rules.
- (18) The Madhya Pradesh General Provident Fund Rules.
- (19) Central Civil Services (Leave, Travel and Concession) Rules, 1988.
- (20) The Rules and Instructions issued by the Central Government relating to Leave Travel Concession; Home Travel Concession and Dearness Allowance as applicable to its Class-I employees.
- (21) Any other Rule / Regulation / Notifications / Instructions as issued by the State Government as may adopted by the High Court.

#### 14. Superannuation Age:-

- (1) Subject to the provisions of sub-rule (2) and (3), every member of the service shall retire from the service on the afternoon of the last day of the month, in which he attains the age of 60 (sixty) years provided he is found fit and suitable to continue after 58 (fifty eight) years in service by the High Court.

Provided that a member of service whose date of birth is the first day of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of 60 (sixty) years.

Provided further that an officer of the service, who has retired on superannuation at the age of 60 (sixty) years, may be re-employed on the recommendation of the High Court up to the age of 62 (sixty two) years to act as Presiding Officers of the Family Court.

- (2) Notwithstanding anything to the contrary contained in these Rules or any other Rules for the time being in force, a member of the Service may, in public interest, be retired at any time after he has completed 10 (ten) years of service, or on attaining the age of 50 (fifty) years, whichever is earlier.
- (3) For the purpose of the sub-rule (1) and (2), the Chief Justice may constitute a Screening Committee for the scrutiny and assessment of such member of the service, based on his past record of service, character rolls, quality of judgments/ orders and other relevant matters like his integrity, reputation and utility to the Service etc.
- 15. Oath:-** Every person, appointed to the Service by direct recruitment, shall, before he joins, make and subscribe before such person as may be specified by the Chief Justice, an oath or affirmation in the following form:-
- "I.....having been appointed as a member of the Madhya Pradesh Higher Judicial Service, do swear in the name of God/solemnly affirm, that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and judgment, perform the duties of my office without fear or favour, affection or ill will, and that I will uphold the Constitution and the laws".
- 16. Deputation:-**
- A member of the Service may be sent on deputation to perform the duties of any post under the Central Government or the State Government or to serve in an organization, which is wholly or partly owned or controlled by such Government or in Foreign Service.
- 17. Interpretation:-**
- If any question arises as to the interpretation of these rules, the decision of the Chief Justice shall be final.
- 18. Power to Relax:-**
- Where the High Court is satisfied that the operation of any of these rules causes undue hardship to any particular class or categories of class of members of service, it may for reasons to be recorded in writing dispense with

or relax the particular Rule to such extent and subject to such exceptions and conditions as may be deemed necessary:

Provided that as and when any such relaxation is granted by the High Court, the same shall be intimated to the Governor.

**19. Repeal and Saving:-**

Madhya Pradesh Uchchatar Nyayik Seva (Bharti Tatha Seva Sharten) Niyam, 1994 and Orders, resolutions, if any, in force immediately before the commencement of these rules, are hereby repealed or rescinded as the case may be in respect of matters covered by these rules;

Provided that any order made or action taken under the Rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these Rules.



REPORT NO.

