

ITEM NO.7

COURT NO.5

SECTION X

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

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

ALL INDIA JUDGES ASSOCIATION & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(REF. : HON'BLE COURT'S ORDER DATED 01.12.2021:: IAs 89450/2021, 88976/2021, 89454/2021, 95000/2021, 93974 OF 2019, 121642 OF 2018, 246 OF 2009 AND 249 OF 2009 IN WC-1022/1989 ARE LISTED, MR. SIDDHARTH BHATNAGAR, LEARNED SENIOR COUNSEL WILL BE THE AMICUS CURIAE IN THIS MATTER.

IA No. 89450/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 93974/2019 - CLARIFICATION/DIRECTION
IA No. 121642/2018 - CLARIFICATION/DIRECTION
IA No. 88976/2021 - INTERVENTION/IMPLEADMENT
IA No. 89454/2021 - MODIFICATION)

WITH

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

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

CORAM :

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

For the parties :

Mr. Siddharth Bhatnagar, Sr. Adv. (A.C.)
Mr. Ankit Yadav, Adv.
Ms. Pracheta Kar, Adv.
Mr. Aditya Sidhra, Adv.
Mr. Nadeem Afroz, Adv.

Mr. K.M.Nataraj Ld ASG
Mr. Wasim Qadri Sr Adv
Mr. T.A.Khan Adv
Mr. Nalin Kohli, Adv.
Mr. B.K.Satija Adv
Mr. Sharath Nambiar Adv
Ms. Neela Kedar Gokhale Adv
Mr. Raj Bahadur Yadav, Adv.

Mr. Sachin Patil, AOR
Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.

Mr. Akhilesh Kumar Pandey, AOR

Mrs. Amita Gupta, AOR

Mr. Rakesh Dahiya, AOR

Mr. A. Venayagam Balan, AOR

Mr. Abhijit Sengupta, AOR

Mr. Pravir Kumar Jain, AOR

Ms. A. Subhashini, AOR

Mr. M. Shoeb Alam, AOR

Mr. Shibashish Misra, AOR

Mr. Karan Bharihoke, AOR

Mr. Ajay Kumar, AOR

Mr. M. A. Chinnasamy, AOR

Mr. Satish Kumar, AOR

Mr. T. V. Ratnam, AOR

Mr. Apoorv Kurup, AOR
Mr. Mohit Prasad, Adv.
Ms. Nidhi Mittal, Adv.
Ojaswa Pathak, Adv.

Mr. Sibho Sankar Mishra, AOR

Ms. G. Indira, AOR

Mr. Anandh Kannan N., AOR

Mr. Gopal Jha, AOR
Mr. Nishant Verma, Adv.
Mr. Shreyash Bhardwaj, Adv.
Ms. Mamta Shrivastava, Adv.

Ms. Hemantika Wahi, AOR

Mr. Krishnanand Pandeya, AOR

Mr. Sanjay Sharawat, AOR

Mr. Anil Nag, AOR

Mr. Romy Chacko, AOR

Mr. R. N. Keswani, AOR

Ms. Asha Gopalan Nair, AOR

Mr. Guntur Prabhakar, AOR

Mrs. D. Bharathi Reddy, AOR

Mr. Dharmendra Kumar Sinha, AOR

Mr. Uday B. Dube, AOR

Mr. Kaustubh Dube, Adv.

Mr. Pravir Choudhary, AOR

Mr. V. K. Sidharthan, AOR

Mr. Raj Kumar Mehta, AOR

Mr. Anil Shrivastav, AOR

Mr. Gopal Singh, AOR

Mr. Rakesh K. Sharma, AOR

Mr. Abhishth Kumar, AOR

Mrs. V. D. Khanna, AOR

Mr. Sanjay Jain, AOR

Mr. Pradeep Misra, AOR

Mr. Prashant Kumar, AOR

Mr. G. Prakash, AOR

Mr. Ashok Kumar Singh, AOR

Ms. Pragya Singh, Adv

Ms. Akshay Singh, Adv.

