## GOVERNMENT OF KERALA


#### Abstract

Home Department - Judiciary - Re-fixation of pension of Judicial Officers who retired from 01.01.1996 to 31.12 .2005 in compliance with the order of Hon'ble Supreme Court in I.A No.339/2015 in WP(C)No. 1022 of 1989- Sanctioned - Orders issued.

\section*{HOME (C) DEPARTMENT}


G.O.(Ms)No.29/2023/HOME Dated,Thiruvananthapuram, 27-01-2023

Read: 1 G.O(Ms)No.179/2010/Home Dated 05.08.2010
2 Hon'ble Supreme Court Order Dated 14.07.2016, 13.03.2018, 5.3.2020, 26.09.2022 and 10.01.2023 in I.A No.339/2015 in WP(C)No. 1022 of 1989 .
3 Letter No.PM2/6-44/General/432/654 Dated 10.10.2018 from the Accountant General (A\&E), Kerala

4 Letter No.B3(A)101059/2016 Dated 3.09.2019 of the Registrar(Subordinate Judiciary), High Court of Kerala

## ORDER

As per Government Order read as first paper above have revised the salary of Judicial officers, by capitalizing the existing scale at 3.07 times. But judicial officers who retired from 01.01.1996 to 31.12.2005 did not get the benefit of the revision.
2. The Hon'ble Supreme Court as per the Order dated 14.07.2016 in I.A No.339/2015 in WP(C)1022 of 1989 has directed that all State Governments should refix the pension of retired judicial officers of above category and to pay arrears within six months. Later on, All India Judges Association have again filed an application before the Hon'ble Supreme Court seeking correction of clerical error arising from accidental slip/omission in the order dated 14.07.2016 in IA No.339/2015 in WP(C)No.1022/1989 affecting the judicial pensioners whose pension were consolidated as per Karnataka Model and because
of this reason the existing pension of most of the pensioners who retired after 01.01.1996 and the pensioners whose pensions were consolidated as per Karnataka Model did not increase by 3.07 times and that some of them putting in 15-20 years of service in the same cadre would get less emoluments than their existing emoluments.
3. The Hon'ble Supreme Court in its order dated 13.03.2018 in IA No.339/2015, have made it clear that the relief granted by the Court in IA No.339/2015 in WP(C)No.1022/1989 will be in respect of both sets of pensioners,ie. retirees between 1st January 1996 and 31st December 2005 and the retirees whose pensions were consolidated as per Karnataka Model.
4. Registrar, High Court have informed that 75 judicial officers have retired from service during the above period.
5. Government have examined the matter in detail and are pleased to revise the pension in respect of those judicial officers who retired from 01.01.1996 to 31.12.2005 in accordance with the following principles;

1) Consolidated Pension; Existing Basic Pension (as on 31.12.2005)*3.07
2) Minimum Assured Pension: $50 \%$ of minimum of the corresponding revised scale of their respective posts.
3) Revised Pension:- Consolidated Pension or Minimum Assured Pension whichever is beneficial.
4)The Registrar, High Court shall distribute the arrears
before 3.2.2023 based on the direction of
Hon'ble Supreme Court.
(By order of the Governor)
K R JYOTHILAL
ADDITIONAL CHIEF SECRETARY
To:
The Registrar (Subordinate Judiciary), High Court, Ernakulam (with C/L)

The Principal Accountant General (A\&E / Audit) Kerala,

Thiruvananthapuram.
The Finance Department (Vide No.693370-A3/658/2017-FIN dated 13.01.2023)

General Administrative Department (Vide Item No. 1341 )
Web \& New Media, I \& PR Department (For uploading in Government Website)

Stock File/ Office Copy.
Forwarded / By order
Signed by
Usha P Y
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"In view of the Judgement dated 26.09.2022 in IA No. 121642/2018 of the Hon'ble Supreme Court, Pension in respect of those judicial officers who have retired from 01.01.1996 to 31.12.2005 may be revised in accordance with the following principles;
1). Consolidated Pension; Existing Basic Pension(as on $31.12 .2005) * 3.07$
2) Minimum Assured Pension: 50\% of minimum of the corresponding revised scale of their respective posts.
3) Revised Pension:- Consolidated Pension or Minimum Assured Pension whichever is beneficial.
The disbursement of arrears will be considered later. This has the approval of Hon'ble Minister (Finance). "



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1. File Number
2. Department
3. Subject
: C3/83/2021/Home
: Home (C) Department
: Home Department -Judiciary - Re-fixation of pension of Judicial Officers who have retired from 01.10.1996 to 31.12.2005-Reg.
4. Date of Chief Minister's Order for placing : 24.01.2023 before the Council
5. (i) Does the case involve financial : Yes commitments/implications
(ii If the answer to the above is in the : Yes
) affirmative, whether Finance Department has been consulted and their remarks incorporated in the Council Note
6. Are any other Departments concerned with : No the case and if so, have they been consulted and their remarks incorporated in the Note for the Council
7. Name of Joint Secretary who submitted the : Smt. Beena. P.S Draft Note
8. Name of Additional Chief Secretary who: Sri. K.R. Jyothilal (Link Officer - Home approved the Draft Note Department)
9. Date of approval of the Draft Note for the : 24.01.2023 Council by the Additional Chief Secretary
10. Name of Chief Secretary who approved the: Dr.V.P.Joy Draft Note
11. Date of approval of the Draft Note for the : 24.01.2023 Council by the Chief Secretary
12. Name of Minister who approved the Draft : Sri. Pinarayi Vijayan Note
13. Date of approval of the Draft Note for the : 24.01.2023

