

**DEVAN RAMACHANDRAN, J.**

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**W.P (C) No. 40636 of 2022**  
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Dated this the 20<sup>th</sup> day of December, 2022

**O R D E R**

I have heard Sri.P.Deepak - learned counsel for the petitioner; Sri.Rilgin George Veliyath - learned counsel for respondent No.3 and Sri.T.B.Hood - learned Special Government Pleader for respondent No.1; and am of the view that a *prima facie* case has been made out, warranting admission of this writ petition. It is so ordered.

2. I notice that in Ext.P3, the High Court of Kerala has informed the Government that a Committee of Judges have settled a report, recommending enhancement of the age of superannuation of its staff. This is seen edified on the fact that judicial reforms, proposed through 'Model Digital Court', is the first of its kind in the country. It then says, '*on the proposal of enhancement of age of superannuation of members of the staff of the High Court from 56 to 58, the High Court is foraying into customary and paperless courts to strike a balance between*

*swiftness and adherence to verification procedures in matter of adjudication. The High Court feels that the service of experienced staff could be utilised during the transitory stage'.*

The said letter thus makes the unequivocal recommendation that the services of its experienced staff are required to be utilised during the transitory stage.

3. This Court is informed that, the aforementioned 'transitory stage' begins from the first of January 2023, as evidenced from Ext.P2 notification.

4. Sri.T.B.Hood – learned Special Government Pleader, submits that Ext.P3 proposal is in the active consideration of the Government and that an apposite decision will be taken thereon without any avoidable delay. He added that, in fact, this Court has already made the retirement of the petitioners in two other cases, subject to the result of the said writ petitions.

5. It is thus clear that, on one side, it is obligatory on the Government to consider the proposal of this Court in its proper perspective; while, on the other, the requirement of experienced staff for it, during the transitory period, is unexpendable.

6. To obtain a balance, I am certain that Government must

take a decision on Ext.P3 at the earliest, keeping in mind the above important aspects, especially that the "transitory stage" is commencing soon.

7. Since Sri.T.B.Hood says that Government is considering Ext.P3 proposal in its true spirit without delay, I order that retirement of the petitioner and the party respondent will be subject to the final orders in this writ petition.

sd/-

**DEVAN RAMACHANDRAN ,  
JUDGE**

ACR