

FX
W.P(C)No. 1022 OF 1989

ITEM No.301

Court No. 1

SECTION X
A/N MATTER

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

I.A. Nos. 103, 105, 109, 110, 112-122 with I.A., 128 and 130,
134-144 in Writ Petition(Civil) No.1022/1989

ALL INDIA JUDGES ASSON. & ORS

Petitioner (s)

VERSUS

UNION OF INDIA & ORS

Respondent (s)

(for modification of court's order dated 21.3.2002 and 25.11.2002 and extension of time and clarification/directions and exemption from filing O.T. and directions and impleadment and permission to file appln. for directions and permission to file addl. Documents on record and office report) (for further directions)

with

Contempt Petition (Civil) No./2003 in WP(C) No. 1022/1989
(Aditya Kumar Dubey & Anr. vs. State of M.P. & Anr.)

Contempt Petition (Civil) No. 141/2003 in WP(C) No. 1022/1989
(Rajasthan Judicial Services Officers Association vs. Ashok Gehlot
& Anr.)(for further directions)

Contempt Petition (Civil) No. 150/2003 in WP(C) No. 1022/1989
(Retired Judges Association vs. Sourindra Nath Roy)
(for further directions)

Contempt Petition (Civil) No. 151/2003 in WP(C) No. 1022/1989
(R.L. Zalianihanga vs. H.V. Lalringa & Ors.)
(for further directions)

Date : 08/04/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE R.C. LAHOTI

For Petitioner(s)

in WP(C) 1022/89Mr. F S Nariman, Sr. Adv. (AC)
Mr. Subhash Sharma, Adv.
Mr. A T M Sampath, Adv.
Ms. T S Shanthi, Adv.
Ms. Aarthi Radhakrishnan, Adv.

in CP ...Mr. Shankar Divate, Adv.

in CP 141/03 Mr. A D N Rao, Adv.

in CP 150/03Mr. A K Srivastava, Sr. Adv.
Mr. I C Pandey, Adv.
Mr. A P Sahay, Adv.
Mr. Kishan Datta, Adv.

in CP 151/03Mr. K N Madhusoodhanan, Adv.

Mr. R Sathish, Adv.

For Respondent (s)

Union of India Mr. Soli J Sorabjee, AG
Mr. Kirit N Raval, SG
Mr. Raju Ramachandran, ASG
Mr. P Parmeswaran, Adv.

State of Assam Mr. Sanjay V S Choudhary, Adv.
Mr. Niraj Kumar, Adv.
for Corporate Law Group, Adv.

State of Arunachal Pradesh Mr. Anil Shrivastav, Adv.
Mr. Jyoti Dutt, Adv.

State of Andhra Pradesh Mr. T V Ratnam, Adv.
Mr. K Subba Rao, Adv.

State of Bihar Mr. B B Singh, Adv.
Mr. Kumar Rajesh Singh, Adv.

UT Chandigarh & P & H High Court Ms. Shomila Bakshi, Adv.
Ms. Kamini Jaiswal, Adv.
Ms. Inkle Barooah, Adv.

State of Chhatisgarh Ms. Suparna Srivastava, Adv.
Mr. Rajesh Srivastava, Adv.
Mr. Prakash Shrivastava, Adv. (NP)

Govt. of NCT, Delhi Mr. D N Goburdhan, Adv.
Ms. Pinky Anand, Adv.
Ms. Geeta Luthra, Adv.

Delhi Admn. Mr. Ashok Bhan, Adv.
Ms. Varuna Bhandari, Adv.
Ms. Anil Katiyar, Adv.

Delhi High Court Ms. A Subhashini, Adv.

State of Gujarat Ms. Hemantika Wahi, Adv.

State of Goa Ms. A Subhashini, Adv.

State of Haryana Mr. Praveen Kumar Rai, Adv.
Ms. Kavita Wadia, Adv.

State of Himachal Pradesh Mr. J S Attri, Addl. Adv. Genl.

State of Jharkhand Mr. Ashok Mathur, Adv.
Mr. Rajesh Pathak, Adv.

State of J & K Mr. Altaf H Nayak, Adv. Genl.
Mr. Anis Suhrawardy, Adv.

State of Kerala Mr. K R Sasiprabhu, Adv.

State of Karnataka Mr. Sanjay R Hegde, Adv.
Mr. Anil K Misra, Adv.
Mr. Mallikarjana Reddy, Adv.

State of Manipur Mr. KH Nobin Singh, Adv.

State of Mizoram Mr. L N Rao, ASG
Ms. Hemantika Wahi, Adv.

State of Maharashtra Mr. S S Shinde, Adv.
Mr. Mukesh K Giri, Adv.
Mr. S M Jadhav, Adv.

State of Madhya Pradesh Mr. Satish K Agnihotri, Adv.
Mr. Anil K Pandey, Adv.

State of Meghalaya Mr. Ranjan Mukherjee, Adv.

State of Nagaland Mr. U Hazarika, Adv.
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Ms. Aruna Mathur, Adv.
for M/s. Arputham, Aruna & Co., Advs.

State of Tripura Mr. Rajiv Mehta, Adv.
Ms. Mohana, Adv.

State of Tamilnadu Ms. Arthi Radhakrishnan, Adv.
Mr. P N Ramalingam, Adv.

