

ITEM NO.301

COURT NO.1

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). 643/2015

ALL INDIA JUDGES ASSOCIATION

Petitioner(s)

VERSUS

UNION OF INDIA . & ORS.

Respondent(s)

([TO GO BEFORE THREE HON'BLE JUDGES] LEARNED ATTORNEY GENERAL FOR INDIA AND SHRI K. PARAMESHWAR, ADVOCATE AS AMICUS CURIAE.....[AS PER COURT'S MENTIONING DATED 07.12.2022 LIST ON 13.12.2022])
(IA No. 70316/2020 - APPLICATION FOR PERMISSION IA No. 96520/2020 - APPLICATION FOR PERMISSION IA No. 66487/2021 - APPROPRIATE ORDERS/DIRECTIONS IA No. 168154/2022 - APPROPRIATE ORDERS/DIRECTIONS IA No. 74821/2022 - APPROPRIATE ORDERS/DIRECTIONS IA No. 68481/2020 - CLARIFICATION/DIRECTION IA No. 100172/2020 - CLARIFICATION/DIRECTION IA No. 88733/2020 - CLARIFICATION/DIRECTION IA No. 70323/2020 - CLARIFICATION/DIRECTION IA No. 50728/2020 - EXEMPTION FROM FILING AFFIDAVIT IA No. 168155/2022 - EXEMPTION FROM FILING O.T. IA No. 66488/2021 - EXEMPTION FROM FILING O.T. IA No. 181545/2022 - EXTENSION OF TIME IA No. 1375/2021 - EXTENSION OF TIME IA No. 50727/2020 - EXTENSION OF TIME IA No. 70318/2020 - INTERVENTION APPLICATION IA No. 125439/2018 - INTERVENTION APPLICATION IA No. 68480/2020 - INTERVENTION APPLICATION IA No. 100166/2020 - INTERVENTION APPLICATION IA No. 87335/2020 - INTERVENTION APPLICATION IA No. 165066/2019 - INTERVENTION/IMPLEADMENT IA No. 74820/2022 - INTERVENTION/IMPLEADMENT IA No. 10040/2022 - INTERVENTION/IMPLEADMENT No. 18284/2020 - INTERVENTION/IMPLEADMENT IA No. 109809/2021 - INTERVENTION/IMPLEADMENT IA No. 169826/2019 - INTERVENTION/IMPLEADMENT)

WITH

C.A. No. 2702/2017 (XVI)

C.A. No. 2701/2017 (XVI)

(FOR DELETING THE NAME OF PETITIONER/RESPONDENT ON IA 165114/2019
IA No. 165114/2019 - DELETING THE NAME OF PETITIONER/RESPONDENT)

SLP(C) No. 6471-6473/2020 (IV-A)
(FOR ADMISSION and I.R.)

CONMT.PET.(C) No. 711/2022 in W.P.(C) No. 643/2015 (X)

Date : 18-01-2023 These matters were called on for hearing today.

**CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA**

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

- 1 Shri K. Parameshwar, learned *amicus curiae* submitted a note on the developments so far and the areas yet to be covered. As per the said note, the order passed by this Court on 27.07.2022 covers one aspect of the revision of pay and allowances and that there are other aspects concerning pay and allowances, in respect of which recommendations have been made by SNJPC. Therefore, the aspects to be taken note of heretofore are:
 - (i) Other aspects related to pay and allowances not covered by the Order dated 27.07.2022;
 - (ii) Recommendations relating to pension and family pension;
 - (iii) Revival of old pension scheme;
 - (iv) Premature retirement, commutation of pension, etc.;
 - (v) Ombudsman;

- (vi) Permanent mechanism for the periodical revision of pay and allowances and conditions of service; and
 - (vii) Work environment.
- 2 The note submitted by the learned *amicus* also contains a tabular chart giving details of the States and Union Territories which have complied with the order dated 27.07.2022 and the States and Union Territories which have either sought extension of time or a review of the order passed on 27.07.2022.
- 3 The chart indicates that out of the 29 States, 17 have filed affidavits of compliance, one State has filed an application for extension of time, two States have filed applications for review; and nine States have not chosen to file any response.
- 4 Out of the seven Union Territories, three have not filed any responses, one has filed an affidavit of compliance and one has filed an application seeking extension of time.
- 5 Out of the States which have complied with the order dated 27.07.2022, a few appear to have taken an undertaking from the Judicial Officers that they have no objection to the recovery of any excess pay that they have already received, on account of the respective State Governments having already given higher pay scales than what is recommended by SNJPC.
- 6 Taking into account all the above, we pass the following order :
- (i) The affidavits of compliance filed by the States and Union Territories which have complied with the Order dated 27.07.2022 are taken on record.
 - (ii) States such as Assam, Gujarat and Karnataka which have taken

undertakings from the Judicial Officers for recovery of the excess pay, shall not enforce the recovery, in view of the categorical direction issued by this Court in the Order dated 27.07.2022.

- (iii) All the States/Union Territories which have made payment of only the first installment or the first two installments and the States and Union Territories which have come up with applications for extension of time, are permitted to make payment of arrears, at least within the time indicated in this order. The States and Union Territories which have not yet made payment of the first installment, shall make payment of the first installment by 31.03.2023. These States and Union Territories, as well as those who have already made payment of the first installment, shall make payment of the second installment by 30.04.2023. The third and final installment shall be made by 30.06.2023.
6. All the review applications are directed to be listed before the appropriate bench. The contempt petitions shall stand adjourned, to enable the States and Union Territories to comply with this Order.
7. For consideration of the remaining recommendations of the SNJPC, the matter shall stand adjourned to 25.01.2023.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR