

Request-139

Deputy Registrar (M)

Vide note and approval dated 05.05.2017 (**Flag 'A'**) of the O.S.D.(Litigation) parrawise narrative alongwith relevants facts & materials on certain points raised in the writ petition no.19495 of 2017, Surya Prakash Singh & 265 others Vs State of U.P. & others has been asked to be submitted in the matter.

In the aforesaid matter the Deputy Registrar (Litigation) through his note dated 05.05.2017 informed about the matter that the petitioners are officers of Uttar Pradesh Nyayik Sewa batch-2003 who have filed the instant writ petition and prayed the Hon'ble Court to direct the respondents to treat the petitioners as governed by the Old Pension Scheme and not by the New Pension Scheme enforced from 01.04.2005 with all consequential benefits thereof. They have further prayed the Hon'ble Court to direct the respondents to allocate to the individual petitioners their General Provident Fund Account Number and to make monthly deductions from the salary of the petitioners towards the General Provident Fund and to prohibit the respondents from making any deductions contributory pension Scheme notified on 28.03.2005.

In this connection it may be submitted that from the cut of date w.e.f. 01.04.2005 the New pension Scheme has been adopted by the Government of U.P., Lucknow & those officers/officials joined after 01.04.2005, are covered under the New Pension Scheme. It may also be pertinent to mention here that being a policy matter, the further information with regard to New Pension Scheme, may be sought from Government of U.P., Lucknow.

As far as deductions from salary of the petitioners towards the General Provident Fund is concerned, it is submitted that with the adoption of the New Pension Scheme-2005, the General Provident Fund (Uttar Pradesh) Rules 1985 is not applicable to the State Government employees w.e.f. 01.04.2005.

In this connection, it is submitted that as per the provisions at point no.5 contained in G.O. dated 15.09.2011 (**copy enclosed**), it is clear that for the proper functioning of the New pension Scheme, the Treasury will directly work under the Administrative Control of the Director of pension. Thus, it appears that this matter relates to the Government of U.P., Lucknow.

If approved the file may be laid before Registrar (Budget) with the proposal that the facts and photocopies of the aforesaid materials may be sent to the Deputy Registrar (Litigation) for necessary action at his end?

(A)

Registrar (J) (B)

may like to approve?

Raj
15/5/2017
DR (M)

(A) approval
[Signature]
[Signature]
[Signature]

Prakash
15.05.17

Prakash
15.5.17 S.O.

MS
15/5/17
AR.

Recd.
@dm
15.05.17
for OSD (J) (Lit.)

4103

Adm. H

A.P. (Adm. A-1) / D.P. (M)

The order dated 15.05.17 of
the Id. Registrar (J) (Budget)
has been complied. In compliance
of the said order, the note dated
15.05.17 & other relevant documents
has got been received in the
Litigation Section. May consign
the file?

grahar
16.05.17

Yes
R/S
31/5/2017
D.S.

MS
16/5/17
AR,

6.5.17 Request-139 8722 40 (12/6/17)
IV 3250
Q-5-14
O.S.D. (Judicial) (Litigation)

L.C.No. 9493

May kindly have perusal of the placed below copy of writ petition and copy of order dated 4.5.2017 passed by the Hon'ble Division Bench in Civil Misc. Writ Petition No. 19495 of 2017 Surya Prakash Singh and 265 others Vs. State of U.P. & others, whereby the Hon'ble Court has been pleased to direct the respondents to file counter affidavit in the matter within a month.

The petitioners are officers of Uttar Pradesh Nyayik Sewa batch-2003, who have filed the instant writ petition and prayed the Hon'ble Court to direct the respondents to treat the petitioners as governed by the Old Pension Scheme and not by the New Pension Scheme enforced from 1.4.2005 with all consequential benefits thereof. They have further prayed the Hon'ble Court to direct the respondents to allocate to the individual petitioners their General Provident Fund Account Number and to make monthly deductions from the salary of the petitioners towards the General Provident Fund and to prohibit the respondents from making any deductions contributory pension Scheme notified on 28.3.2005.

May if approved, the Registrar (Judicial (Budget)) be requested to direct the officer concerned to provide parawise narrative alongwith relevant facts & material in reply to the writ petition, within a week, so that the same may be sent to the learned Special Counsel for the High Court, Allahabad, for the preparation of draft counter affidavit on behalf of High Court, Allahabad?

6.5.17
Encl. 1 Nathi
4.15 P.M.
5630
A
Recd
05/05/2017
Deputy Registrar (Litigation)

05.05.2017

Recd
5/5/17
S.O. (Lit.)

Approved At 'A'

[Signature]
05.05.2017

① DR (Misc)

[Signature]
Regd (Lit.)

Urgent
DR. (RR) Admin
S.O. Admin A-I
Recd
5/5/2017
DR

Mr. Rajendra /
Mr. Prabhakar
[Signature]
05/5/17
AR.

Request-139

SAMIR SHARMA,
Advocate.
High Court, Allahabad.

Office Add: Chamber No. 27,
High Court, Allahabad.
Res Add: 32 Lowther Road,
Allahabad.
Phone & Fax : 2462115
Mobile No. 09415214266

Dated: 05.05.2017

To,
The OSD (Litigation),
High Court,
ALLAHABAD.

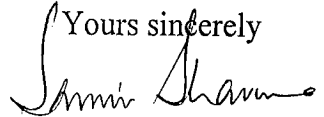
Sub: Writ No. 19495 of 2017, Surya Prakash Singh and 265 Others vs State of U.P
& Others.

Dear Sir,

The above mentioned case was taken up before the bench of Hon'ble
Vikram Nath (J) & Hon'ble D.S.Tripathi (J) on 04.05.2017.

The Hon'ble Court after hearing the matter, has been pleased to grant 1
month time to file a counter affidavit, and 2 weeks thereafter to the counsel for the
petitioners for filing rejoinder affidavit, while directing that the case be listed
thereafter.

Kindly obtain a parawise narrative in the matter and furnish the same to
me, so that a counter affidavit may be drafted and filed before the Hon'ble Court.

Yours sincerely

(SAMIR SHARMA),
Advocate,
High Court, Allahabad.

Court No. - 37

Request-139

Case :- WRIT - A No. - 19495 of 2017

Petitioner :- Surya Prakash Singh And 265 Ors.

Respondent :- State Of U.P. And 2 Ors.

Counsel for Petitioner :- Vashishtha Dhar Shukla, Dharm Prakash Mishra

Counsel for Respondent :- C.S.C., Manish Goyal

Hon'ble Vikram Nath, J.

Hon'ble Daya Shankar Tripathi, J.

Heard Sri Ashok Khare, learned Senior Advocate, assisted by Sri V. D. Shukla, learned counsel for the petitioners, learned Standing Counsel for the State-respondents and Sri Samir Sharma, Advocate, representing respondent no.3.

All the respondents may file counter affidavit within a month. Petitioner will have two weeks thereafter to file rejoinder affidavit.

List immediately after expiry of aforesaid period showing the name of Sri Samir Sharma, Advocate, from the side of the respondent.

Order Date :- 4.5.2017

SS

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

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INDEX

IN

CIVIL MISC. WRIT PETITION NO.....OF 2017

(Under Article 226 of the Constitution of India)

DISTRICT - ALLAHABAD

Surya Prakash Singh & 265 others

..... Petitioners

Vs.

State of U.P. & others

..... Respondents

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for Jansur Sharma
 27.4.17

RECEIVED COPY
 For and on behalf of
 Shri Manishoyal
 Special Counsel for
 High Court, Allahabad
 Respondent No. 265

26.4.17

	issued by State Govt.			
15.	Extract of judgment of Supreme Court reported in 1992(1)SCC 119 (All India Judges Association v. UOI & ors.)		12	161-179
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(V.D. SHUKLA) (DHARAM PRAKASH MISHRA)
 ADVOCATE ADVOCATE
 Ad. Roll No. A/V0029/2012 Ad. Roll No. A/D-0214/2012
 Cham. No. 21 COUNSEL FOR THE PETITIONERS
 CHAMBER LIBRARY HALL

Dt. /4/2017.

NOTE:

Shri ASHOK KHARE, Senior Advocate, High Court, Allahabad, has consented to appear and argue the case on behalf of the petitioners.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

.....

LIST OF DATES & EVENTS

IN

CIVIL MISC. WRIT PETITION NO.....OF 2017

(Under Article 226 of the Constitution of India)

DISTRICT - ALLAHABAD

Surya Prakash Singh & 265 others

..... Petitioners

Vs.

State of U.P. & others

..... Respondents

Sl.	Dates	Events
1.	22-28.11.03	Public Service Commission, U.P. issued Adv.No.A-2/E-1/2003 notifying the UP Judicial Service Civil Judge (Jr Divn) Preliminary Examination-2013. All the petitioners being fully eligible also applied in pursuance thereto.
2.	March,2004	Preliminary written examination conducted in which the petitioners participated and were declared as having qualified the same.
3.	5.10.04 - 7.10.2004	Main's written examination held in which the petitioners also participated.
4.	2.5.2005	Final result published in which several of the eligible candidates were not included by treating them as having become over age. The aforesaid result was the subject matter of challenge by means of several writ petitions before this Hon'ble court with leading writ petition being WP No.40058 of 2005 (Dinesh Pratap Singh & ors. v. State of UP & ors.).
5.	21.10.2005	Final judgment of Divn Bench whereby Public Service Commission directed to revise its recommendations in the light of the finding recorded by the Divn Bench within a period of 4 weeks. Against the aforesaid several Spl.Leave Petitions were filed before the Supreme Court.
6.	3.4.2006	Final judgment of Supreme Court in the aforesaid limitation.
7.	April,2006	In view of the aforesaid directions, a revised

		result published by Public service Commission in which all the petitioners were shown as finally selected.
8.	26.5.2006	<p>Appointment orders issued to the petitioners. All petitioners thereafter joined and have been continuously working.</p> <p>In the intervening period the State Govt. issued a notification dtd. 28.3.05 notifying a New Pension Scheme to be applicable with regard to 1.4.05. Consequential amendments were effected in UP Retirement Benefits Rules 1961 as also GPG U.P. Rules to exclude from the purview of the aforesaid rules persons appointed subsequent to 1.4.05.</p>
9.	14.8.2008	<p>Office order issued by State Govt notifying the modalities of the New Pension Scheme.</p> <p>Till date none of the petitioners have been allotted any GPF A/c Number nor any deduction is being made from their salary towards GPF. This is on account of the stand of the respondents that petitioners are covered by New Pension Scheme, their appointment order being subsequent to 1.4.05.</p> <p>Aggrieved by the aforesaid, the petitioners file the present writ petition under Article 226 of the Constitution of India.</p>

(V.D. SHUKLA)
ADVOCATE

(DHARAM PRAKASH MISHRA)
ADVOCATE

Ad. Roll No. A/V0029/2012
Cham. No. 21

Ad. Roll No. A/D-0214/2012
COUNSEL FOR THE PETITIONERS
CHAMBER LIBRARY HALL

Dt. /4/2017

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. STAY APPLICATION NO. OF 2017
(Under Section 151 of C.P.C.)