96



सत्यमेव जयते

84  
ANNEXURE 7

**PARLIAMENT OF INDIA  
RAJYA SABHA**

**DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE  
ON PERSONNEL PUBLIC GRIEVANCES LAW AND JUSTICE**

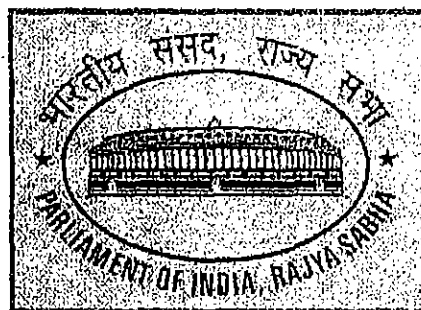
**NINETY-SIXTH REPORT**

**on**

**Demands for Grants 2018-2019) of  
the Ministry of Law and Justice**

*(Presented to the Rajya Sabha on 14<sup>th</sup> March, 2018)*

*(Laid on the Table of Lok Sabha on 14<sup>th</sup> March, 2018)*



**Rajya Sabha Secretariat, New Delhi  
March, 2018 / Phalguna 1939 (Saka)**

85

10	Jharkhand	57944
11	Karnataka	211110
12	Kerala	181114
13	Madhya Pradesh	307384
14	Manipur	16889
15	Meghalaya	951
16	Punjab And Haryana	384098
17	Rajasthan	263103
18	Sikkim	212
19	Tripura	2798
20	Uttarakhand	36910
21	Madras	314345
22	Orissa	168375
23	Patna	145056
24	Telangana And Andhra Pradesh	325119
	<b>Total Pending Cases</b>	<b>3427462</b>

\*Pending Cases in Supreme Court as on 22.12.2017

\$\$ Source: High Court Data as per NJDG Web portal

Note : Data on Allahabad and Jammu & Kashmir High Courts are not available on the web-portal of NJDG.

**6.86. The Committee is concerned with the large number of vacancies of Judges in High Courts and also took note of problem in its Eighty-seventh and Ninety-first**

Reports. The vacancy of judges is very high in High Courts of Allahabad (56), Karnataka (38), Calcutta (39), Punjab & Haryana (35), Telangana & Andhra Pradesh (30) and Bombay (24). The Committee notes that the guidelines laid in the *Supreme Court Advocates-on-Record Association and another vs. Union of India (1993)*, popularly known as Second Judges Case, for the appointment of judges are not being adhered to by the High Courts, which is the responsibility of the Supreme Court in its administrative side to direct the concerned High Courts to initiate the process of filling-up the vacancies in advance. The Committee is of the view that to reduce pendency of cases, the existing vacancy positions of judges need to be filled up immediately and the vacancies arising in future should be filled strictly as per the guidelines in the Second Judges Case. The Committee in its Eighty-seventh Report on "Inordinate Delay in Filling up the Vacancies in the Supreme Court and High Courts" recommended for raising the age of retirement of Supreme Court judges to 67 years and of High Court judges to 65 years. The Committee again reiterates its recommendation as it feels that it would help in retaining the existing judges, which in turn would help in reducing both vacancy and pendency of cases in the short run.

#### SCHEDULED LANGUAGES IN HIGHER JUDICIARY

6.87. Article 348 of the Constitution deals with the Language to be used in the Supreme Court and in the High Courts and for Acts, Bills, etc. Clause (1) (a) of the Article says that notwithstanding anything in the foregoing provisions of this Part, until Parliament by law otherwise provides, all proceedings in the Supreme Court and in every High Court should be in English. However, it further says that, notwithstanding anything in sub clause (a) of clause

(1), the Governor of a State may, with the previous consent of the President, authorise the use of the Hindi language, or any other language used for any official purposes of the State, in the proceedings in the High Court having its principal seat in that State: Provided that nothing in this clause shall apply to any judgment, decree or order passed or made by such High Court.

6.88. The language used in legal judgments/pronouncements in higher judiciary is English as per the Article 348 of the Constitution. However, only a few States have adopted English as official language. Many States, including Tamil Nadu, Gujarat and Chhattisgarh had sent requests to the Government seeking the consent of the President of India under Article 348

(2) of the Constitution, for the use of the official language of the State in the proceedings of the High Courts of their States. The Government took up these requests with the Supreme

Court of India, however, the request to use official languages of the State were not accepted by the Apex Court<sup>4</sup>.

6.89. The Committee has examined the above issue in its earlier Reports also, viz. Seventy-fifth and Eighty-fourth Reports on the Demands for Grants (2015-16 & 2016-17), and had observed that Article 348 provides for the use of Official language of the State, other than English, with the consent of the Governor of the State in the High Court of that State. The Committee had, accordingly, recommended that official languages of the State other than English may be permitted to be used in the High Courts, provided it is demanded by the concerned State Government. The Committee was further of the view that the consultation process with judiciary is not required as the Constitutional provisions are amply clear on the use of Scheduled Languages in the High Courts and accordingly, the use of official languages should be decided as per the mandate of Article 348. The Committee reiterates its above recommendations.

**REPRESENTATION OF WOMEN IN JUDICIARY**

6.90. The overall representation of women in judiciary is a cause of concern in the country. In the recent times, various reports in media highlighted the poor state of representation of women in Judiciary. The Vidhi Centre for Legal Policy in its Report *"Tilting the Scale: Gender Imbalance in Lower Judiciary (2018)"* highlighted the fact that out of total 15,959 judges in the lower judiciary across India, 11,397 are male judges and 4,409 are women judges. The women representation in subordinate judiciary of States that is below the national average of 27.6 percent is: Uttar Pradesh (21.4), Nagaland (19.5), Jharkhand (13.98), Jammu & Kashmir (18.62), Gujarat (15.11) and Bihar (15.52).

**TABLE NO.- XXXII**

**Gender Composition in Lower Judiciary in the Country**

Gender of Judges	Total Number	Percentage
Male	11,397	71.4%
Female	4,409	27.6%
Unknown	153	1%
Total	15,959	100%

## Law Commission of India Submits its Report on Setting Up New Courts in the Country

Law Commission of India today submitted its report "Manpower Planning in Judiciary: A Blue Print" to Mr. Ravi Shankar Prasad, Minister of Law & Justice and Communications & IT.

Speaking on the occasion, Mr. Ravi Shankar Prasad said that the report will guide the Government in overcoming the shortage of judges in the judiciary. Efforts made by the Government for filling up vacancies of judges and setting up new courts would soon lead to curbing of delays and timely delivery of justice to citizens. Government has already written to Chief Justice of India for filling up the existing vacancies of High Courts and subordinate Courts. Law Minister gave the assurance that the Government would give serious consideration to the recommendations of the Report and in principle decision has already been taken to increase the number of judges by 20 per cent. Six States in India: Madhya Pradesh, Himachal Pradesh, Delhi, Jharkhand, Odisha and Punjab have already acceded to this request.

Speaking on the occasion, Justice Ajit Prakash Shah, Chairman, Law Commission of India, said that the Commission has tried to use scientific formula to the extent possible to estimate the number of judges needed in the country.

Some of the highlights of the conclusions and recommendations are as below:-

- i) Recruitment of new judges should focus, as a matter of priority, on the number of judges required to breakeven and to dispose of the backlog, in a 3 year time frame;
- ii) Age of retirement of Subordinate judges be raised to 62.
- iii) Special morning and evening Courts be set up for dealing with Traffic/ Police Challan cases which constitute 38.7% of the institutions and 37.4% of all pending cases in the last three years before the Subordinate Judicial Services.
- iv) Recent law graduates may be appointed for short durations, e.g. 3 years, to preside over these special traffic Courts.
- v) Adequate provisions be made for staff and infrastructure required for the working of additional Courts.
- vi) High Courts be directed to evolve uniform data collection and data management methods in order to ensure transparency and to facilitate data based policy prescriptions for the judicial system.
- vii) Creation of additional Courts is one amongst various measures required to ensure timely justice and facilitate access to justice. The Commission recognizes that apart from increasing judge strength, many other measures

have to be undertaken for reducing delays, including the application of good judicial management practices such as putting into place timeliness and performance benchmarks.

