

[2010] 7 Scale 487 / [2010] 9 Scale 539 / [2010] 14 SCC 713 / [2011] 2 SCC(L&S) 617 / [2010] 0 Supreme(SC) 622

ALL INDIA JUDGES ASSOCIATION VS UNION OF INDIA

(2010) 14 SCC 713

S.H. KAPADIA, C.J. AND AFTAB ALAM AND K.S.P. RADHAKRISHNAN, JJ.
ALL INDIA JUDGES ASSOCIATION AND OTHERS Petitioners;

Versus

UNION OF INDIA AND OTHERS Respondents.

IA No. 244 in WP (C) No. 1022 of 1989 with IAs Nos. 1 and 2 in IA No. 244 in WP (C) No. 1022 of 1989, etc.

Decided On : July 26, 2010

Judicial Service – Pay and allowances to retired judicial officers – Recommendations of Justice Padmanabhan Committee accepted – Payments directed – With regard to other issues, matter adjourned to 2-8-2010. (Para 4 to 9, 11)

ORDER

1. Heard the learned amicus curiae and the learned counsel for the parties.

2. We approve the recommendations made by Justice Padmanabhan Committee to continue with Justice Shetty Commission recommendations, as mentioned in Paras 31(a), (d) and 36 of the Report.

3. We approve the recommendation made by Justice Padmanabhan Committee in Para 31(b) with respect to Recommendation 4 in Part V, which reads as under:

"31. (b) With respect to Recommendation 4 regarding cash payment of Rs 1250 per month as domestic help allowance to retired judicial officers, this deserves to be increased from Rs 1250 to Rs 2500 per month to retired judicial officers. It is for the Hon'ble Supreme Court to consider and give domestic help allowance to family pensioners and it is reasonable to pay Rs 1000 to family pensioners."

4. This order is required to be passed keeping in mind the rate of inflation as of today. Consequently, we increase the cash payment to be paid to retired judicial officers from Rs 1250 per month to Rs 2500 per month. It is made clear that the above increase in the domestic help allowance will apply to all retired judicial officers. We also accept the Report of Justice Padmanabhan Committee in regard to grant of domestic help allowance to family pensioners and, accordingly, grant them domestic help allowance at the rate of Rs 1000 per month.

5. Similarly, with regard to payment of fixed monthly medical allowance, we accept the Report of Justice Padmanabhan Committee which has increased such allowance from Rs 100 per month to Rs 1500 per month for retired judicial officers. In respect of family pensioners, we approve the recommendation of Justice Padmanabhan Committee giving medical allowance to family pensioners at the rate of Rs 750 per month.

6. Coming to the retirement benefits for judicial officers, who have retired on or after 1-1-2006, we accept the Report of Justice Padmanabhan Committee vide Para 33(a). Consequently, the qualifying years of service for earning full pension for judicial officers will be twenty years instead of thirty-three years with effect from the date as per the Sixth Central Pay Commission.

7. We further accept the Report of Justice Padmanabhan Committee in which, vide Para 34(b), it has been stated that with respect to quantum of pension and its calculation, the recommendation of Justice Shetty Commission will continue subject to a modification with respect to qualifying years of service for earning full pension, which shall be twenty years, as directed above, instead of thirty years. It is further clarified that as far as computation of pension is concerned, it shall be computed at fifty per cent of the last pay drawn.

8. As far as additional quantum of pension is concerned, direction has been sought vide Para 35(b) of Justice Padmanabhan Committee Report.

Accordingly, we direct that additional quantum of pension will be paid to the judicial officers, who have since retired, including family pensioner in terms of the Sixth Central Pay Commission Report. In other words, they will be paid according to the chart annexed at p. 31 (First Part), which is reproduced herein below:

Age of pensioner/family pensioner	Additional quantum of pension
From 80 years to less than 85 years	20% of revised basic pension/family pension
From 85 years to less than 90 years	30% of revised basic pension/family pension
From 90 years to less than 95 years	40% of revised basic pension/family pension
From 95 years to less than 100 years	50% of revised basic pension/family pension
100 years or more	100% of revised basic pension/family pension

9. We also accept the Report of Justice Padmanabhan Committee which has directed that ceiling limit of gratuity be raised from Rs 3.5 lakhs to Rs 10 lakhs. However, this will be with effect from 1-1-2006.

10. We may place on record that, as far as the above directions are concerned, no State has raised any objection.

11. With regard to other issues, place the matter on 2-8-2010.