On behalf of
Surya Prakash Singh and 265 others

Applicant

IN

CIVIL MISC. WRIT PETITION NO. _____ OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT: ALLAHABAD

1- SURYA PRAKASH SINGH
S/O PRITHVI RAJ SINGH,
ADDRESS-VILLAGE-BHUPAT PATTI
POST- SHIVAPAR
DISTRICT. JAUNPUR

2- RAKESH KUMAR SINGH
S/O LT. KASHI PRASAD SINGH
ADDRESS-VILLAGE-TAUKALPUR BANAUTA
POST- BURHANA
DISTRICT - SULTANPUR

3- CHHOTE LAL YADAV ,
S/O RAJDEV YADAV,
ADDRESS-VILLAGE- UCHAWADIH,
POST- JAMUNIA
DISTRICT.-JAUNPUR

4- SANJAY. K .LAL,
S/O ITWARI LAL
ADDRESS - C-1313 INDRA NAGAR
LUCKNOW

5-PAWAN KUMAR SHUKLA
S/O R.K.SHUKLA,
ADDRESS- MOH. NEEMGARH,
POST- NAWABGANJ,
DISTRICT- BAREILLY

6-NITISH KUMAR RAI
S/O A.K.RAI
ADDRESS-VILLAGE-HANS NAGAR

POST- HALDI
DISTRICT.- BALLIA

7-. KAVITA MISHRA ,
W/O PRAMOD KUMAR MISHRA
ADDRESS.-CASH AND PAY OFFICE,
N.E.RAILWAY GORAKHPUR

8- CHANDRAMANI MISHRA
S/O BANSI DHER MISHRA
ADDRESS- VILLAGE &POST- DIHIYAN
DISTRICT- JAUNPUR

9- SMT. NIHARIKA CHAUHAN
D/O- DR. MAUKAM SINGH CHAUHAN
P.A.- M61, JANAKPURI
MARISH ROAD
DISTRICT- ALIGARH

10- GYANENDRA RAO
S/O RAMESH RAO
ADDRESS- VILLAGE- NARAYANPUR
POST- SHITALMAJHA
DISTRICT- DEORIA

11- RAVINDRA KUMAR DWIVEDI
S/O RAMESH KUMAR DWIVEDI
ADDRES - G-1/53 KALINDIPURAM-2
POST-RAJROOPPUR
DISTRICT- ALLAHABAD

12- NITENDRA KUMAR
S/O SHIV MOHAN SINGH
ADDRESS-VILLAGE &POST- KHANDEHA
DISTRICT- CHITRAKOOT

13- ASHUTOSH KUMAR SINGH
S/O SURENDRA SINGH
ADDRESS-VILLAGE- BARAWA-JUNGLE
POST.- DILIPNAGAR
DISTRICT- KUSHINAGAR AT PADRAUNA

14-ASHISH KUMAR CHAURASIA

S/O HARI SINGH CHAURASIA
ADDRESS- NERSINGHPUR
THANA- TIWARIPUR
DISTRICT- GORAKHPUR

15- MOHAN KUMAR
S/O RAM SARAN
ADDRESS-VILLAGE- PANDEYPAR
POST.- KOUDHIRAM
DISTRICT- GORAKHPUR

16-ARVIND VIKAS
S/O MAM CHANDRA VERMA
ADDRESS-72/194, AGRASEN VIHAR
JOHANSET ROAD
MUZAFFARNAGAR

17- KUNDAN KISHOR
S/O VED RAM
ADDRESS- H.NO. 1243 NAYA KASAMPURA
HAPUR

18- RAKESH KUMAR GAUTAM
S/O OM PRAKASH
ADDRESS- VILLAGE & POST- BADDHAWAJIDPUR
DISTRICT- BULANDSHAHR

19- CHANDRA MOHAN CHATURVEDI
S/O RAM NARESH CHATURVEDI
ADDRESS- VILLAGE & POST- BUDHAKALAN
DISTRICT- SANT KABIRNAGAR

20- AVNISH KUMAR
S/O ASHOK KUMAR
ADDRESS- H.NO. C-19-E
SECTOR-K
ALIGANJ LUCKNOW

21- DINESH PRATAP SINGH
S/O KARUNA SHANKAR SINGH
ADDRESS- VILLAGE- SHAHPUR
POST- LAMBHUA
DISTRICT- SULTANPUR

22- SATISH KUMAR TRIPATHI
S/O RUDRA DIWAKAR TRIPATHI
ADDRESS- VILLAGE & POST- BARDAHA
DISTRICT- BAHRAICH

23- GYANENDER SINGH YADAV
S/O LT. MAHENDRA SINGH
ADDRESS-H.NO.- 20/19 THANE KE SAMNE
MORADNAGAR
GHAZIABAD

24- SMT. MRIDULA MISHRA
W/O A.K. MISHRA
ADDRESS-RAJANI KHAND
SHARDA NAGAR
LUCKNOW

25- KUMAR MAYANK
S/O M.P. JAISAWAL
ADDRESS-11/340 BHAI SAHIYA TOLA CHAURAHA
GANESH GANJ ROAD DISTRICT- MIRZAPUR

26- SUBODH VARSHNEY
S/O HARI SHANKAR GUPTA
ADDRESS-VARSHNEYA HATA
MEHTA PARK ROAD
DISTRICT- ETAH

27- NIRBHAY NARAIN RAI
S/O RAJ NATH RAI
ADDRESS-VILLAGE & POST- RAINI
DISTRICT- MAU

28- SANJAY CHAUDHARY
S/O RANDHIR SINGH CHAHAR
ADDRESS-VILLAGE & POST- ARHERA
DISTRICT- AGRA

29- PRAHALAD SINGH
S/O RAM KUMAR SINGH
ADDRESS-CHEEMA MEDICAL STORE
PUKKA BAGH
NAI ROAD AMROHA

DISTRICT- J.P. NAGAR

30- VIPIN KUMAR
S/O MADAN LAL
ADDRESS-F-223 SHASTRI NAGAR
DISTRICT- MEERUT

31- SMT. SHIKHA SRIVASTAVA
D/O A.N. SRIVASTAVA
ADDRESS.- H.NO. A 46
VAIDEHI NAGAR
FAIZABAD

32- SMT. RESHMA PRAWEEEN
D/O S.A. CHAUDHARY
ADDRESS- NEW COURT ROAD
ADARSH COLONY
BAGHPAT

33- SMT. SWETA VERMA
D/O ASHOK CHANDRA VERMA
ADDRESS- 114 MAIN SHYAM PARK
SAHIBABAD
DISTRICT- GHAZIABAD

34- SMT. SWAPNA SINGH
W/O AVINASH SINGH
ADDRESS.- SHEKH AIYA PURA
DISTRICT- BAHRAICH

35- RAJAT VERMA
S/O RAVINDRA NATH VERMA
ADDRESS- H.NO. 71, CIVIL LINES
DISTRICT- BADAUN

36- KAVITA NIGAM
D/O LT. RAM SARAN NIGAM
ADDRESS- C-184, NIRALA NAGAR
LUCKNOW

37- SMT. REKHA SINGH
W/O DR. VIJAY KUMAR

ADDRESS- H.NO. - 415, SECTOR-16 AWAS VIKAS
SIKANDRA, AGRA

38- SUSHIL KUMAR
S/O BRHAM SINGH
ADDRESS- VILLAGE- SHAHPUR
POST- TALHERI BUZURG
DISTRICT- SAHARANPUR

39- SUNIL PRASAD
S/O BIRCHAND
VILLAGE & POST- SARAI MOHAN
DISTRICT- AZAMGARH

40- AMIT VEER SINGH
S/O CHANDRA VIR SINGH
ADDRESS- 3A MUNDATE HOUSE
PACHANDA ROAD ADARSH COLONY
MUZAFFARNAGAR

41- DR. ANIL KUMAR SINGH
S/O NAR SINGH PAL SINGH
ADDRESS- 5/193 C- JAWAHAR NAGAR
BANNA DEVI
DISTRICT- ALIGARH

42- RAJESH NARAYAN MANI TRIPATHI
S/O P.C.M. TRIPATHI
ADDRESS- 87/2 D.K. SARVODAY NAGAR
ALLAH PUR, ALLAHABAD

43- KULDEEP KUMAR
S/O SHRAWAN KUMAR
ADDRESS- 12-F SAKET NAGAR
NEW SHIVPURI COLONY, RUSTAMPUR
GORAKHPUR

44- ANAND PRAKASH
S/O RAMESH CHANDRA UPADHYAY
ADDRESS- ASHOK NAGAR BANSI
DISTRICT- SIDDARTH NAGAR

45- SHAILENDER SINGH
S/O DHARA SINGH
ADDRESS- 65-A, JHANG APARTMENT
SECTOR-13,ROHINI DELHI-85

46- AUGUST KUMAR TIWARI
S/O SADHU SARAN TIWARI
ADDRESS- VILLAGE &POST- NONAPAR
DISTRICT- DEORIA

47- DHIRENDRA KUMAR SINGH
S/O V.N. SINGH
ADDRESS- 2/146K VISHESH KHAND
GOMTI NAGAR,LUCKNOW

48- ASAD AHMAD HASHMI
S/O A.A. HASHMI
ADDRESS- D-55/1
INDIRA NAGAR COLONY, LUCKNOW.

49- MUKESH KUMAR SINGH
S/O SURYA BHAN SINGH
ADDRESS- CIVIL LINES,SULTANPUR
(OPPOSITE D.I.C. OFFICE,
DISTRICT- SULTANPUR

50- SMT. SHALINI SAGAR
W/O JASWANT SINGH
ADDRESS- E-59 YAMUNAPURAM
BULANDSHAHR

51- SMT. ARCHANA RANI
W/O AMIT KUMAR SINGH
ADDRESS- F.223 SASTRI NAGAR, MEERUT

52- MRIDUL DUBEY
S/O VISHNU DATT DUBEY
ADDRESS- CIVIL LINES,GOPAL CINEMA,
ALWAR (RAJASTHAN)

53- AMIT MALAVIYA
S/O LT. BRAHMA MALAVIYA
ADDRESS-H.N.966,PALTANBAZAR,

SULTANPUR.

54- SMT.SAKSHI SHARMA,
W/O AMIT GUPTA,
ADDRESS-306,GANDHI NAGAR,
FIROZABAD.

55- MOHD. AHMAD KHAN
S/O MOHD.ALI KHAN
ADDRESS-VILLAGE &POST- SARAI BHANAULI BIKAPUR,
DISTRICT- FAIZABAD

56- TABREZ AHMD
S/O ISRAR AHMAD
ADDRESS-VILLAGE &POST-SULTANPUR
KUNARI,DISTRICT- HARIDWAR

57- GYAN PRAKASH SHUKLA
S/O RAM CHHABILA SHUKLA
ADDRESS-VILLAGE-BHATHAHI BUZURG
POST- BHATHAHI KHURD
DISTRICT- KUSHINAGAR

58- KUMAR PRASHANT
S/O SHANTI KUMAR
ADDRESS-H.N. 24, GOMTI NAGAR,
LUCKNOW

59- ABHISHEK SRIVASTAVA
S/O S.C.SRIVASTAVA
ADDRESS- 577-J-GANGA NAGAR
POST- AROGYA MANDIR
DISTRICT-GORAKHPUR

60- SANJAY KUMAR YADAV
S/O RAJ PATI YADAV
ADDRESS- VILLAGE-SONDHIA
POST-KARJAHA
DISTRICT- DEORIA

61- SIYARAM CHAURASIA
S/O RAM KARAN CHAURASIA
ADDRESS-VILLAGE-SITAPUR

POST-PATTI, DISTRICT-PRATAPGARH

62- SURJAN SINGH
S/O B.P. NIRANJAN
ADDRESS-H.N. 84, RAM NAGAR ORAI
DISTRICT-JALAUN.

63- SANTOSH KUMAR YADAV
S/O LT. J.K.SINGH,
ADDRESS - F-1-B SAROJINI NAGAR
LUCKNOW

64- AVINASH CHANDRA MISHRA
S/O R.N. MISHRA
ADDRESS-VILLAGE-TIWARIPUR
POST- KARNAIPUR
DISTRICT-AMETHI

65- RAM BABOO YADAV
S/O K.N. YADAV
ADDRESS-VILLAGEHARAKHPUR
POST- MAHROUNDA
DISTRICT-ALLAHABAD.