State of U.P. Mr. Ravi P Mehrotra, Adv.
Ms. Deepti R Mehrotra, Adv.
Mr. Garvesh Kabra, Adv.

Allahabad High Court Mr. Ashok K Srivastava, Adv.

State of Uttaranchal Ms. Rachana Srivastava, Adv.

State of W.B. Mr. Tara Chandra Sharma, Adv.
Ms. Neelam Sharma, Adv.
Mr. Tarun Sharma, Adv.

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Ms. Anjani Aiyagari, Adv.
(for applicant in IA 139)

Mr. K Sukumaran, Sr. Adv.
Mr. D N Mishra, Adv.
Ms. Divya Nair, Adv.
for M/s JBD & Co., Advs.
(for Kerala Judicial Officers Assn.)

Mr. K Sukumaran, Sr. Adv.
Ms. Karthika S, Adv.
Mr. Nishe Rajen Shonker, Adv.
Mr. Balraj B, Adv.
for M/s TTK Deepak & Co., Advs.
(for Kerala Retired Judicial Officers
Association applicant in IA 130)

Mr. G L Sanghi, Sr. Adv.
Mr. J M Sharma, Adv.
Ms. Rachna Gupta, Adv.

(for applicant in IA 109)

Mr. Prideep Pais, Adv.
Mr. Nikhil Nayyar, Adv.
(for applicant in IA 140)

Mr. Sanjay Parikh, Adv.
Mr. B Jyoti Pathak, Adv.
Mr. A N Singh, Adv.
Ms. Anitha Shenoy, Adv.
(for applicant in IA 142 also)

Mr. Sudhir Chandra, Sr. Adv.
Mr. Parijat Sinha, Adv.
Mr. S Mukherjee, Adv.
Mr. S C Ghosh, Adv.
(for applicants in IA 135-138)

Mr. S Nanda Kumar, Adv.
Mr. M Yogesh Kanna, Adv.
Mr. V N Raghupathy, Adv.

Mr. Janaranjan Das, Adv.
Mr. S Mishra, Adv.
Ms. Moushumi Gahlot, Adv.

Mr. S P Sharma, Adv.
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Mr. Abhishek Atrey, Adv.
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Ms. Rashmi Khanna, Adv.
Mr. Shashank Shekhar, Adv.
Mr. Surya Kant, Adv.

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Mr. Arvind Kumar, Adv.
Mr. Sadeep Kharel, Adv.
for M/s. Gagrath & Co., Advs.

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Mr. Mahabir Singh, Adv. (NP)

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Mr. J.P. Dhanda, Adv. (NP)

Mr. A P Mayee, Adv. (NP)

Ms. Rachna Gupta, Adv. (NP)

Mr. Javed M Rao, Adv. (NP)

UPON hearing counsel the Court made the following

O R D E R

We find that the affidavits of compliance as regards revised pay scales and arrears of salary from 1.7.1996 in pursuance of this Court's order dated 15.10.2003 have been filed by the States of Uttar Pradesh, Himachal Pradesh, Maharashtra, Tripura, Orissa and West Bengal.

As regards State of Madhya Pradesh, the affidavit discloses that arrears are being paid not w.e.f. 1.7.1996 but from 1.7.2002 which is the date of the judgment by this Court. In our view, the decision taken by the State of Madhya Pradesh is contrary to the judgment of this Court.

We, therefore, direct the State of Madhya Pradesh to pay the arrears to the Judicial Officers w.e.f. 1.7.1996 and file an affidavit to that effect within a period of one month. Likewise, the State of Bihar shall also file an affidavit.

As regards the States of Goa, Tamil Nadu, Rajasthan, Orissa and Gujarat, although formal orders have been passed in regard to the payment of arrears w.e.f. 1.7.1996 but they have not filed the requisite affidavit. Learned counsel appearing for the State of Orissa states that the State has filed the affidavit reporting compliance. Office to verify. Learned counsel appearing for other States pray for and are allowed four weeks' time to file an affidavit to that effect.

Regarding States of Mizoram, Meghalaya, Nagaland and Arunachal Pradesh, the matter is deferred.

Learned counsel appearing for the States of Chhatisgarh, Punjab, Haryana, Jharkhand, Manipur, Andhra Pradesh, Sikkim, Assam, Uttaranchal, Kerala and J & K pray for and are allowed one month's time to file an affidavit that the orders for payment of arrears w.e.f. 1.7.1996 have been passed and the same shall be paid to the Judicial Officers.

Learned Amicus Curiae has placed before us a Government Order dated 4th February, 2004 issued by the Government of Karnataka in regard to the payment of pension to the retired Judicial Officers and suggested that the same model may be adopted by other States. We take this Government Order on record and expect that all other States may adopt the said model. The States may file their response within a period of two months.

I.A. No. 142 : Issue notice to all the States, the Union Territories and the High Courts through their respective Standing Counsel to file their response to the Shetty Commission Report regarding pay scales and service conditions of the subordinate courts' staff. The response may be filed within two months.

I.A. No. 109 : At present, we are not inclined to entertain the grievances of the applicant-Association. I.A. is rejected.

I.A. No. 140 : We are not inclined to entertain this application. If the applicant is aggrieved, he may challenge the same by a separate petition. This IA is rejected.

List on 19th July, 2004.

(D.P. WALIA)
COURT MASTER

(JANKI BHATIA)
COURT MASTER