90  
ANNEXURE - P. 8

**MADHYA PRADESH GAZETTE**

**(Extraordinary)**

**Published Under Authority**

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No. 207] Bhopal, Saturday, dated 31 March 2018- Chetra 10, Sakh 1940

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**LAW & LEGISLATIVE AFFAIRS DEPARTMENT**

Bhopal, dated 31 March 2018

No. 5458-88-21-a (Pra.)- Promulgated following ordinance under article 213 of the Constitution of India, issued by Governor of M.P. Is being published for the information of public.

By order and in the name of Governor of Madhya Pradesh

Rajesh Yadav, Additional Secretary.

MADHYA PRADESH ORDINANCE  
No. 4 on 2018

**THE MADHYA PRADESH SHASKIYA SEVAK (ADHIVARSHIKI-AYU)  
SANSKODHAN ADHYADESH, 2018**

[First published in the "Madhya Pradesh Gazette (Extra-ordinary)",  
dated the 31<sup>st</sup> March, 2018.]

Promulgated by the Governor in the sixty-ninth year of the Republic of  
India.

**An Ordinance further to amend the Madhya Pradesh Shaskiya  
Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967.**

**WHEREAS**, the State Legislature is not in session and the  
Governor of Madhya Pradesh is satisfied that circumstances exist which  
render it necessary for him to take immediate action;

Now, **THEREFORE**, in exercise of the powers conferred by  
clause (1) of article 213 of the Constitution of India, the Governor of  
Madhya Pradesh is pleased to promulgate the following Ordinance :-

1- This Ordinance may be called the Madhya Pradesh Shaskiya  
Sevak (Adhivarshiki-Ayu) Sanshodhan Adhyadesh, 2018.

2- During the period of operation of this Ordinance, the Madhya  
Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (No. 29  
of 1967) (hereinafter referred to as the principal Act), shall have effect  
subject to the amendments specified in section 3.

Madhya Pradesh Act N  
29 of 1967 to  
temporarily amended.

Amendment  
Fundamental Rule 56  
substituted by section  
of the Madhya Prade  
Act No. 29 of 1967



3- In section 2 of principal Act, in rule 56 of the Fundamental Rules, in sub-rule (1),—

- i. the brackets, figures and letters "(1-a), (1-b)," occurring twice, shall be omitted;
- ii. for the words "sixty years" occurring twice, the words "sixty two years" shall be substituted.

ANANDIBEN PATEL

Governor  
Madhya Pradesh

DATED THE 31st March, 2018  
BHOPAL

93  
ANNEXURE - P-9

**MADHYA PRADESH NYAYADHISH SANGH**

Office: District Legal Service Authority, A.D.R.  
Building Behind District Court Campus, Arera  
hills, Bhopal

E-mail : mpnyayadhishsangh@gmail.com

President	Vice president	Secretary	Asso. secretary	Treasurer
Dinesh Nayak	Satendra Singh	Rajendra Kumar Vani	Tajindra Singh Ajmani	Arvind Goyal
Mob-9425151200	Mob-9425012712	Mob-9425134499	Mob-9425156727	Mob-9425464157
naikdk14557@gmail.com	satyendrak.singh@mpmc.in	rkvani.law@gmail.com	ts.ajmani@mpmc.in	imcoolakg28@gmail.com

**No. 01/18/P MEMORANDUM**

**DATED 11-04-2018**

**Executive Members**

**Moh.Fahim Anwar**

Mob: 9425824144,

**B.K. Nigam**

Mob: 9826082324

**Giribala Singh**

Mob: 9425163277

**Deepesh Tiwari**

Mob: 9425455333

**Sunil Kumar Jain**

Mob: 9425436717

**Madhusudan Mishra**

Mob:9479841727

**Subhash Singh Solanki**

Mob:9425473402

**Sarita Wadhvani**

Mob:9425769345

**Sachin Sharma**

Mob: 9425492008

**Sanjay Jain**

Mob:9826049660

**Manish Shrivastava**

Mob: 9425482210

**Manish Singh Thakur**

Mob:9425431650

**Sidharth Tiwari**

Mob:9406978901

**Rajendra Kumar Ahirwa**

**To,**

**The Principal Secretary,  
Government of Madhya Pradesh  
Law & Legislative Affairs Department,  
Vindhyachal Bhawan,  
Bhopal (Madhya Pradesh)**