66- SUSHIL KUMAR
S/O LT. HIRALAL
ADDRESS- 376, BANDHUHAR
CIVIL LINES UNNAO

67- MANOJ KUMAR
S/O CHHEDI RAM
ADDRESS-175/1 RAVI NAGAR
MUGHALSARAI
DISTRICT-CHANDAULI

68- SMT. SHAILA
W/O MANOJ KUMAR
ADDRESS-175/1 RAVI NAGAR
MUGHALSARAI
DISTRICT-CHANDAULI

69- HARSH VARDHAN
DR. B.N.GUPTA

ADDRESS-FLAT 104,VASANT ENCLAVE
RAJENDRA NAGAR,
GORAKHPUR.

70-PRAMOD KUMAR GUPTA
S/O VIJAY KUMAR GUPTA
ADDRESS- TAMKUHI ROAD WARD NO.-3
RAJENDRA NAGAR
POST-SEWARHI
DISTRICT-KUSHI NAGAR

71- DR. SATYAWAN SINGH
S/O VIRENDRA SING
ADDRESS-VILLAGE &POST-NAKAIL
DISTRICT-DEORIA

72- PRAVEEN KUMAR PANDEY
S/O B.B. PANDEY
ADDRESS- VILLAGE-POKHARIPUR
POST-RAMPUR
DISTRICT-GHAZIPUR

73- PARVEZ AKHTAR
S/O TAHIR HASAN
ADDRESS- VILLAGE-HERDAKHEDI
POST-PILKHANI
DISTRICT-SAHARANPUR

74- RAKESH VASHISHT
S/O R.C SHARMA
ADDRESS-H.N.31 RAJESHWAR NAGAR FASE-
1,DEHRADUN

75- SMT- APARNA PANDEY
W/O- VINAY SHANKAR PANDEY
ADDRESS- 33/2 STANLEY ROAD
ALLAHABAD

76- KRISHNA KUMAR SINGH
S/O BABU LAL
ADDRESS- 11M.I.G JAIPUR HOUSE
AGRA

77- SMT CHANCHAL
W/O KRISHNA KUMAR SINGH
ADDRESS- 11 M.I.G JAIPUR HOUSE
AGRA

78- ARUN KUMAR
S/O SATYA PAL SINGH
ADDRESS- VILLAGE AND POST-CHHAPAR
DISTRICT-MUZAFFARNAGAR

79- MOHD. ASLAM SIDDIQUI
S/O MOHD. LAIQUE SIDDIQUI
ADDRESS-425 DEEWAN BAZAR
GORAKHPUR

80-RANJEET KUMAR
S/O- RAM KRISHNA PRASAD SINGH
ADDRESS-NEAR PATEL CHOWK
POST-BALLIA
DISTRICT-BEGUSARAI (BIHAR)

81- AMARJEET
S/O- TEJ PAL SINGH
ADDRESS-2414 DHANCOSIA
CHHARAULI
DISTRICT-BAGPAT

82- SMT. SONICA CHAUDHARY
W/O AMARJEET
ADDRESS-2414 DHANCOSIA
CHHARAULI
DISTRICT-BAGPAT

83- KASHI NATH
S/O GANESH PRASAD
ADDRESS-MOH. LARANITYATOLA
DISTRICT-KATIHAR(BIHAR)

84- RISHI KUMAR
S/O. ATAR SINGH
ADDRESS-A-31 JIGAR COLONY
CIVIL LINES MORADABAD

85- SMT.NUPUR
W/O RISHI KUMAR
ADDRESS-A-31 JIGAR COLONY
CIVIL LINES MORADABAD

86- BHARAT SINGH YADAV
S/O. RAMSANEHI YADAV
ADDRESS-VILLAGE & POST AURANGABAD
DISTRICT-MATHURA

87- SHAKTI SINGH
S/O M.P.SINGH
ADDRESS-M.I.G.-4,
MOTI JHEEL COLONY,
LUCKNOW

88- PRADIP KUMAR RAM
S/O BADRI HARIJAN
ADDRESS- VILLAGE-DUMDUMA
POST-PATTI NARENDRAPUR
DISTRICT-JAUNPUR

89- MUNNA PARASAD
S/O SAKALLOORAM
ADDRESS-VILLAGE-RUKUNPUR
POST-DEVALASHRAM
DISTRICT-MAU

90- NIRAJ GAUTAM
S/O P.K SINGH
ADDRESS- VILLAGE AND POST-CHAKIA
DISTRICT-EAST CHAMPARAN(BIHAR)

91- SUDHAKAR RAI
S/O KAMLA RAI
ADDRESS-VILLAGE-SARFORA
POST- SURAJPUR
DISTRICT-MAU

92- ADITYA CHATURVEDI
S/O P.N CHATURVEDI
ADDRESS- H.N 24- BRIJNAGAR MATHURA
DISTRICT-MATHURA

93- SUBHASH SINGH
S/O- RAM LAKHAN SINGH
ADDRESS-VILLAGE-NAVGARAHI
POST-SAFIPUR
DISTRICT-SULTANPUR

94- MOHD. NASIM
S/O MOHD. YOUNUS
ADDRESS-VILLAGE & POST-ASARA
DISTRICT-BAGHPAT

95- SMT RENU SINGH
W/O RAHUL ANAND
ADDRESS-MIG-3
PREETAM NAGAR
DISTRICT-ALLAHABAD

96- LOKESH VARUN
S/O KHAZAN SINGH
ADDRESS-C-6/464 YAMUNA VIHAR
DELHI-110053

97- ABISHEK PANDEY
S/O LT. J.N PANDEY
ADDRESS-23/47/156
SHIVNAGAR
ALLAHPUR ALLAHABAD

98- MAHESH KUMAR
S/O ATAR SINGH
ADDRESS-H.N-A526/1,KARTAR NAGAR
BHAJANPURA-DELHI-110053

99- VIKAS GOYAL,
S/O RAJINDER NATH GOYAL
ADDRESS -H.N-2/355,BASSIPATHANA
DISTRICT-FATEHGARH-SAHIB(PUNJAB)

100- RAJESH PARASHER
S/O- N.C PARASHER
ADDRESS-P.A-H.N-230, W.K ROAD
MERRUT

101- RAVISH KUMAR ATTRI
S/O A.L ATTRI
ADDRESS-1/14 SECTOR-A
ALIGANJ, LUCKNOW

102- SMT.PARUL ATTRI
W/O- RAVISH ATTRI
ADDRESS- 1/14 SECTOR-A, ALIGANJ
LUCKNOW.

103- RAMANAND
S/O RAM NIHAOR NISHAD
ADDRESS-VILLAGE&POST-JAGDHISHPUR
(LAHURADEWA)
DISTRICT-SANT KABIRNAGAR

104- ANUTOSH SHARMA
S/O RAJVIR SHARMA
ADDRESS- VILLAGE HULPURA
POST-ANCHRU KALAN
DISTRICT-BULANDSHAHAHAR

105- ATIQUDDIN
S/O LT. TAHARUDDIN
ADDRESS- WARD NO 15, TOWN ALLAPUR
DISTRICT-BADAUN

106- SMT. RICHA JOSHI
W/O AKANSH VARMA
ADDRESS-52-C/1-C/2A MUIR ROAD
RAJAPUR ALLAHABAD
DISTRICT-ALLAHABAD

107- ABID SHAMIM
S/O SHAMIM RAZA
ADDRESS-84/91 RAZA COTTAGE
G.T ROAD ANWARGANJ, KANPUR NAGAR

108- RAJIV MAHESHWARAM
S/O M.P SINGH
ADDRESS- GARDEN GREEN
SAKET VIHAR CIRCULAR ROAD
DISTRICT- DEOGHAR(JHARKHAND)

109- SHAIENDRA VERMA
S/O KALP NATH VERMA
ADDRESS-VILLAGE JAINAPUR
POST-SIKANDARPUR
DISTRICT-AMBEDKAR NAGAR

110- VINEET CHAUDHARY
S/O SHRI BHAGWAN
VILLAGE- KARAHARA
POST-KARAHARA
DISTRICT-AGRA

111- ARUN KUMAR RAI
S/O HANS NATH PANDEY
ADDRESS-AWAS VIKAS COLONY
SHAHPUR
DISTRICT-GORAKHPUR

112- SAROJ KUMAR YADAV
S/O- DODHNATH YADAV
ADDRESS-VILLAGE-LORIKA KHAJURAHAWAN
POST-KHAJURAHAWAN
DISTRICT-JAUNPUR

113- GYANENDRA SINGH
S/O GIRIWAR SINGH
ADDRESS-VILLAGE- JARAHARA
POST- BHANAULI
DISTRICT-BARABANKI

114- ABHIMANYOU SINGH
S/O P.N SINGH
ADDRESS-VILLAGE-HARSINGHPUR
POST-TILTHI, DISTRICT- MIRZAPUR

115- RAM RAJ
S/O MANI RAM
ADDRESS-VILLAGE- DHARMANTAPUR
POST-MERKIYA
DISTRICT-SHRAWASTI

116-RAJBHADUR RAMDEV YADAV
S/O RAMDEV YADAV

ADDEWSS-VILLAGE-SAMHAI RAJPUTANA
POST-LAKSHMAN PATTI (GYANPUR)
DISTRICT-SANT RAVIDAS NAGAR(BHADOHI)

117- DHANANJAY KUMAR MISHRA
S/O R.D.MISHRA
ADDRESS-VILLAGE-BHATWALIA
POST-TAMKUHI
DISTRICT-KUSHI NAGAR

118- MOHD.QUAMRUZZAMA KHAN
S/O LT. H.M KHAN
ADDRESS-VILLAGE&POST.GUJWAR
DISTRICT-PRATAPGARH

119- VINOD KUMAR
S/O DEVI DAYAL
ADDRESS- VILLAGE&POST-RAMPUR
DHOBIAHAR
DISTRICT-BAHRAICH

120- VINYA ARYA
S/O KHARGOO LAL ARYA
P.A-G-35-B PATEL NAGAR-3
DISTRICT GHAZIAPAD

121- TRIBHUWAN NATH
S/O HIRALAL
ADDRESS- VILLAGE-IAMEEN-LOHARPUR
POST-SHIVPUR-HATABAZAR
DISRICT-GORAKHPUR

122- ARVIND KUMAR GAUTAM
S/O RAM GATI PRASAD
ADDRESS-HUMANYPUR
UTTARI, DISTRICT-AMEDKARNAGAR

123- MOHD.NEYAZ AHMAD ANSARI
S/O MOHD. AKBAR ALI
ADDRESS- VILLAGE&POST- DEWAL
DISTRICT-GHAZIPUR

124- BOQUR SHAMIM RIZVI
S/O SHAMIM RAZA
ADDRESS-84/91 RAZA COTTAGE
G.T ROAD ANWARGANJ

125- MAHESHANAND JHA
S/O LT. B.N.JHA
ADDRESS.-BILASI TOWN
DEOGHAR (JHARKHAND)

126- GUNANDRA PRAKASH
S/O RAM KUMAR
ADDRESS-VILLAGE DHANPALPUR
POST- SIKANDRA
DISTRICT-ALLAHABAD.

127- MOHD. RAFI
SPO BANNEY MIYAN
ADDRESS.-H.70 VIBHAV KHAND
SUN CITY STAR, IZZAT NAGAR
BAREILLY

128- RAVI YADAV
S/O N.K.YADAV
ADDRESS-127/401
U-BLOK NIRALA NAGAR
KANPUR NAGAR.