Council by the Minister
14. Date of submission of the fair copies : 24.01.2023
15. Date of decision by the Council of : Ministers
16. Number and date of the G.O./letter communicating the decision

## Note for the Council of Ministers

This note relates to the re-fixation of pension of Judicial officers who retired from 01.01.1996 to 31.12.2005 in compliance of the order of the Hon'ble Supreme Court in I.A No.339/2015 in WP(C)No. 1022 of 1989.
2. As per G.O(Ms)No.179/2010/Home dated 05.08.2010, the salary of Judicial officers was revised by capitalizing the existing scale at 3.07 times. But judicial officers who retired from 01.01.1996 to 31.12.2005 did not get the benefit of the revision. The Hon'ble Supreme Court as per the Order dated 14.07.2016 in I.A No.339/2015 in WP(C)1022 of 1989 has directed that all State Governments should refix the pension of retired judicial officers of above category and to pay arrears within six months. Later on, All India Judges Association have again filed an application before the Hon'ble Supreme Court seeking correction of clerical error arising from accidental slip/omission in the order dated 14.07.2016 in IA No.339/2015 in WP(C)No.1022/1989 affecting the judicial pensioners whose pension were consolidated as per Karnataka Model and because of this reason the existing pension of most of the pensioners who retired after 01.01.1996 and the pensioners whose pensions were consolidated as per Karnataka Model did not increase by 3.07 times and that some of them putting in 15-20 years of service in the same cadre would get less emoluments than their existing emoluments.
3. The Apex Court called up the matter for hearing on 13.03.2018 in IA No.339/2015 regarding the application for correction in the Court order dated 14.07.2016. The Supreme Court in its order dated 13.03.2018, made it clear that the relief granted by the Court in IA No.339/2015 in WP(C)No.1022/1989 would be in respect of both sets of pensioners,ie. retirees between 1st January 1996 and 31st December 2005 and the retirees whose pensions were consolidated as per Karnataka Model.
4. Remarks of the Registrar, High Court was obtained on the matter and they have informed that it would be inappropriate to interpret a judicial decision of the Hon'ble Supreme court and suggested to comply with the directions in the order of Supreme court. This department in the mean time consulted the matter with Finance Department regarding the re-fixation of pension of Judicial officers retired from 01.01.1996 to 31.12.2005.
5. Finance Department has requested to furnish the Financial commitment on re-fixing the pension of judicial officers who retired from 01.01.1996 to 31.12 .2005 which was called for from both the Registrar, High Court and the Accountant General.
6. Registrar, High Court informed that 75 judicial officers had retired from service during the above period and the Accountant General has informed that they are not keeping the records of Judicial officers retired in a particular period and hence they are not in a position to compute the expected Additional Financial Commitment involved on extending the revision of pension of judicial officers retired during the said period.
7. When file was forwarded to Finance Department for remarks and that department offered the following remarks.
"In view of the Judgement dated 26.09.2022 in IA No. $121642 / 2018$ of the Hon'ble Supreme Court, Pension in respect of those judicial officers who have retired from 01.01.1996 to 31.12.2005 may be revised in accordance with the following principles;

1) Consolidated Pension; Existing Basic Pension(as on $31.12 .2005) * 3.07$
2) Minimum Assured Pension: 50\% of minimum of the corresponding revised scale of their respective posts.
3) Revised Pension:- Consolidated Pension or Minimum Assured Pension whichever is beneficial.
The disbursement of arrears will be considered later. This has the approval of Hon'ble Minister (Finance). "
8. The Chief Secretary suggested to place the matter before the Council of Ministers as there is a clear direction of the Hon.Supreme Court that Chief Secretaries have been directed to take necessary action in paying arrears to retired judicial officers before 3.2.2023.
9. Hon'ble Chief Minister has ordered to place the matter before the Council of Ministers.

## Points for decision

Whether sanction may be accorded for revision of pension in respect of those Judicial officers who have retired from 01.01.1996 to 31.12.2005 in accordance with the following principle?
1)Consolidated Pension; Existing Basic Pension(as on 31.12.2005)*3.07
2)Minimum Assured Pension: $50 \%$ of minimum of the corresponding revised scale of their respective posts.
3)Revised Pension:- Consolidated Pension or Minimum Assured Pension whichever is beneficial.
4) The disbursement of arrears will be done as soon as'possible in consultation with Registrar, High Court and Finance Department.