Mr. Shantwanu Singh, Adv

Mr. P. V. Dinesh, AOR

Mr. P.N. Ravindran, Sr. Adv.

Mr. T. G. Narayanan Nair, AOR
Ms. Priya Balakrishnan, Adv.

Mr. Ratan Kumar Choudhuri, AOR

Mr. P. Parmeswaran, AOR

Mr. Radha Shyam Jena, AOR

Mr. Gopal Balwant Sathe, AOR

Mrs. Revathy Raghavan, AOR

Mr. P. V. Yogeswaran, AOR

Mr. T. L. Garg, AOR

Mr. V. N. Raghupathy, AOR

Mr. P. K. Jain, AOR

Mrs. Anjani Aiyagari, AOR

Mr. Sunil Fernandes, AOR

Mrs. Bina Gupta, AOR

Mr. Jitendra Mohan Sharma, AOR

Mr. T. Mahipal, AOR

Mr. Shrish Kumar Misra, AOR

Mr. Kamal Mohan Gupta, AOR

Mr. Parijat Sinha, AOR

Mr. Kishan Datta, AOR

Ms. A. Sumathi, AOR

Mr. B. D. Sharma, AOR

Mr. Haresh Raichura, AOR

Mr. Sameer Parekh, Adv.
Mr. Kshatrashal Raj, Adv.
Ms. Tanya Chaudhry, Adv.
Ms. Pratyusha Priyadarshini, Adv.
Ms. Nitika Pandey, Adv.
M/S. Parekh & Co., AOR

Mr. S. R. Setia, AOR

Ms. Meera Mathur, AOR

Mr. Naresh K. Sharma, AOR

Ms. N. Annapoorani, AOR

Mr. Manish K. Bishnoi, AOR

Mr. B. V. Balaram Das, AOR

Mr. Ajit Pudussery, AOR

Ms. S. Janani, AOR

Mr. Kanhaiya Priyadarshi, AOR

Mr. S. K. Bhattacharya, AOR

Mr. Praveen Swarup, AOR

Ms. Payal Swarup, Adv

Mr. Syed Jafar Husain, Adv

M/S. Gagrath And Co, AOR

Mr. Mukesh K. Giri, AOR

Mr. T. V. George, AOR

Mr. Ashok Mathur, AOR

Mr. Ranjan Mukherjee, AOR

Mr. Rajesh Srivastava, AOR

Mr. Sunil Kumar Jain, AOR

Ms. Rashika Swarup, Adv.

Ms. Kumud Lata Das, AOR

Mr. M. Veerappa, AOR

Mr. Chander Shekhar Ashri, AOR

Mr. Alok Kumar, AOR

Mrs. Anil Katiyar, AOR

Mr. K. R. Sasiprabhu, AOR

Dr. Sushil Balwada, AOR

Mr. Surya Kant, AOR

Mr. Rajiv Mehta, AOR

Mr. K. Ram Kumar, AOR

Dr. J. P. Dhanda, AOR

Mr. T. Harish Kumar, AOR

Mr. Arun K. Sinha, AOR

M/S. Corporate Law Group, AOR

Mr. R. Sathish, AOR

Mr. P. I. Jose, AOR

Mr. Prashant K. Sharma, Adv.

Mr. Jenis Francis, Adv.

Mr. Anupam Mishra, Adv.

Mr. Sanjay Kumar Tyagi, AOR

Mr. Abhinav Mukerji, AOR

Ms. Bihu Sharma, Adv.

Mr. Akshay C. Shrivastava, Adv.

Ms. Pratishtha Vij, Adv.

Mr. Sanjai Kumar Pathak, AOR

Mrs. Shashi Pathak, Adv.

Mr. Jaideep Gupta, Sr. Adv.

Mr. Kunal Chatterji, AOR

Ms. Maitrayee Banerjee, Adv.

Mr. Rohit Bansal, Adv.

Mr. Amrish Kumar, AOR

Ms. Deepanwita Priyanka, AOR

Ms. Aswathi M.K., AOR

Rajasthan

Dr. Manish Singhvi, Sr. Adv.