129- ATUL SINGH
S/O ARUN SINGH
ADDRESS-4/1094A, VIKASH NAGAR
LUCKNOW

130- ABAY PRATAP SINGH
S/O BALBIR SINGH
ADDRESS- H.N. 204 SHRI NAGAR
GITAMARG HAPUR
DISTRICT-HAPUR

131- JAHENDRA PAL SINGH
S/O RAMCHARAN SINGH
ADDRESS-VILLAGE-KORERA,
POST-BISOULI

DISTRICT-BADAUN

132- GOURAV KUMAR
S/O B.N.SINGH
ADDRESS- FLAT-NO.301 SARJOOMOTI APARMENT, B/27,
SHRI KRISHNAPUR',PATNA(BIHAR)

133- VINEET KUMAR VASWANI
S/O MADAN PAL SINGH
ADDRESS-VILLAGE-RASULPUR
POST-SEYALI
DISTRICT-BULANDSHAHAR.

134- DR. SHALINI SINGH
D/O DR. RAM SINGH
ADDRESS-H.N. 717 CHHAPATTI
DISTRICT-MAINPURI

135- SITA RAM
S/O RAM CHANDRA
ADDRESS-VILLAGE &POST-JANGETHI
DISTRICT-MEERUT

136- SMT. ALKA BHARTI
W/O SITARAM
ADDRESS-VILLAGE &POST-JANGETHI
DISTRICT-MEERUT

137- ABHINAY KUMAR MISHRA
S/O LT. SAMAT MISHRA
ADDRESS-H.N. 471 ZONE 3D
BIRSHA NAGAR JAMSHEDPUR
DISTRICT-EAST SINGH BHUM(JHARKHAND)

138- RAJEEV KUMAR PALIWAL
S/O UMESH KUMAR PALIWAL
ADDRESS- NEAR HOAMGAURD
OFFICE CIVIL LINE
HOSHANGABAD (M.P.)

139- SHALENDRA KUMAR VERMA
S/O G.N. VERMA
ADDRESS- 47/1 RAJIV JWELLERS

NEAR RAJ PALACE MAU
DISTRICT- MAU

140- RAHUL ANAND
S/O RAM KISHORE
ADDRESS-M.I.G.-3, PREETAM NAGAR,
ALLAHABAD

141- KESHAV GOYAL
S/O DR. J.P. GOYAL
ADDRESS-H.N. 102 STAR HEIGHT APARTMENT
AGRA ROAD, ALIGARH.

142- ALOK DWIVEDI
S/O GORAKH NATH DWIVEDI
ADDRESS-VILLAGE-LALIPUR
POST- KARYAON
DISTRICT- SANT RAVIDAS NAGAR(BHADOHI)

143- OMBIR
S/O GOPI CHAND
ADDRESS-H.N. 26, SHIVPURI
SECTOR-9, NEW VIJAY NAGAR
GHAZIABAD.

144- SUSHIL KUMAR KHARWAR
S/O RAM ADHAR RAM
ADDRESS-VILLAGE-DHARMADIH
POST-NONAHARA
DISTRICT- GHAZIPUR

145- HITENDRA HARI
S/O M.P. GUPTA
ADDRESS-GOLA(SHAH TOLI)
DANAPUR CANTT, PATNA (BIHAR)

146- AMIT KUMAR PRAJAPATI
S/O R.P. PRAJAPATI
ADDRESS-WARD NO. 24,
VISMIL NAGAR
DISTRICT-MAHARAJ GANJ

147-PARSHU RAM
S/O MEWA RAM
ADDRESS-VILLAGE-DUDHAURA
POST- RAMPUR-MANGURDILA
DISTRICT-AMBEDKAR NAGAR

148- VIKASH GUPTA
S/O LT. R.C. GUPTA
ADDRESS- 13 DEV PARK COLONY
BAGPAT ROAD MEERUT

149- SMT. ARCHANA
D/O SHRI KRISHNA PRASAD
ADDRESS-H.N. E.H.-4 FLAT NO. 805
ELDECO UTOPIA NOIDA SECTOR- 93A
DISTRICT- GAUTAM BUDDH NAGAR

150- SMT. NIRMALA
D/O BHIM SEN
ADDRESS-H,N. 547 KA/157,RAHIM NAGAR
MAHA NAGAR, LUCKNOW.

151- SMT.DEEPALI SINGH
W/O ANAND SINGH
ADDRESS-180, CHANDI NIWAS
BADARKA
POST- SADAR
DISTRICT- AZAMGARH.

152- SMT. MAMTA SINGH
W/O AJIT KUMAR SINGH
ADDRESS-RAGHUNANDAN BHAWAN
RATSAR BALLIA

153- SMT. SHABISTAN AQUIL
W/O SHADAB ALI
ADDRESS-15 POCKET-B-SUKHDEV
VIHAR NEW DELHI-25

154- MAHENDRA KUMAR
S/O LT. B.RAM
ADDRESS-B-658 AWAS VIKAS HANSPURAM
KANPUR NAGAR

155- ABHAY PRAKASH NARAIN
S/O B.P.N. SRIVASTAVA
VILLAGE & POSTED-GARWAR
DISTRICT-BALLIA

156- SMT. NIVEDITA ASTHANA
D/O A.K.ASTHANA
ADDRESS-VILLAGE-DEEH JAHANIA
POST- FATEH GANJ
DISTRICT- JAUNPUR

157- NETRAPAL SINGH
S/O RAMESH CHAND
ADDRESS-VILLAGE-UTWARA
POST- SIMRAUTHI(TAPPAL)
DISTRICT-ALIGARH.

158- SHIV KUMAR
S/O DHURRI
ADDRESS-VILLAGE-TEMHA
POST- GAGAHA
DISTRICT-GORAKHPUR

159- HUMAYUN RASHID KHAN
S/O RASHID AHMAD KHAN
ADRESS-ZAHIR MANZIL
PACHAMBA KAISER GANJ
DISTRICT-BAHRAICH

160- RAMESH CHAND,
S/O RAM LALIT
ADDRESS-VILLAGE & POST-CHHAPRA (EAST)
DISTRICT-SANT KABIR NAGAR

161- PREM PRAKASH
S/O MAHENDRA PRATAP,
ADDRESS--VILLAGE-ALABASPUR
POST-MOKALPUR
DISTRICT-JAUNPUR

162- SIDDHARTH SINGH
S/O LT. P.N.SINGH
ADDRESS -2/17 VINEET KHAND

GOMTI NAGAR, LUCKNOW.

163- RAHUL PRAKASH
S/O C.M. PRASAD
ADDRESS-VILLAGE & POST- MAHULI
DISTRICT-SONBHADRA

164- ANAND PRAKASH SINGH
S/O R.N. SINGH
ADDRESS-VILLAGE-VISHUNPUR
POST-LOHATA
DISTRICT-VARANASI

165- SMT. JYOTSNA SINGH
D/O RANVIR SINGH
ADDRESS- 6/3 TEG BAHADUR ROAD
DEHRADOON

166- PALLAVI AGRAWAL
D/O G.S. AGRAWAL
ADDRESS-H.N. 98 SECTOR-4,
JAGRITI VIHAR MEERUT

167- SMT. SANDHYA SRIVASTAVA
W/O KURAL
ADDRESS-270A L.I.G.,
GOVINDPUR ALLAHABAD

168- AZAD SINGH
S/O LT. OM PRAKASH
ADDRESS -RAM GANGA KRISHI FARM
GOKILPUR
VILLAGE-JITOUR,
POST-GAINI
DISTRICT-BAREILLY

169- INDRA PRAKASH
S/O GOPI KRISHNA LAL
ADDRESS-GOLA BAZAR KHALILABAD
DISTRICT-SANT KABIR NAGAR

170- PAWAN KUMAR RAI
S/O RAM NAGINA RAI

ADDRESS -VILLAGE &POST-DHADHANI
TEHSIL-JAMANIA
DISTRICT-GHAZIPUR

171- ASHISH VARMA
S/O A.S. VARMA
ADDRESS-P.A.-H.N. 5- JOGIAPUR
DISTRICT-JAUNPUR

172- SMT. NEHA ANAND
W/O ASHIS VARMA
ADDRESS -H.N. 5- JOGIAPUR
DISTRICT-JAUNPUR

173- CHHAVI ASTHANA
D/O DR. G.M. ASTHANA
ADDRESS-GANGA BHAWAN
NEW CIVIL LINES, NEGHATA ROAD
HARDOI

174- SUBODH BHARTI
S/O MOOL CHAND,
ADDRESS-218/8 JAGRITI VIHAR MEERUT

175- SAIF AHMAD
S/O SATTAR AHMAD SHASTRI
ADDRESS-49-A-SAYEDWARA
GHAZIPUR

176- DIWAKAR DWIVEDI
S/O S.K. DWIVEDI
ADDRESS-L.I.G. 118 VIKAS NAGAR
DISTRICT-GORAKHPUR

177- SARVJEET KUMAR SINGH
S/O MAHANTH SINGH
ADDRESS-VILLAGE-POKHAR BHINDA
POST-JHANGA
DISTRICT-KUSHI NAGAR

178- NAVEEN SINGH
S/O S.N. SINGH
ADDRESS-VILLAGE-CHITVISAO KHURD

POST-CHANDPUR
DISTRICT-BALLIA

179- SANJAY KUMAR
S/O FAKIR CHAND
ADDRESS-VILLAGE-AMARPUR
POST-HASANPUR KALAN
DISTRICT-MEERUT

180- UMESH KUMAR
S/O JAGDISH PRASAD
ADDRESS-CHAMAN SINGH BAGH ROAD
DISTRICT-BALLIA

181- JANARDAN PRASAD YADAV
S/O RAM PALAT YADAV
ADDRESS-VILLAGE-SAFIPUR
POST-KHETASARAI
DISTRICT-JAUNPUR

182- ANIL KUMAR
S/O LT. JAGDISH PRASAD
ADDRESS-VILLAGE-SARDAR NAGAR
POST-SARDAR NAGAR
(MARCHUA)
DISTRICT-GORAKHPUR

183- RADHE MOHAN SRIVASTAVA
S/O SITARAM SRIVASTAVA
ADDRESS-VILLAGE & POST-MUJEHARA
DISTRICT-MIRZAPUR

184- PUSHPENDER SINGH
S/O JAI PAL SINGH
ADDRESS-H.I.G.-16, DEFENCE COLONY
KARGUAN, DISTRICT-JHANSI

185- SANDEEP GUPTA
S/O DAYARAM GUPTA
ADDRESS-37/218C/5A JAYANTIPUR
SULEM SARAI ALLAHABAD

GANDHI COLONY,
DISTRICT-MUZAFFAR NAGAR

194- MANOJ KUMAR SINGH
S/O LT. MOTILAL
ADDRESS-282/ A.T.B. COLONY
TELIARGANJ
ALLAHABAD

195- NISHA SRIVASTAVA
D/O LT. RAM LAKHAN SRIVASTAVA
ADDRESS-VILLAGE-PARASI (PADMABHAWAN)
POST-KAKARI-BINA ROAD
DISTRICT-SONEBHADRA,

196- PRAN VIJAY SINGH
S/O S.N. SINGH
ADDRESS-VILLAGE & POST-KAITHI
DISTRICT-VARANASI

197- AMIT KUMAR PANDEY
S/O LT. VISHWANATH PANDEY
ADDRESS-MALVIA NAGAR
DISTRICT-GONDA

198- TALEWAR SINGH
S/O PRABHU SINGH
ADDRESS-VILLAGE-MUSTFABAD-DADUA
POST-SHIKARPUR
DISTRICT-BULAND SHAHAR

199- ANU SAXENA
D/O D.P. SAXENA
ADDRESS-ANUBHAV COTTAGE
LANE-1, NEAR A.M.U., CAMPUS, ALIGARH.

200- SMT. MONA PAWAR
W/O SHARAD SINGH
ADDRESS-H.I.G., C-1
SANJAY NAGAR, GHAZIABAD

201- BIRENDRA KUMAR
S/O B.N RAM
ADDRESS-VILLAGE & POST-UCHERA
DISTRICT-BALLIA

202- HARI PRASAD
S/O TAKE LAL
ADDRESS-VILLAGE & POST-BEHANDAR KHURD
DISTRICT-HARDOI

203- RAKESH KUMAR SINGH
S/O JAGDISH BAHADUR SINGH
ADDRESS-VILLAGE & POST-KHIDIRPUR KARAUNDI
DISTRICT-RAI BARELI

204- KRISHNA KUMAR
S/O KAMTA BHAKTA
ADDRESS-VILLAGE SALEMPUR MAHADEVA, POST-SIWAN
DISTRICT-SIWAN (BIHAR)

205- ANIL KUMAR
S/O RAMA SHANKER
ADDRESS-VILLAGE-RUSTAMPUR
POST-ASHAPUR
DISTRICT-VARANASI

206- DINESH KUMAR CHAURASIA
S/O RAMAYAN PRASAD CHAURASIA
ADDRESS-16/61, RAGHAV NAGAR,
DISTRICT-DEORIA

207- TARUN SINGH
S/O INDRA PAL SINGH
ADDRESS-H.N. 491, NEAR SHIV MANDIR
NAI BASTI BIJNOR
DISTRICT BIJNOR

208- GOPAL TIWARI
S/O R.S. TIWARI
P.A.-128/76, H-1, KIDWAI NAGAR
KANPUR NAGAR

209- VIJAY KUMAR VERMA
S/O B.L. VERMA
ADDRESS-VILLAGE DINDASPUR
POST-JANSA
DISTRICT-VARANASI

210- ARUN KUMAR
S/O JHAGGAR SINGH
ADDRESS-116-B,SAKET
DISTRICT-MEERUT

211- JITENDRA SINGH
S/O LT. DHARAM SINGH
ADDRESS-3/355,KOTHI YAT
D.M.COLONY BULANDSHAHR

212- BALKRISHNA N.RANJAN
S/O P.N. SINGH
ADDRESS-VILLAGE &POST-GAIRWAH
DISTRICT-JAUNPUR

213- VIKAS NAGAR
S/O SL. NAFAR
ADDRESS-214-GUMASHTA NAGAR
INDORE.
DISTRICT-INDORE(M.P.)

214- PAWAN KUMAR SRIVASTAVA
S/O R.K. SRIVASTAVA
ADDRESS-VISHWANATH PURI
COLONY HYDERABAD GATE
POST-SUSUWAHI VARANASI

215- SANTOSH KUMAR YADAV
S/O RAM MURAT YADAV
ADDRESS-VILLAGE-MUREEDPUR
POST-BADLAPUR
DISTRICT-JAUNPUR

216- SMT. SANDEEPA YADAV
W/O SANTOSH KUMAR YADAV
ADDRESS-VILLAGE-MUREEDPUR
POST-BADALAPUR

DISTRICT-JAUNPUR

217- YAJNESH CHANDRA PANDEY
S/O S.C.PANDEY
ADDRESS-141/222 RAIDOPUR
AZAMGARH

218- IFRAQUE AHMAD
S/O LT. SHAUKAT ALI
ADDRESS-VILLAGE-DARIYABAD
POST-DUDHARA
DISTRICT-SANT KABIR NAGAR

219- SMT. PRATIBHA NARAYAN
W/O VIVEK KUMAR
ADDRESS-H.N.,J-105
SOUTH CITY LUCKNOW

220- VIVEKANAND VISHWAKARMA
S/O R.A. VISHWAKARMA
ADDRESS-MOHALLA-MOTI SAGAR
NEAR PATHIK HOTEL
DISTRICT-BALRAMPUR

221- CHHANGUR RAM
S/O RAM SHANKAR RAM
ADDRESS-VILLAGE-SULTANPUR
POST-JALALABAD
DISTRICT-GHAZIPUR

222-RAJU PRASAD
S/O LT. RAM PRASAD
VILLAGE-PIPRAMISRA
POST-MADHIYA TOLA
DISTRICT-DEORIA

223- ANIL KUMAR
S/O SALEK CHAND
ADDRESS-R-15/47, RAJ NAGAR
GHAZIABAD

224- PRASHANT MITTAL
S/O VIJAY KUMAR
ADDRESS-H.N. 78 DWARIKAPURI
MUZAFFAR NAGAR

225-ARVIND MISRA
S/O LT. JAGDISHWAR MISRA
ADDRESS-OM BHAWAN
HARDOI ROAD, SITAPUR

226- MANISH KUMAR
S/O RAM KISHOR SINGH
ADDRESS-VILLAGE-KURI
POST-SEOHARA
DISTRICT-BIJNOR

227- SANJAY MISHRA
S/O S.N MISHRA
ADDRESS- 7/84/3D TILAKNAGAR
ALLAHPUR ALLAHABAD

228- SMT. MONICA THAKUR
W/O RAJESH KUMAR MANI
ADDRESS- BHAGWAN MANI
VILLAGE- GOVINDPUR
POST- BAITALPUR
DISTRICT-DEORIA

229- SMT. SHABIH ZEHRA
W/O ASIF IQBAL RIZVI
ADDRESS- VILLAGE &POST- BAHARIABAD
DISTRICT- GHAZIPUR

230- SHIKHA PRADHAN
D/O SARVESH KUMAR PRADHAN
ADDRESS- 135A CIVIL LINES RAM NIWAS, BAREILLY

231- SANJAY KUMAR GOND
S/O BHAGWAN PRASAD
ADDRESS- MOH. SIDHARI AZAMGARH

232-DEEP KANT MANI
S/O SHRI PATI
ADDRESS- VILLAGE- LALLAPUR
POST- MANGARI
DISTRICT- VARANASI

233-BRIJENDRA KUMAR PANDEY
S/O R.N PANDEY
ADDRESS- VILLAGE&POST- MATHIYA(SHIVPUR)
DISTRICT- GORAKHPUR

234-GAURAV SHARMA
S/O D.L SHARMA
P.A- MAHAVIR CHOWK
MUZAFFAR NAGAR

235-SMT. NEETU PATHAK
W/O GAURAV SHARMA
ADDRESS- MAHAVIR CHOWK
MUZAFFAR NAGAR

236-SMT DEEPA RAI
W/O RAVINDRA KUMAR
ADDRESS- 34 DEV NAGAR COLONY SECTOR-8,
INDRA NAGAR
LUCKNOW

237-RAVINDRA KUMAR
S/O R.B SINGH
ADDRESS- 34 DEV NAGAR COLONY SECTOR-8,
INDRA NAGAR
LUCKNOW.

238-AJAY KUMAR
S/O PRABHU SINGH
ADDRESS- VILLAGE- KARMU KHERI
POST- SHAMLI
DISTRICT- SHAMLI

239- SMT. PARUL VERMA
W/O AJAY SINGH
ADDRESS- VILLAGE- KARMU KHERI
POST- SHAMLI

DISTRICT- SHAMLI

240- DR. MOHD. ILIYAS
S/O MOHD. YUSUF
ADDRESS- MUGALPURA
PANDAV ROAD, BAGHPAT

241- VISHNU PRASAD AGARWAL
S/O K.P AGARWAL
ADDRESS- D-4/18 MEERGHAT
VARANASI

242- PREM SHANKAR
S/O BINDA PRASAD
ADDRESS-11/13, BHAGVAT KA PURWA
BADAUSA ROAD
ATTARRA, BANDA

243- RANVEER SINGH
S/O VISHWAMBHAR LAL
ADDRESS- H.N. 205-BLOCK-C
SHYAM NAGAR
KANPUR NAGAR

244-GAGAN KUMAR BHARTI
S/O RAMESH CHANDRA BHARTI
ADDRESS- INDRA NAGAR COLONY
ALIGARH ROAD, HATHRAS
DISTRICT-HATHRAS

245-SMT. ROOPALI SAXENA
W/O SAMIR DIXIT
ADDRESS-H.NO.11- SHANTI NAGAR
ETAH.

246-SANJAY KUMAR YADAV
S/O R.B YADAV
ADDRESS- VILLAGE & POST- NAUHARA
DISTRICT-AZAMGARH

247-ANIL KUMAR KHARWAR
S/O KASHI NATH
ADDRESS- VILLAGE. CHANVER

POST- GAIE
DISTRICT-GHAZIPUR

248-VIJAY KUMAR
S/O B.B LABH
ADDRESS- VILLAGE & POST- BAKARI-KESHO
DISTRICT- MUZAFFARPUR (BIHAR)

249-ABAY KRISHNA TIWARI
S/O LT. JAY PRAKASH NARAYAN
TIWARI
ADDRESS- VILLAGE- BELBHARIYA
POST- KARMAHI
DISTRICT-MAHARAJGANJ

250-SMT. SAPNA SHUKLA
W/O ABAY KRISHNA TIWARI
ADDRESS- VILLAGE- BELBHARIYA
POST- KARMAHI
DISTRICT-MAHARAJGANJ

251-ANIL KUMAR SETH
S/O CHANDRA MOHAN SETH
ADDRESS- VILLAGE & POST- LALGANJ
DISTRICT- AZAMGARH

252-AMIT SINGH
S/O J.N SINGH
ADDRESS- 8-NAWAB YOUSUF
ROAD CIVIL LINES
ALLAHABAD

253- SMT. NEETU YADAV
W/O VINIT KUMAR
ADDRESS- VILLAGE & POST-GAGALHERI
DISTRICT-SARAHANPUR

254- SMT. ANKITA SHUKLA
W/O AMOL KUMAR
ADDRESS- 117B- LAL KOTHI
FAIZABAD ROAD
LUCKNOW

255-RAKESH TRIPATHI
S/O RAVIRAM TRIPATHI
ADDRESS- VILLAGE- BARDILA RAURAR
POST- HEMDHAPUR
DISTRICT- GORAKHPUR

256-ABHAI SRIVASTAVA
S/O G.S SRIVASTAVA
ADDRESS- KALYANI BHAWAN
2/2A MINTO ROAD ALLAHABAD

257- SMT. ARTI FAUZDAR
W/O CHANDRA BOSE
ADDRESS- 47/11 RAJPUR ROAD
CIVIL LINES NEW DELHI
PIN-110054

258-UMAKANT JINDAL
S/O BEEDHA RAM
SABORA - WALE
ADDRESS-KATRA-NADBAI
DISRICT-BHARATPUR(RAJASTHAN)

259- DR. REEMA BANSAL
W/O UMAKANT JINDAL
SABORA - WALE
ADDRESS-KATRA-NADBAI
DISRICT-BHARATPUR(RAJASTHAN)

260- RAVIKANT
S/O H.S KUSHWAHA
ADDRESS-VILLAGE &POST-MOHAMMADABAD
DISTRICT-GHAZIPUR

261-DEEPAK YADAV
S/O AJAI SINGH YADAV
ADDRESS-C-1317 INDIRA NAGAR
LUCKNOW

262-TRIBHUWAN NATH PASWAN

S/O R.P PASWAN

ADDRESS-VILLAGE &POST - SAHA

DISTRICT- FATEHPUR

263-SHELLY ROY

D/O D.K ROY

ADDRESS-A-38 KRISHNA APARTMENT

PHASE-2 ASHOK NAGAR

GHAZIABAD

264-SMT.AMRITA SHUKLA

W/O ANAND DWIVEDI

ADDRESS-RAM NAGAR COLONY

LUCKNOW ROAD,

DISTRICT-HARDOI

265-SMT.ASHA RANI SINGH

W/O AMIT PRASAD

ADDRESS-B-3,PRABHAT NIWAS

PRABHAT NAGAR

DISTRICT-MEERUT

266-DEVENDRA NATH SINGH

S/O R.N.SINGH

ADDRESS-VILLAGE JAHANABAD

POST-NAJIBABAD

DISTRICT-BIJNOR.

Versus

1. State of U.P. through Secretary, Karmik Anubhag, Govt. of U.P., Lucknow.
 2. Principal Secretary, Department of Law, Govt. of U.P., Lucknow.
 3. High Court of In the High Court of Judicature at Allahabad at Allahabad, through is Registrar General.
-Respondents

To

The Hon'ble the Chief Justice and His other companion Judges of the aforesaid Court.

The humble application of the applicants, above named, MOST RESPECTFULLY SHOWETH:

1. That full and complete facts of the case have been stated in the accompanying writ petition, which forms a part of the present application also.
2. That on the facts and circumstances so brought on the record, it is expedient in the interest of justice that this Hon'ble court may be pleased to issue an interim mandamus commanding the respondents to allocate to the petitioners their General Provident Fund Account and to make regular monthly deductions from the monthly salary of the petitioners towards General Provident Fund and not to make any deductions under Contributory Pension scheme notified on 28.3.2005; and/or to pass such other and further order as this Hon'ble court may deem fit and proper in the circumstances of the case, during the pendency of the present writ petition otherwise the applicants/petitioners shall suffer an irreparable loss and injury.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble court may be pleased to issue an interim mandamus commanding the respondents to allocate to the petitioners

their General Provident Fund Account and to make regular monthly deductions from the monthly salary of the petitioners towards General Provident Fund and not to make any deductions under Contributory Pension scheme notified on 28.3.2005; and/or to pass such other and further order as this Hon'ble court may deem fit and proper in the circumstances of the case, during the pendency of the present writ petition otherwise the applicants/petitioners shall suffer an irreparable loss and injury.

(V.D. SHUKLA)
ADVOCATE

Ad. Roll No. A/V 0029/2012
Cham. No. 21

(DHARAM PRAKASH MISHRA)
ADVOCATE

Ad. Roll No. A/D-0214/2012
COUNSEL FOR THE APPLICANTS
CHAMBER LIBRARY HALL

Dt. /4/2017.

NOTE:

Shri ASHOK KHARE, Senior Advocate, High Court, Allahabad, has consented to appear and argue the case on behalf of the applicants/petitioners.

(V.D. SHUKLA)
ADVOCATE

Ad. Roll No. A/V 0029/2012
Cham. No. 21

(DHARAM PRAKASH MISHRA)
ADVOCATE

Ad. Roll No. A/D-0214/2012
COUNSEL FOR THE APPLICANTS
CHAMBER LIBRARY HALL

Dt. /4/2017.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

IN

CIVIL MISC. WRIT PETITION NO. _____ OF 2017

(Under Article 226 of the Constitution of India)

DISTRICT: ALLAHABAD

1- SURYA PRAKASH SINGH
S/O PRITHVI RAJ SINGH,
ADDRESS-VILLAGE-BHUPAT PATTI
POST- SHIVAPAR
DISTRICT. JAUNPUR

2- RAKESH KUMAR SINGH
S/O LT. KASHI PRASAD SINGH
ADDRESS-VILLAGE-TAUKALPUR BANAUTA
POST- BURHANA
DISTRICT.- SULTANPUR

3- CHHOTE LAL YADAV,
S/O RAJDEV YADAV,
ADDRESS-VILLAGE- UCHAWADIH,
POST- JAMUNIA
DISTRICT.-JAUNPUR

4- SANJAY. K .LAL,
S/O ITWARI LAL
ADDRESS - C-1313 INDRA NAGAR
LUCKNOW

5-PAWAN KUMAR SHUKLA
S/O R.K.SHUKLA,
ADDRESS- MOH. NEEMGARH,
POST- NAWABGANJ,
DISTRICT- BAREILLY

6-NITISH KUMAR RAI
S/O A.K.RAI
ADDRESS-VILLAGE-HANS NAGAR

SL

POST- HALDI
DISTRICT.- BALLIA

7- KAVITA MISHRA ,
W/O PRAMOD KUMAR MISHRA
ADDRESS.-CASH AND PAY OFFICE,
N.E.RAILWAY GORAKHPUR

8- CHANDRAMANI MISHRA
S/O BANSI DHER MISHRA
ADDRESS- VILLAGE &POST- DIHIYAN
DISTRICT- JAUNPUR

9- SMT NIHARIKA CHAUHAN
D/O- DR. MAUKAM SINGH CHAUHAN
P.A.- M61, JANAKPURI
MARISH ROAD
DISTRICT- ALIGARH

10- GYANENDRA RAO
S/O RAMESH RAO
ADDRESS- VILLAGE- NARAYANPUR
POST- SHITALMAJHA
DISTRICT- DEORIA

11- RAVINDRA KUMAR DWIVEDI
S/O RAMESH KUMAR DWIVEDI
ADDRESS - G-1/53 KALINDIPURAM-2
POST-RAJROOPPUR
DISTRICT- ALLAHABAD

12- NITENDRA KUMAR
S/O SHIV MOHAN SINGH
ADDRESS-VILLAGE &POST- KHANDEHA
DISTRICT- CHITRAKOOT

13- ASHUTOSH KUMAR SINGH
S/O SURENDRA SINGH
ADDRESS-VILLAGE- BARAWA-JUNGLE
POST.- DILIPNAGAR
DISTRICT- KUSHINAGAR AT PADRAUNA

14-ASHISH KUMAR CHAURASIA

S/O HARI SINGH CHAURASIA
ADDRESS- NERSINGHPUR
THANA- TIWARIPUR
DISTRICT- GORAKHPUR

15- MOHAN KUMAR
S/O RAM SARAN
ADDRESS-VILLAGE- PANDEYPAR
POST.- KOUDHIRAM
DISTRICT- GORAKHPUR

16- ARVIND VIKAS
S/O MAM CHANDRA VERMA
ADDRESS-72/194, AGRASEN VIHAR
JOHANSET ROAD
MUZAFFARNAGAR

17- KUNDAN KISHOR
S/O VED RAM
ADDRESS- H.NO. 1243 NAYA KASAMPURA
HAPUR

18- RAKESH KUMAR GAUTAM
S/O OM PRAKASH
ADDRESS- VILLAGE & POST- BADDHAWAJIDPUR
DISTRICT- BULANDSHAHR

19- CHANDRA MOHAN CHATURVEDI
S/O RAM NARESH CHATURVEDI
ADDRESS- VILLAGE & POST- BUDHAKALAN
DISTRICT- SANT KABIRNAGAR

20- AVNISH KUMAR
S/O ASHOK KUMAR
ADDRESS- H.NO. C-19-E
SECTOR-K
ALIGANJ LUCKNOW

21- DINESH PRATAP SINGH
S/O KARUNA SHANKAR SINGH
ADDRESS- VILLAGE- SHAHPUR
POST- LAMBHUA
DISTRICT- SULTANPUR

Jed

22- SATISH KUMAR TRIPATHI
S/O RUDRA DIWAKAR TRIPATHI
ADDRESS- VILLAGE & POST- BARDAHA
DISTRICT- BAHRAICH

23- GYANENDER SINGH YADAV
S/O LT MAHENDRA SINGH
ADDRESS-H.NO.- 20/19 THANE KE SAMNE
MORADNAGAR
GHAZIABAD

24- SMT. MRIDULA MISHRA
W/O A.K. MISHRA
ADDRESS-RAJANI KHAND
SHARDA NAGAR
LUCKNOW

25- KUMAR MAYANK
S/O M.P. JAISAWAL
ADDRESS-11/340 BHAI SAHIYA TOLA CHAURAHA
GANESH GANJ ROAD DISTRICT- MIRZAPUR

26- SUBODH VARSHNEY
S/O HARI SHANKAR GUPTA
ADDRESS-VARSHNEYA HATA
MEHTA PARK ROAD
DISTRICT- ETAH

27- NIRBHAY NARAIN RAI
S/O RAJ NATH RAI
ADDRESS-VILLAGE & POST- RAINI
DISTRICT- MAU

28- SANJAY CHAUDHARY
S/O RANDHIR SINGH CHAHAR
ADDRESS-VILLAGE & POST- ARHERA
DISTRICT- AGRA

29- PRAHALAD SINGH
S/O RAM KUMAR SINGH
ADDRESS-CHEEMA MEDICAL STORE
PUKKA BAGH
NAI ROAD AMROHA

[Handwritten signature]

DISTRICT- J.P. NAGAR

30- VIPIN KUMAR
S/O MADAN LAL
ADDRESS-F-223 SHASTRI NAGAR
DISTRICT- MEERUT

31- SMT. SHIKHA SRIVASTAVA
D/O A.N. SRIVASTAVA
ADDRESS.- H.NO. A-46
VAIDEHI NAGAR
FAIZABAD

32- SMT. RESHMA PRAWEEEN
D/O S.A. CHAUDHARY
ADDRESS- NEW COURT ROAD
ADARSH COLONY
BAGHPAT

33- SMT. SWETA VERMA
D/O ASHOK CHANDRA VERMA
ADDRESS- 114 MAIN SHYAM PARK
SAHIBABAD
DISTRICT- GHAZIABAD

34- SMT. SWAPNA SINGH
W/O AVINASH SINGH
ADDRESS.- SHEKH AIYA PURA
DISTRICT- BAHRAICH

35- RAJAT VERMA
S/O RAVINDRA NATH VERMA
ADDRESS- H.NO. 71, CIVIL LINES
DISTRICT- BADAUN

36- KAVITA NIGAM
D/O LT. RAM SARAN NIGAM
ADDRESS- C-184, NIRALA NAGAR
LUCKNOW

37- SMT. REKHA SINGH
W/O DR. VIJAY KUMAR

ADDRESS- H.NO.- 415, SECTOR-16 AWAS VIKAS
SIKANDRA, AGRA

38- SUSHIL KUMAR
S/O BRHAM SINGH
ADDRESS- VILLAGE- SHAHPUR
POST- TALHERI BUZURG
DISTRICT- SAHARANPUR

39- SUNIL PRASAD
S/O BIRCHAND
VILLAGE & POST- SARAI MOHAN
DISTRICT- AZAMGARH

40- AMIT VEER SINGH
S/O CHANDRA VIR SINGH
ADDRESS- 3A MUNDATE HOUSE
PACHANDA ROAD ADARSH COLONY
MUZAFFARNAGAR

41- DR. ANIL KUMAR SINGH
S/O NAR SINGH PAL SINGH
ADDRESS.- 5/193 C- JAWAHAR NAGAR
BANNA DEVI
DISTRICT- ALIGARH

42- RAJESH NARAYAN MANI TRIPATHI
S/O P.C.M. TRIPATHI
ADDRESS- 87/2 D.K. SARVODAY NAGAR
ALLAH PUR, ALLAHABAD

43- KULDEEP KUMAR
S/O SHRAWAN KUMAR
ADDRESS- 12-F SAKET NAGAR
NEW SHIVPURI COLONY, RUSTAMPUR
GORAKHPUR

44- ANAND PRAKASH
S/O RAMESH CHANDRA UPADHYAY
ADDRESS- ASHOK NAGAR BANSI
DISTRICT- SIDDARTH NAGAR

[Handwritten signature]

45- SHAILENDER SINGH
S/O DHARA SINGH
ADDRESS- 65-A, JHANG APARTMENT
SECTOR-13,ROHINI DELHI-85

46- AUGUST KUMAR TIWARI
S/O SADHU SARAN TIWARI
ADDRESS- VILLAGE &POST- NONAPAR
DISTRICT- DEORIA

47- DHIRENDRA KUMAR SINGH
S/O V.N. SINGH
ADDRESS- 2/146K VISHESH KHAND
GOMTI NAGAR,LUCKNOW

48- ASAD AHMAD HASHMI
S/O A. A. HASHMI
ADDRESS- D-55/1
INDIRA NAGAR COLONY, LUCKNOW.