**Sub: With regard to increase in the age of  
superannuation of the judges of the Subordinate  
Courts.**

It is most respectfully submitted that the Government of Madhya Pradesh promulgated an Ordinance No. 4 of 2018 which is "*The Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Sanshodhan Adhyadesh, 2018*" published in the "*Madhya Pradesh Gazette (Extra-ordinary)*", dated 31st March, 2018.

By the aforesaid Ordinance, the Government of Madhya Pradesh increased the age of Superannuation of State

effect from 31st March, 2018. Similar amendment has also been incorporated in the Sub-rule (1) of Rule 56 of the "*Fundamental Rules*". The Judges of the Subordinate Courts are also Employees of the State Government and are governed by the "*Madhya Pradesh Higher Judicial Service (Recruitment and Conditions of Service) Rules, 2017*" and "*The Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994 (Amended)*" but to utter surprise, the judges of Subordinate Courts have not been accorded this benefit till today.

The "*Madhya Pradesh Higher Judicial Service (Recruitment and Conditions of Service) Rules, 2017*" and "*The Madhya Pradesh Judicial Service (Recruitment and Conditions of Services ) Rules, 1994 (Amended)*" have also been enacted by His Excellency, the Governor of Madhya Pradesh in exercise of the powers conferred by Article 309 of "*The Constitution of India*" read with Article 233 of "*The Constitution of India*". The judges of the Subordinate Courts are very much State Government Employees and as such, as and when Government raised age of Superannuation, the same benefit was also provided to the judges of the Subordinate Courts. In the past, the age of Superannuation of State Government Employees was 58 years and as such the age of Superannuation of the Judges of the Subordinate Courts was also 58 years. When Government increased the age of Superannuation of State Government Employees from 58 to 60 years, the same benefit was also provided to the judges of the Subordinate Courts and age of Superannuation of Judges of the Subordinate Court was raised from 58 to 60 years.

Under Article 235 of "*The Constitution of India*", Hon'ble the High Court is only supervising body of the judges of the Subordinate Courts but not the employer. Hon'ble the Supreme Court

time to time clarified it that service conditions of the judges of the Subordinate Courts are governed by respective State Government.

In the matter of **1981 AIR 561, "B.S. Yadav and others etc. vs. State of Haryana and Others etc."** Hon'ble the Supreme Court vide its judgment dated 5th of November, 1980 held that the Governor has power to make rules related to seniority of District & Sessions Judges, while interpreting Article 235 of "*The Constitution of India*", Hon'ble the Supreme Court further held that Article 235 of "*The Constitution of India*", defines the outer limit of Hon'ble the High Court and power of control on the District Courts and the Courts Subordinate thereto.

Since the age of Superannuation of the Judges of the Subordinate Courts has not been increased, so far, therefore, it amounts to discrimination by the State and it is violative to the principle of equality before law and equal protection of law. The State cannot discriminate its Employees on the basis of their nature of services i.e. being Judge of the Subordinate Courts, who has to retire at the age of 60 years.

It appears that State Government is hesitant to increase the age of Superannuation of Judges of the Subordinate Courts as retirement age of the Judges of Hon'ble the High Court is 62 years but it does not in any way restricts the State Government to increase the age of superannuation of the Judges of the Subordinate Courts. In "*The Constitution of India*", there is provision for upper age limit of Hon'ble the High Court Judges and Hon'ble the Supreme Court Judges but there is no such provision which restricts the State Government to keep the Subordinate Court Judges in the matter of retirement unparallel to the age limit of the Judges of Hon'ble High Court. In "*The Constitution of India*", there is no such provision that superannuation age of the Judges of

the Subordinate Courts shall be less than the Judges of Hon'ble the High Court.