Mr. Arpit Prakash, Adv.

Mr. D. K. Devesh, AOR

Mr. Sumeer Sodhi, Adv.

Ms. Shreya Nair, Adv.

Mr. P. Mohith Rao, Adv.

Mr. S. UIdaya Kumar Sagar, AOR

Mr. T.N. Rama Rao, Adv.

Mr. Hitesh Kumar Sharma, Adv.
 Mr. S.K. Rajora, Adv.
 Mr. Akhileshwar Jha, Adv.
 Mr. T.L.V. Ramachari, Adv.

Mr. Ajay Bansal, Adv.
 Mr. Gaurav Yadava, Adv.
 Mr. Kuldeep Singh, AOR
 Ms. Veena Bansal, Adv.

West Bengal

Mr. Suhaan Mukerji, Adv.
 Mr. Aditya Prakash, Adv.
 Mr. Nikhil Parikshith, Adv.
 Mr. Vishal Prasad, Adv.
 Mr. Abhishek Manchanda, Adv
 Mr. Sayandeep Pahari, Adv.
 Mr. Tanmay Sinha, Adv.
 M/S. PLR Chambers And Co., AOR

Manipur

Mr. Pukhrambam Ramesh Kumar, AOR
 Ms. Anupama Ngangom, Adv.
 Mr. Karun Sharma, Adv.

Ms. Kavita Jha, AOR
 Mr. Aditeya Bali, Adv.

Mr. Sharan Thakur, Adv.
 Mr. Mahesh Thakur, AOR
 Mr. Siddharth Thakur, Adv.
 Ms. Vipasha Singh, Adv.
 Mr. Ajay Kanojiya, Adv.
 Mr. Bishwendra Singh, Adv.

Mr. Ashutosh Dubey, AOR

H.P.

Mr. Vikas Mahajan, Sr. Adv./AAG
 Mr. Vivek Mahajan, Adv
 Mr. Vidit Anand, Adv
 Mr. Vinod Sharma, AOR
 Mr. Surinder Singh Manak, Adv
 Mr. Parijat Som, Adv
 Mr. Arun Singh, Adv
 Mr. Salik Ram, Adv.

Mr. Nishe Rajen Shonker, AOR
 Ms. Anu K. Joy, Adv.
 Mr. Alim Anvar, Adv.

Mr. Satish Pandey, AOR

Mr. G. N. Reddy, AOR

Mr. Ardhendumauli Kumar Prasad, AOR

Mr. Avijit Mani Tripathi, AOR
 Mr. T.K. Nayak, Adv.
 Mr. P.S. Negi, Adv.
 Mr. Daniel Lyngdoh, Adv.

Mr. Braj Kishore Mishra, AOR

Mr. Raghvendra Kumar, Adv.
 Mr. Anand Kumar Dubey, Adv.
 Mr. Nishant Verma, Adv.
 Mr. Rajiv Kumar Sinha, Adv.
 Ms. Simanta Kumar, Adv.
 Mr. Sunil Saraogi, Adv.
 Mr. Sandeep Kumar Sen, Adv.
 Mr. Narendra Kumar, AOR

Mr. Siddhesh Kotwal, Adv
 Ms. Ana Upadhyay, Adv
 Ms. Manya Hasija, Adv
 Mr. Akash Singh, Adv
 Mr. Nirnimesh Dube, AOR

Mr. Shuvodeep Roy, AOR
 Mr. Kabir Shankar Bose, Adv.
 Mr. Ishaan Borthakur, Adv.

Ms. Taruna Ardhendumauli Prasad, AOR

Mr. Kumar Anurag Singh, Adv.
 Mr. Anando Mukherjee Sen, AOR
 Mr. Shwetank Singh, Adv.
 Mr. Beenu sharma, Adv.

Mr. Som Raj Choudhury, AOR
 Ms. Shrutee Aradhana, Adv.

UT A & N Islands

Ms. Mrinal Elker Mazumdar, AOR
 Ms. Indira Bhakar Adv.