49- MUKESH KUMAR SINGH
S/O SURYA BHAN SINGH
ADDRESS- CIVIL LINES,SULTANPUR
(OPPOSITE D.I.C. OFFICE,
DISTRICT- SULTANPUR

50- SMT. SHALINI SAGAR
W/O JASWANT SINGH
ADDRESS- E-59 YAMUNAPURAM
BULANDSHAHR

51- SMT. ARCHANA RANI
W/O AMIT KUMAR SINGH
ADDRESS- F.223 SASTRI NAGAR, MEERUT

52- MRIDUL DUBEY
S/O VISHNU DATT DUBEY
ADDRESS- CIVIL LINES,GOPAL CINEMA,
ALWAR (RAJASTHAN)

53- AMIT MALAVIYA
S/O LT. BRAHMA MALAVIYA
ADDRESS-H.N.966,PALTANBAZAR,

SULTANPUR.

54- SMT.SAKSHI SHARMA,
W/O AMIT GUPTA,
ADDRESS-306,GANDHI NAGAR,
FIROZABAD.

55- MOHD. AHMAD KHAN
S/O MOHD.ALI KHAN
ADDRESS-VILLAGE &POST- SARAI BHANAULI BIKAPUR,
DISTRICT- FAIZABAD

56- TABREZ AHMD
S/O ISRAR AHMAD
ADDRESS-VILLAGE &POST-SULTANPUR
KUNARI,DISTRICT- HARIDWAR

57- GYAN PRAKASH SHUKLA
S/O RAM CHHABILA SHUKLA
ADDRESS-VILLAGE-BHATHAHI BUZURG
POST- BHATHAHI KHURD
DISTRICT- KUSHINAGAR

58- KUMAR PRASHANT
S/O SHANTI KUMAR
ADDRESS-H.N. 24, GOMTI NAGAR,
LUCKNOW

59- ABHISHEK SRIVASTAVA
S/O S.C.SRIVASTAVA
ADDRESS- 577-J-GANGA NAGAR
POST- AROGYA MANDIR
DISTRICT-GORAKHPUR

60- SANJAY KUMAR YADAV
S/O RAJ PATI YADAV
ADDRESS- VILLAGE-SONDHIA
POST-KARIAHA
DISTRICT- DEORIA

61- SIYARAM CHAURASIA
S/O RAM KARAN CHAURASIA
ADDRESS-VILLAGE-SITAPUR

POST-PATTI, DISTRICT-PRATAPGARH.

62- SURJAN SINGH
S/O B.P. NIRANJAN
ADDRESS-H.N. 84, RAM NAGAR ORAI
DISTRICT-JALAUN.

63- SANTOSH KUMAR YADAV
S/O LT. J.K.SINGH,
ADDRESS - F-1-B SAROJINI NAGAR
LUCKNOW

64- AVINASH CHANDRA MISHRA
S/O R.N. MISHRA
ADDRESS-VILLAGE-TIWARIPUR
POST- KARNAIPUR
DISTRICT-AMETHI

65- RAM BABOO YADAV
S/O K.N. YADAV
ADDRESS-VILLAGEHARAKHPUR
POST- MAHROUNDA
DISTRICT-ALLAHABAD.

66- SUSHIL KUMAR
S/O LT. HIRALAL
ADDRESS- 376, BANDHUHAR
CIVIL LINES UNNAO

67- MANOJ KUMAR
S/O CHHEDI RAM
ADDRESS-175/1 RAVI NAGAR
MUGHALSARAI
DISTRICT-CHANDAULI

68- SMT. SHAILA
W/O MANOJ KUMAR
ADDRESS-175/1 RAVI NAGAR
MUGHALSARAI
DISTRICT-CHANDAULI

69- HARSH VARDHAN
DR. B.N.GUPTA

ADDRESS-FLAT 104,VASANT ENCLAVE
RAJENDRA NAGAR,
GORAKHPUR.

70-PRAMOD KUMAR GUPTA
S/O VIJAY KUMAR GUPTA
ADDRESS- TAMKUHI ROAD WARD NO.-3
RAJENDRA NAGAR
POST-SEWARHI
DISTRICT-KUSHI NAGAR

71- DR. SATYAWAN SINGH
S/O VIRENDRA SING
ADDRESS-VILLAGE &POST-NAKAIL
DISTRICT-DEORIA

72- PRAVEEN KUMAR PANDEY
S/O B.B. PANDEY
ADDRESS- VILLAGE-POKHARIPUR
POST-RAMPUR
DISTRICT-GHAZIPUR

73- PARVEZ AKHTAR
S/O TAHIR HASAN
ADDRESS- VILLAGE-HERDAKHEDI
POST-PILKHANI
DISTRICT-SAHARANPUR

74- RAKESH VASHISHT
S/O R.C SHARMA
ADDRESS-H.N.31 RAJESHWAR NAGAR FASE-
1,DEHRADUN

75- SMT- APARNA PANDEY
W/O- VINAY SHANKAR PANDEY
ADDRESS- 33/2 STANLEY ROAD
ALLAHABAD

76- KRISHNA KUMAR SINGH
S/O BABU LAL
ADDRESS- 11M.I.G JAIPUR HOUSE
AGRA

77- SMT. CHANCHAL
W/O KRISHNA KUMAR SINGH
ADDRESS- 11 M.I.G JAIPUR HOUSE
AGRA

78- ARUN KUMAR
S/O SATYA PAL SINGH
ADDRESS- VILLAGE AND POST-CHHAPAR
DISTRICT-MUZAFFARNAGAR

79- MOHD. ASLAM SIDDIQUI
S/O MOHD. LAIQUE SIDDIQUI
ADDRESS-425 DEEWAN BAZAR
GORAKHPUR

80-RANJEET KUMAR
S/O- RAM KRISHNA PRASAD SINGH
ADDRESS-NEAR PATEL CHOWK
POST-BALLIA
DISTRICT-BEGUSARAI (BIHAR)

81- AMARJEET
S/O- TEJ PAL SINGH
ADDRESS-2414 DHANCOSIA
CHHARAULI
DISTRICT-BAGPAT

82- SMT. SONICA CHAUDHARY
W/O AMARJEET
ADDRESS-2414 DHANCOSIA
CHHARAULI
DISTRICT-BAGPAT

83- KASHI NATH
S/O GANESH PRASAD
ADDRESS-MOH. LARANITYATOLA
DISTRICT-KATIHAR(BIHAR)

84- RISHI KUMAR
S/O. ATAR SINGH
ADDRESS-A-31 JIGAR COLONY
CIVIL LINES MORADABAD

85- SMT.NUPUR
W/O RISHI KUMAR
ADDRESS-A-31 JIGAR COLONY
CIVIL LINES MORADABAD

86- BHARAT SINGH YADAV
S/O. RAMSANEHI YADAV
ADDRESS-VILLAGE & POST AURANGABAD
DISTRICT-MATHURA

87- SHAKTI SINGH
S/O M.P.SINGH
ADDRESS-M.I.G.-4,
MOTI JHEEL COLONY,
LUCKNOW

88- PRADIP KUMAR RAM
S/O BADRI HARIJAN
ADDRESS- VILLAGE-DUMDUMA
POST-PATTI NARENDRAPUR
DISTRICT-JAUNPUR

89- MUNNA PARASAD
S/O SAKALLOORAM
ADDRESS-VILLAGE-RUKUNPUR
POST-DEVALASHRAM
DISTRICT-MAU

90- NIRAJ GAUTAM
S/O P.K SINGH
ADDRESS- VILLAGE AND POST-CHAKIA
DISTRICT-EAST CHAMPARAN(BIHAR)

91- SUDHAKAR RAI
S/O KAMLA RAI
ADDRESS-VILLAGE-SARFORA
POST- SURAJPUR
DISTRICT-MAU

92- ADITYA CHATURVEDI
S/O P.N CHATURVEDI
ADDRESS- H.N 24- BRIJNAGAR MATHURA
DISTRICT-MATHURA

93- SUBHASH SINGH
S/O- RAM LAKHAN SINGH
ADDRESS-VILLAGE-NAVGARAHI
POST-SAFIPUR
DISTRICT-SULTANPUR

94- MOHD. NASIM
S/O MOHD. YOUNUS
ADDRESS-VILLAGE & POST-ASARA
DISTRICT-BAGHPAT

95- SMT. RENU SINGH
W/O RAHUL ANAND
ADDRESS-MIG-3
PREETAM NAGAR
DISTRICT-ALLAHABAD

96- LOKESH VARUN
S/O KHAZAN SINGH
ADDRESS-C-6/464 YAMUNA VIHAR
DELHI-110053

97- ABISHEK PANDEY
S/O LT. J.N PANDEY
ADDRESS-23/47/156
SHIVNAGAR
ALLAHPUR ALLAHABAD

98- MAHESH KUMAR
S/O ATAR SINGH
ADDRESS-H.N-A526/1,KARTAR NAGAR
BHAJANPURA-DELHI-110053

99- VIKAS GOYAL,
S/O RAJINDER NATH GOYAL
ADDRESS -H.N-2/355,BASSIPATHANA
DISTRICT-FATEHGARH-SAHIB(PUNJAB)

100- RAJESH PARASHER
S/O- N.C PARASHER
ADDRESS-P.A-H.N-230, W.K ROAD
MERRUT

101- RAVISH KUMAR ATTRI
S/O A.L ATTRI
ADDRESS-1/14 SECTOR-A
ALIGANJ, LUCKNOW

102- SMT.PARUL ATTRI
W/O- RAVISH ATTRI
ADDRESS- 1/14 SECTOR-A, ALIGANJ
LUCKNOW.

103- RAMANAND
S/O RAM NIHAOR NISHAD
ADDRESS-VILLAGE&POST-JAGDHISHPUR
(LAHURADEWA)
DISTRICT-SANT KABIRNAGAR

104- ANUTOSH SHARMA
S/O RAJVIR SHARMA
ADDRESS- VILLAGE HULPURA
POST-ANCHRU KALAN
DISTRICT-BULANDSHAHR

105- ATIQUDDIN
S/O LT. TAHARUDDIN
ADDRESS- WARD NO 15, TOWN ALLAPUR
DISTRICT-BADAUN

106- SMT. RICHA JOSHI
W/O AKANSH VARMA
ADDRESS-52-C/1-C/2A MUIR ROAD
RAJAPUR ALLAHABAD
DISTRICT-ALLAHABAD

107- ABID SHAMIM
S/O SHAMIM RAZA
ADDRESS-84/91 RAZA COTTAGE
G.T ROAD ANWARGANJ, KANPUR NAGAR

108- RAJIV MAHESHWARAM
S/O M.P SINGH
ADDRESS- GARDEN GREEN
SAKET VIHAR CIRCULAR ROAD
DISTRICT- DEOGHAR(JHARKHAND)

109- SHAILENDRA VERMA
S/O KALP NATH VERMA
ADDRESS-VILLAGE JAINAPUR
POST-SIKANDARPUR
DISTRICT-AMBEDKAR NAGAR

110- VINEET CHAUDHARY
S/O SHRI BHAGWAN
VILLAGE- KARAHARA
POST-KARAHARA
DISTRICT-AGRA

111- ARUN KUMAR RAI
S/O HANS NATH PANDEY
ADDRESS-AWAS VIKAS COLONY
SHAHPUR
DISTRICT-GORAKHPUR

112- SAROJ KUMAR YADAV
S/O- DODHNATH YADAV
ADDRESS-VILLAGE-LORIKA KHAJURAHAWAN
POST-KHAJURAHAWAN
DISTRICT-JAUNPUR

113- GYANENDRA SINGH
S/O GIRIWAR SINGH
ADDRESS-VILLAGE- JARAHARA
POST- BHANAULI
DISTRICT-BARABANKI

114- ABHIMANYOU SINGH
S/O P.N SINGH
ADDRESS-VILLAGE-HARSINGHPUR
POST-TILTHI, DISTRICT- MIRZAPUR

115- RAM RAJ
S/O MANI RAM
ADDRESS-VILLAGE- DHARMANTAPUR
POST-MERKIYA
DISTRICT-SHRAWASTI

116-RAJBHADUR RAMDEV YADAV
S/O RAMDEV YADAV

ADDEWSS-VILLAGE-SAMHAI RAJPUTANA
POST-LAKSHMAN PATTI (GYANPUR)
DISTRICT-SANT RAVIDAS NAGAR(BHADOHI)