It appears that the Government of Madhya Pradesh has taken note of the observation made in the matter of **Writ Petition (C) No. 1022 of 1989, "All India Judges' Association and Others vs. Union Of India and Others (Judgment dated 21st March, 2002) reported in AIR 2002 SC 1752**, wherein, Hon'ble the Supreme Court held that the recommendations related to increase in the Superannuation Age is not accepted as rational age difference has to be maintained but at that point of time, the retirement age of the State Government Employees was 60 years and as such it was not justifiable to increase the Superannuation age of the Judges of the Subordinate Court.

It is further submitted that observation made in the "*All India Judges' Association Case(Supra)*" has been rendered ineffective in the light of order passed in writ petitions namely in the **Writ Petition (Civil) No. 691 of 2013 (For Prel. Hearing), "Rajesh Kumar Sharma and Anr. Vs. Union of India and Anr."** on Judgment dated 30th of September, 2013 and in the Writ Petition (Civil) No. 773 of 2013 (For Prel. Hearing), "*R.K. Kapoor, Advocate vs. Union of India and Ors.*" on Judgment dated 07th of October,

2013, in which Petitioner(s) sought relief of increase in retirement age of the Judges of the Subordinate Courts, Judges of Hon'ble the High Court and Judges of Hon'ble the Supreme Court. Hon'ble the Supreme Court permitted to withdraw both these petitions and afforded liberty to Petitioner to approach the appropriate authority. Meaning thereby Hon'ble the Supreme Court was of the view that increase in the age of superannuation is the subject matter of respective State Government and not of Hon'ble the Supreme

97

Court. The copy of both the orders along with office report is annexed herewith as **Annexure "A-1" and Annexure "A-2"**.

The Law Commission of India in its report dated 7th of July 2014 recommended that the retirement age of Subordinate

Courts be raised to 62 years. The copy of the recommendations are annexed herewith as **Annexure "A-3"**. Recently a parliamentary panel has recommended that the retirement age of Supreme Court Judges should be enhanced to 67 years and that of High Court Judges should be enhanced to 65 years. The copy of relevant pages of the recommendations are annexed herewith As **Annexure "A-4"**.

Therefore, it is requested that the Superannuation age of the Subordinate Court Judges of State of Madhya Pradesh be raised at par with State Government Employees and for that purpose take appropriate steps to amend both the Rules, the "*Madhya Pradesh Higher Judicial Service (Recruitment and Conditions of Service) Rules, 2017*" and "*The Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994 (Amended)*".

**Enclosure: Annexures "A-1", "A-2" "A-3" and "A-4".**

(Dinesh Naik)  
President

**Madhya Pradesh Judges Association**

**Copy to:-**

1. The Respected Registrar General of Hon'ble the High Court of Madhya Pradesh, Jabalpur with a request to take appropriate steps to amend the concerning Rules.

(Dinesh Naik)  
President

**Madhya Pradesh Judges Association**

98

**ANNEXURE P- 1A**

**Mohd. Fahim Anwar**

Registrar General

High Court of Madhya Pradesh Pachpedi, Jabalpur-482001  
Jabalpur

Bungalow No. C-1,

Opp. University Post Office,

Phone :0761-2621259 (O)

:0761-2603884(R)

Mob :94251-54355

D.O. Letter No. 527/RG/2018Jabalpur, dated 27-04-2018

**Subject:-** Regarding amendment in the Madhya Pradesh Higher Judicial Service (Recruitment & Conditions of Service) Rules, 2017 and Madhya Pradesh Judicial Service (Recruitment & Conditions of Service) Rules, 1994, for increasing age of retirement of the Judicial Officers from 60 to 62 years.

