

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

Writ Petition(Civil) No.411/2001

KULDIP SINGH

Petitioner (s)

VERSUS

UNION OF INDIA

Respondent (s)

Date : 07/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE BISHESHWAR PRASAD SINGH

For Petitioner (s)

Mr. P.H. Parekh, Mr. Sameer Parekh,
Mr. Rohit Alex Advs.

For Respondent (s)

Mr. Soli J. Sorabjee, A.G.
Mr. Dhruv Mehta, Adv.
Mr. Manish Singhvi, Adv.
Mr. P Parmeswaran, Adv. (NP)

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

.....L.....I.....T.....T.....T.....T.....T.....J

.SP2

The Writ Petition is disposed of in terms of the signed order.

.SP1

Kalyani. (S.L. GOYAL) @@
AA
COURT MASTER @@
A AA

(Signed Order is placed on the file.)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 411 OF 2001@@
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Kuldip Singh ..Petitioner(s)

vs.

Union of India ..Respondent(s)

O R D E R@@
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This writ petition has been filed by a retired Judge of this Court and it pertains to the availability of the medical facilities after retirement.

According to the Supreme Court Judges Rules, 1959, the facilities for medical treatment and accommodation in hospitals is provided in Rule 5 which reads as follows:-

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" 5. Facilities for Medical treatment and@@
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accommodation in Hospitals:- In respect of@@
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facilities, for medical treatment and accommodation in hospitals, the provisions of the All India Services (Medical Attendance) Rules, 1954 shall apply to a Judge as they apply to a member of the Indian Administrative Service and shall be deemed to have come into force on the 26th January, 1950.

[Provided that the medical expenses shall be reimbursed on prescription of Government doctors/ hospitals or (registered medical) practitioners/private hospitals by the Registry of the Supreme Court of India]"

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Section 23C of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, refers to the medical ..2/-

facilities which are available for retired Judges and the same reads as follows:-

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2. The reimbursement of medical expenses to the Retd. Chief Justices of India and Judges of the Supreme Court holding CGHS pensioner's card would also be made by the Supreme Court Registry.

3. This issues with the concurrence of the Dept. of Expenditure vide their U.O. No. 11(1)-MD/2001 dated 5.2.2002."

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Learned Attorney General states that the effect of this memorandum is that instead of claiming relaxation or reimbursement from the Government the said power of relaxation of the rules has been given to the Registrar General of this Court who will exercise this power with the prior approval of the Chief Justice of India or his nominee. We uphold the submission of the learned Attorney General and hold that the practical effect of this would be that like in the cases of the proviso to Rule 5, the retired Chief Justices and the Judges of this Court would now be entitled to reimbursement of the medical expenses on prescription of Government doctors/hospitals or registered medical practitioners/private hospitals. The sanctioning authority will now be the Registrar General with the approval of the Chief Justice of India or his nominee and the extent of the benefit which the retired Chief Justices and the Judges will be entitled to would be the same as is available to a sitting Judge.

In view of the aforesaid memorandum dated 6th February, 2002, which has now been issued and the effect of the same as spelt out by the learned Attorney General, it is not necessary to go into the various contentions raised in the writ petition and Mr. P.H. Parekh, the learned counsel appearing for the petitioner does not press the prayers
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contained therein. This writ petition is now disposed of in the aforesaid terms. The Registry shall inform the retired Chief Justices and the Judges of this Court or their spouses as to the medical facilities which would now be available. We would like to place on record our appreciation for efforts of the Law Minister and the learned Attorney General in sorting out the issue without any intervention of the Court.

.SP1

.....J.
(B.N. KIRPAL)

.....J.
(SHIVARAJ V. PATIL)

.....J.
(BISHESHWAR PRASAD SINGH)

New Delhi;
February 07, 2002.