Tamil Nadu

Dr. Joseph Aristotle S., AOR
 Ms. Nupur Sharma, Adv.
 Mr. Shobhit Dwivedi, Adv.
 Mr. Sanjeev Kumar Mahara, Adv.

Ms. Astha Sharma, AOR

Mr. Chirag M. Shroff, AOR
 Mr. Amandeep Mehta, Adv.

Mr. Ankit Mishra, Adv.
 Mr. Sunny Choudhary, AOR

IA No.89450/21 etc. Mr. P.S. Patwalia, Sr. Adv.
 Mr. Purushottam Sharma Tripathi, AOR
 Mr. Mukesh Kumar Singh, Adv.
 Mr. Ravi Chandra Prakash, Adv.

Mr. Sahil Tagotra, AOR
 Mr. S.P. Mukherjee, Adv.
 Mr. Rakesh Talukdar, Adv.

Mr. Adarsh Upadhyay, AOR

Mr. Chanchal Kumar Ganguli, AOR

Ms. Ranjeeta Rohatgi, AOR

Jharkhand

Mr. Tapes Kumar Singh, AAG/AOR
 Mr. Sukant Vikram, Adv
 Mr. Aditya Pratap Singh, Adv
 Mr. Aditya Narayan Das, Adv

Ms. Preetika Dwivedi, AOR

Mr. P. S. Sudheer, AOR

Mr. Malak Manish Bhatt, AOR

Punjab & Haryana/
 Nagaland

Ms. K. Enatoli Sema, AOR
 Mr. Amit Kumar Singh, Adv.
 Ms. Chubalemla Chang, Adv.

U.T. of Pudducherry Mr. Aravindh S., Adv.

Sikkim

Mr. Avneesh Aruptham, Adv.
 M/S. Aruptham Aruna And Co, AOR

Uttarakhand

Mr. Siddharth Sangal, AOR
 Ms. Vaidehi Kothari, Adv.

M.P.

Mr. Arjun Garg, AOR
 Mr. Aakash Nandolia, Adv.
 Ms. Sagun Srivastava, Adv.

H.C. of Bombay

Mr. Sandeep Sudhakar Deshmukh, AOR

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

IA No.121642/2018

This application has been filed by All India

Retired Judges Association seeking the following reliefs:

“(i) the existing pensions of all past

pensioners who retired after 01.01.1996 and the pensioners whose pensions were consolidated as per Karnataka model shall be raised by 3.07 times on par with the other pensioners subject to minimum of 50% of the revised pay scale of pay of their respective post;

(ii) and in the alternative, consolidation of the existing pensions of the above section of pensioners as per the methodology adopted by the Central Government in pursuance of the recommendations of the VIth Central Pay Commission in para 4.1 of the O.M.F.No.38/37/08 P & PW(A) Government of India dated 01.09.2008."

By an order dated 08.10.2012, this Court directed that existing pension of all the past pensioners who had retired after 01.01.1996 and the pensioners whose pensions were consolidated as per Karnataka model shall be raised by 3.07 times on par with the other pensioners subject to minimum of 50% of the revised pay scale of their respective posts.

The complaint of the applicant is that the said direction has not been fully complied with by some states and not complied with at all by few states. Mr. Gopal Jha, learned counsel appearing for the applicant, submitted that some of the retired judicial officers who

are almost 90 years of age. It has nearly been a decade since the direction was issued by this Court to pay pension in accordance with the formula mentioned therein. Implementation of the direction dated 08.10.2012 does not brook any further delay.

All the state Governments are directed to comply with the direction issued by this Court on 08.10.2012 and submit a report of compliance within a period of four weeks from today.

List on 04.05.2022.

Tag along with IA No.89524/2021.

Item 7.1 (Diary No. 2656/2020)

List on 04.05.2022.

IA Nos.89450, 88976, 89454/2021 and IA No.44132/2022 in IA No.89454/2021)

Heard.

Arguments concluded.

Judgment reserved.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master