**Reference:-** Letter No.21- c (1)/2018 Bhopal, dated 07-04-2018; Letter No. 1888/21-c (1)/2018 dated 13-04-2018 received from the Law & Legislative Affairs Department, Govt. of Madhya Pradesh, Bhopal and Representations dated 02-04-2018, 11-04-2018 and 10-04-2018 submitted by the Madhya Pradesh Nyayadheesh Sangh, Bhopal.

Shri. Saxena,ji,

Under the subject cited above, it is inform you that above referred letter alongwith the Notification dated 31-03-2018

2018. amending the Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Sanshodhan Adhyadesh, 2018 (whereby age of superannuation of Governement servants in the State of Madhya Pradesh has been increased from 60 to 62 years) and Representations dated 02-04-2018 and 11-04-2018 submitted by the Madhya Pradesh Nyaydheesh Sangh, Bhopal for increasing the age of superannuation of the Judicial Officers, were placed before Hon'ble the Chief Justice, whereby Hon'ble the Chief Justice was pleased to direct the Hon'ble the Administrative Committee of High Court to examine the matter. Accordingly, the matter was placed in the meeting dated 18-04-2018 of Hon'ble the Administrative Committee for consideration, whereby Hon'ble the Administrative Committee has resolved as under:-

"Considered and resolved that, vide Ordinance No. 4 of 2018 dated 31-03-2018, amending the Madhya Pradesh Shaskiya Sevak (Adhivarshiki Ayu) Adhiniyam, 1967, the State Government has increased the retirement age of officers and employees of the State Government from 60 to 62 years, but consent for



there is a backlog of vacancies which has to be filled and as the judge strength has to be increased, as directed by us, it would be appropriate for the States in consultation with the High Court to amend the service rules and to provide for re-employment of the retiring Judicial Officers till the age of 62 years if there are vacancies in the cadre of the District Judge. We direct this to be done as early as possible.

40. Any clarification that may be required in respect of any matter arising out of this decision will be sought only from this court. The Proceedings, if any, for implementation of the directions given in this judgment shall be filed only in this Court and no other Court shall entertain them."

The aforesaid resolution of Hon'ble the Administrative Committee has been approved by Hon'ble the Chief Justice.

Therefore, it is to inform you that consent for incorporating amendments in the Madhya Pradesh Higher Judicial Service (Recruitment & Conditions of Service) Rules, 2017 and Madhya Pradesh Judicial Service (Recruitment & Conditions of Service) Rules,

there is a backlog of vacancies which has to be filled and as the judge strength has to be increased, as directed by us, it would be appropriate for the States in consultation with the High Court to amend the service rules and to provide for re-employment of the retiring Judicial Officers till the age of 62 years if there are vacancies in the cadre of the District Judge. We direct this to be done as early as possible.

40. Any clarification that may be required in respect of any matter arising out of this decision will be sought only from this court. The Proceedings, if any, for implementation of the directions given in this judgment shall be filed only in this Court and no other Court shall entertain them."

The aforesaid resolution of Hon'ble the Administrative Committee has been approved by Hon'ble the Chief Justice.

Therefore, it is to inform you that consent for incorporating amendments in the Madhya Pradesh Higher Judicial Service (Recruitment & Conditions of Service) Rules, 2017 and Madhya Pradesh Judicial Service (Recruitment & Conditions of Service) Rules,

102

1994, to increase age of retirement of Judicial Officers from 60 to 62 years, can not be given; in view of the order dated 21-03- 2002 passed in All India Judges Association & Others V/s Union of India & Others reported in AIR 2002 SC 1752.

With regards,

**(Mohd. Fahim Anwar)**

To,

Shri Arvind Mohan Saxena,  
Principal Secretary,  
Law & Legislative Affairs Department,  
Government of Madhya Pradesh,  
BHOPAL (M.P.)

Copy to:

Shri Dinesh Nayak  
President,  
Madhya Pradesh Nyayadheesh Sangh,  
Behind District Court Premises, Arera Hills,  
Bhopal (M.P.)

//true copy//