

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

IA No. 223 of 2007 in
Writ Petition (Civil) No. 1022 of 1989

ALL INDIA JUDGES ASSON. & ORS Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

(With appln. for directions on behalf of UOI)

WITH
IA No. 5 of 2008 in IA No. 244 in WP (C) No. 1022/1989
(Appln. for directions on behalf of A.P. Retired Judges Association)
IA No.1 of 2008 in IA No. 213 of 2007 in WP (C) No. 1022/1989
(With appln. for modification of court's order dated 05/02/2008
on behalf of S.S. Satheesachandran & Ors. filed by Mr. TGN Nair)

Date: 08/10/2012 These Applications were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

Counsel for the parties

Amicus Mr. A.T.M. Sampath, Adv.
Mr. T.S. Shanthi, Adv.

Mr. Prabal Bagchi, Adv.
for Mr. D.N. Goburdhun, Adv.

Mr. B.V. Balramdas, Adv.

Mr. M. Khairati, Adv.
for Mr. D.S. Mahra, Adv.

Mr. Aniruddha P. Mayee, Adv.
Mr. Charudatta Mahindrakar, Adv.

Ms. A. Subhashini, Adv.

Mr. Rajeev Nanda, Adv.

Mr. Wasim A. Qadri, Adv.

...2/-

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Mr. T.V. Ratnam, Adv.
Mr. G.N. Reddy, Adv.
Ms. Sushma Suri, Adv.
Mr. T.G.N. Nair, Adv.
Mr. K.N. Madhusoodanan, Adv.
Mr. Ramesh Babu M.R., Adv.
Mr. Ajay Bansal, AAG

Mr. Devendra Singh, Adv.
Mr. Dhiraj Gupta, Adv.
Mr. Rajiv Kumar, Adv.
Mr. Gaurav Yadav, Adv.
Mr. Kuldip Singh, Adv.

Mr. Manjit Singh, AAG
Mrs. Vivekta Singh, Adv.
for Mr. Kamal Mohan Gupta, Adv.

Mr. Atul Jha, Adv.
Mr. Sandeep Jha, Adv.
for Mr. D.K. Sinha, Adv.

UOI Mr. Sidharth Luthra, ASG
Mr. Imtiaz Ahmed, Adv.
Ms. Asha G. Nair, Adv.
Ms. Supriya Juneja, Adv.
Mr. Rajeev Sharma, Adv.
Mr. Gargi Khanna, Adv.
Ms. Sushma Suri, Adv.

Mr. Bhakti Pasrija, Adv.

Mr. M. Rambabu, Adv.
for Mr. G.N. Reddy, Adv.

Mr. Amit Lubhaya, Adv.
for Mr. Irshad Ahmad, Adv.

Mr. P.P. Rao, Sr. Adv.

Ms. Anjani Aiyagiri, Adv.

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

IA No. 223/2007
Put up next week.

IA No. 5 of 2009 in IA No. 244 in WP (C) No. 1022/1989

The applicants in this IA are judicial officers who retired after January 01, 1996, but prior to January 2006. They are aggrieved by the recommendation of Justice Padmanabhan Committee, as contained in paragraph 31 of its report. Paragraph 31 of the recommendations of the Committee, insofar as it is relevant, is as under:

"Para 31: The recommendations of the First National Judicial Pay Commission with respect to past pensioners are given in paragraph 23.18 which are as under:

1) The revised pension of the retired judicial officers should be 50% of the minimum of the post held at the time of retirement, as revised from time to time.

xx xx xx

"

Mr. P.P. Rao, learned senior advocate appearing for the applicants, pointed out that the Padmanabhan Committee, apparently due to oversight, fixed the revised pension of the concerned judicial officers at 50% of the minimum of the post held at the time of retirement, as revised from time to time. Consequently, as a result of the revision, the concerned judicial officers are getting as pension an amount which is lower than what they earlier received before revision.

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The grievance of the applicants appears to be justified and it is significant to note that both the High Court of Andhra Pradesh and the State Government of Andhra Pradesh, in their respective responses, have supported the case of the applicants.

Mr. A.T.M. Sampath, learned amicus curiae, also submitted that there was evidently some error in the recommendation of the One Man Committee.

We, accordingly, accept the prayer of the applicants and allow this IA in terms of prayer clause (i) of the application.

IA No. 5 stands disposed of.

IA No.1 of 2008 in IA No. 213 of 2007

As prayed on behalf of the applicant, put up after four weeks.

|(N.S.K. Kamesh)

| |(Sneh Bala Mehra)

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|Court Master

| |Court Master

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