

92244  
12-11-18

Request-139

प्राथमिकता/समयबद्ध

संख्या-1084/दो-4-2018-45(45)/2018

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प्रेषक,

विजय कुमार संखवार,  
उप सचिव  
उ० प्र० शासन।

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19.11.18

17/11/18  
24/11/18

सेवा में,

✓ महानिबन्धक,  
मा० उच्च न्यायालय,  
इलाहाबाद।

Reg. No

File No

Serial No

Bind

30-3-19

561-

IV-4074

30

लखनऊ: दिनांक 30 अक्टूबर, 2018

24-11-18

नियुक्ति अनुभाग-4

विषय- नई पेंशन योजना के विरुद्ध योजित रिट याचिका संख्या-14849/2018 सुधा सिंह व राजेन्द्र कुमार सिंह, सिविल जज, जूनियर डिवीजन बनाम उ०प्र० राज्य व अन्य में आख्या/सूचना उपलब्ध कराये जाने के सम्बन्ध में।

महोदय,

उपर्युक्त विषय के सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि रिट याचिका संख्या-14849/2018 सुधा सिंह व राजेन्द्र कुमार सिंह, सिविल जज, जूनियर डिवीजन बनाम उ०प्र० राज्य व अन्य में याचीगण द्वारा याचिका में निम्नलिखित बिन्दुओं के परिप्रेक्ष्य में दिनांक 01-04-2005 से लागू नयी पेंशन योजना से न्यायिक अधिकारीगण को आच्छादित न रखे जाने का अनुरोध किया गया है :-

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P. S. R. A.  
(work)

113 NOV 2018

Reg (J) (CB)

OSD (J) (Mt)

LCy.

RS  
13/11/18

प्रस्तर संख्या	विवरण
13	That the Subordinate Judicial Service cannot strictly be treated as a part of service of the State governed by the provisions of a Article 309 of the Constitution of India. The members of the Subordinate Judicial Service are discharging the sovereign functions of the state by dispensing justice and their status necessarily to be treated as differently than from members of other State by dispensing justice and their status necessarily to be treated as differently than from members of other State services discharging administrative work under the control of the State Executive.
14	That the control of Subordinate Judiciary is vested in the High Court of the State under Article 235 of the Constitution and any alteration in their conditions of service including pensionary benefit can be effected only with the specific approval of the Hon'ble Court.
15	That to the best information of the petitioners there does not exist either any consultation with the Hon'ble Court or approval of the Hon'ble High Court with regard to implementation of the New Pension Scheme pertaining to members of the Subordiante Judicial Service appointed subsequent to 01.04.2005

DRUM

Reg (J) (CB)  
14/11/18

D. R. I. A. A. Admin  
S. O. Admin, H/A

RS  
19/11/2018  
D.R.

Mr. Nodhiya

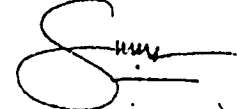
RS

01-07-19

24	That the aforesaid facts and circumstances clearly indicate that the question of pension of members of the Subordinate Judicial Service cannot be equated with the provisions of pension pertaining to employees of any other State service. With regard to members of Subordinate Judicial Service, there exists a separate Pay Commission for recommending conditions of service of members of Subordinate Judicial Service and implementation of any decision further requires consultation with and consent of the Hon'ble High Court on the administrative side.
25	That the new Pension Scheme enforced with effect from 01.04.2005 is the same, as has been enforced with regard to other State Services. At no point of time any such Pension scheme has been recommended by the Judicial Pay Commission nor the Hon'ble High court has been consulted in this regard nor approval accorded by the Hon'ble High Court.

2- कृपया उपरोक्त बिन्दुओं के सम्बन्ध में बिन्दुवार आख्या/सूचना शासन को तत्काल उपलब्ध कराने का कष्ट करें, ताकि प्रकरण में अग्रतर आवश्यक कार्यवाही की जा सके।

भवदीय,



( विजय कुमार संखवार )  
उप सचिव

D.R. (M)

The instant serial is only for information from Dy. Secretary, U.P. Shashan regarding provisions of N.P.S. w.r.t. Writ Petition No- 14849/2018 Sudha Singh & Rajendra Kuman Singh, Civil Judge, J.D. Vs. U.P. State & Ors, filed by Sri Rajendra K. Singh, Civil Judge, J.D. May file?

*Yes*  
11/04/19  
P.O.

*Yes*  
12.04.19  
S.O.

Yes  
R.R.  
15/11/2019  
J.R.