117- DHANANJAY KUMAR MISHRA
S/O R.D MISHRA
ADDRESS-VILLAGE-BHATWALIA
POST-TAMKUHI
DISTRICT-KUSHI NAGAR

118- MOHD. QUAMRUZZAMA KHAN
S/O LT. H.M KHAN
ADDRESS-VILLAGE&POST.GUJWAR
DISTRICT-PRATAPGARH

119- VINOD KUMAR
S/O DEVI DAYAL
ADDRESS- VILLAGE&POST-RAMPUR
DHOBIAHAR
DISTRICT-BAHRAICH

120- VINYA ARYA
S/O KHARGOO LAL ARYA
P.A-G-35-B PATEL NAGAR-3
DISTRICT GHAZIABAD

121- TRIBHUWAN NATH
S/O HIRALAL
ADDRESS- VILLAGE-IAMEEN-LOHARPUR
POST-SHIVPUR-HATABAZAR
DISRICT-GORAKHPUR

122- ARVIND KUMAR GAUTAM
S/O RAM GATI PRASAD
ADDRESS-HUMANYPUR
UTTARI, DISTRICT-AMEDKARNAGAR

123- MOHD.NEYAZ AHMAD ANSARI
S/O MOHD. AKBAR ALI
ADDRESS- VILLAGE&POST- DEWAL
DISTRICT-GHAZIPUR

124- BOQUR SHAMIM RIZVI
S/O SHAMIM RAZA
ADDRESS-84/91 RAZA COTTAGE
G.T ROAD ANWARGANJ

125- MAHESHANAND JHA
S/O LT. B.N.JHA
ADDRESS.-BILASI TOWN
DEOGHAR (JHARKHAND)

126- GUNANDRA PRAKASH
S/O RAM KUMAR
ADDRESS-VILLAGE DHANPALPUR
POST- SIKANDRA
DISTRICT-ALLAHABAD.

127- MOHD. RAFI
SPO BANNEY MIYAN
ADDRESS.-H.70 VIBHAV KHAND
SUN CITY STAR, IZZAT NAGAR
BAREILLY

128- RAVI YADAV
S/O N.K.YADAV
ADDRESS-127/401
U-BLOK NIRALA NAGAR
KANPUR NAGAR.

129- ATUL SINGH
S/O ARUN SINGH
ADDRESS-4/1094A, VIKASH NAGAR
LUCKNOW

130- ABAY PRATAP SINGH
S/O BALBIR SINGH
ADDRESS- H.N. 204 SHRI NAGAR
GITAMARG HAPUR
DISTRICT-HAPUR

131- JAHENDRA PAL SINGH
S/O RAMCHARAN SINGH
ADDRESS-VILLAGE-KORERA,
POST-BISOULI

DISTRICT-BADAUN

132- GOURAV KUMAR
S/O B.N.SINGH
ADDRESS- FLAT-NO.301 SARJOMOTI APARMENT, B/27,
SHRI KRISHNAPURI,PATNA(BIHAR)

133- VINEET KUMAR VASWANI
S/O MADAN PAL SINGH
ADDRESS-VILLAGE-RASULPUR
POST-SEYALI
DISTRICT-BULANDSHAHAR.

134- DR. SHALINI SINGH
D/O DR. RAM SINGH
ADDRESS-H.N. 717 CHHAPATTI
DISTRICT-MAINPURI

135- SITA RAM
S/O RAM CHANDRA
ADDRESS-VILLAGE &POST-JANGETHI
DISTRICT-MEERUT

136- SMT. ALKA BHARTI
W/O SITARAM
ADDRESS-VILLAGE &POST-JANGETHI
DISTRICT-MEERUT

137- ABHINAY KUMAR MISHRA
S/O LT. SAMAT MISHRA
ADDRESS-H.N. 471 ZONE 3D
BIRSHA NAGAR JAMSHEDPUR
DISTRICT-EAST SINGH BHUM(JHARKHAND)

138- RAJEEV KUMAR PALIWAL
S/O UMESH KUMAR PALIWAL
ADDRESS- NEAR HOAMGAURD
OFFICE CIVIL LINE
HOSHANGABAD (M.P.)

139- SHALENDRA KUMAR VERMA
S/O G.N. VERMA
ADDRESS- 47/1 RAJIV JWELLERS

NEAR RAJ PALACE MAU
DISTRICT- MAU

140- RAHUL ANAND
S/O RAM KISHORE
ADDRESS-M.I.G.-3, PREETAM NAGAR,
ALLAHABAD

141- KESHAV GOYAL
S/O DR. J.P. GOYAL
ADDRESS-H.N. 102 STAR HEIGHT APARTMENT
AGRA ROAD, ALIGARH.

142- ALOK DWIVEDI
S/O GORAKH NATH DWIVEDI
ADDRESS-VILLAGE-LALIPUR
POST- KARYAON
DISTRICT- SANT RAVIDAS NAGAR(BHADOHI)

143- OMBIR
S/O GOPI CHAND
ADDRESS-H.N. 26, SHIVPURI
SECTOR-9, NEW VIJAY NAGAR
GHAZIABAD.

144- SUSHIL KUMAR KHARWAR
S/O RAM ADHAR RAM
ADDRESS-VILLAGE-DHARMADIH
POST-NONAHARA
DISTRICT- GHAZIPUR

145- HITENDRA HARI
S/O M.P. GUPTA
ADDRESS-GOLA(SHAH TOLI)
DANAPUR CANTT, PATNA (BIHAR)

146- AMIT KUMAR PRAJAPATI
S/O R.P. PRAJAPATI
ADDRESS-WARD NO. 24,
VISMIL NAGAR
DISTRICT-MAHARAJ GANJ

147-PARSHU RAM
S/O MEWA RAM
ADDRESS-VILLAGE-DUDHAURA
POST- RAMPUR-MANGURDILA
DISTRICT-AMBEDKAR NAGAR

148- VIKASH GUPTA
S/O LT. R.C. GUPTA
ADDRESS- 13 DEV PARK COLONY
BAGPAT ROAD MEERUT

149- SMT. ARCHANA
D/O SHRI KRISHNA PRASAD
ADDRESS-H.N. E.H.-4 FLAT NO. 805
ELDECO UTOPIA NOIDA SECTOR- 93A
DISTRICT- GAUTAM BUDDH NAGAR

150- SMT. NIRMALA
D/O BHIM SEN
ADDRESS-H,N. 547 KA/157,RAHIM NAGAR
MAHA NAGAR, LUCKNOW.

151- SMT.DEEPALI SINGH
W/O ANAND SINGH
ADDRESS-180, CHANDI NIWAS
BADARKA
POST- SADAR
DISTRICT- AZAMGARH.

152- SMT. MAMTA SINGH
W/O AJIT KUMAR SINGH
ADDRESS-RAGHUNANDAN BHAWAN
RATSAR BALLIA

153- SMT. SHABISTAN AQUIL
W/O SHADAB ALI
ADDRESS-15 POCKET-B-SUKHDEV
VIHAR NEW DELHI-25

154- MAHENDRA KUMAR
S/O LT. B.RAM
ADDRESS-B-658 AWAS VIKAS HANSPURAM
KANPUR NAGAR

155- ABHAY PRAKASH NARAIN
S/O B.P.N. SRIVASTAVA
VILLAGE & POSTED-GARWAR
DISTRICT-BALLIA

156- SMT. NIVEDITA ASTHANA
D/O A.K. ASTHANA
ADDRESS-VILLAGE-DEEH JAHANIA
POST- FATEH GANJ
DISTRICT- JAUNPUR

157- NETRAPAL SINGH
S/O RAMESH CHAND
ADDRESS-VILLAGE-UTWARA
POST- SIMRAUTHI(TAPPAL)
DISTRICT-ALIGARH.

158- SHIV KUMAR
S/O DHURRI
ADDRESS-VILLAGE-TEMHA
POST- GAGAHA
DISTRICT-GORAKHPUR

159- HUMAYUN RASHID KHAN
S/O RASHID AHMAD KHAN
ADDRESS-ZAHIR MANZIL
PACHAMBA KAISER GANJ
DISTRICT-BAHRAICH

160- RAMESH CHAND,
S/O RAM LALIT
ADDRESS-VILLAGE & POST-CHHAPRA (EAST)
DISTRICT-SANT KABIR NAGAR

161- PREM PRAKASH
S/O MAHENDRA PRATAP,
ADDRESS--VILLAGE-ALABASPUR
POST-MOKALPUR
DISTRICT-JAUNPUR

162- SIDDHARTH SINGH
S/O LT. P.N.SINGH
ADDRESS -2/17 VINEET KHAND

GOMTI NAGAR, LUCKNOW.

163- RAHUL PRAKASH
S/O C.M. PRASAD
ADDRESS-VILLAGE & POST- MAHULI
DISTRICT-SONBHADRA

164- ANAND PRAKASH SINGH
S/O R.N. SINGH
ADDRESS-VILLAGE-VISHUNPUR
POST-LOHATA
DISTRICT-VARANASI

165- SMT. JYOTSNA SINGH
D/O RANVIR SINGH
ADDRESS-6/3 TEG BAHADUR ROAD
DEHRADOON

166- PALLAVI AGRAWAL
D/O G.S. AGRAWAL
ADDRESS-H.N. 98 SECTOR-4,
JAGRITI VIHAR MEERUT

167- SMT. SANDHYA SRIVASTAVA
W/O KURAL
ADDRESS-270A L.I.G.,
GOVINDPUR ALLAHABAD

168- AZAD SINGH
S/O LT. OM PRAKASH
ADDRESS -RAM GANGA KRISHI FARM
GOKILPUR
VILLAGE-JITOUR,
POST-GAINI
DISTRICT-BAREILLY

169- INDRA PRAKASH
S/O GOPI KRISHNA LAL
ADDRESS-GOLA BAZAR KHALILABAD
DISTRICT-SANT KABIR NAGAR

170- PAWAN KUMAR RAI
S/O RAM NAGINA RAI

ADDRESS-VILLAGE & POST-DHADHANI
TEHSIL-JAMANIA
DISTRICT-GHAZIPUR

171- ASHISH VARMA
S/O A.S. VARMA
ADDRESS-P.A.-H.N. 5- JOGIAPUR
DISTRICT-JAUNPUR

172- SMT. NEHA ANAND
W/O ASHIS VARMA
ADDRESS -H.N. 5- JOGIAPUR
DISTRICT-JAUNPUR

173- CHHAVI ASTHANA
D/O DR. G.M. ASTHANA
ADDRESS-GANGA BHAWAN
NEW CIVIL LINES, NEGHATA ROAD
HARDOI

174- SUBODH BHARTI
S/O MOOL CHAND,
ADDRESS-218/8 JAGRITI VIHAR MEERUT

175- SAIF AHMAD
S/O SATTAR AHMAD SHASTRI
ADDRESS-49-A-SAYEDWARA
GHAZIPUR

176- DIWAKAR DWIVEDI
S/O S.K. DWIVEDI
ADDRESS-L.I.G. 118 VIKAS NAGAR
DISTRICT-GORAKHPUR

177- SARVJEET KUMAR SINGH
S/O MAHANTH SINGH
ADDRESS-VILLAGE-POKHAR BHINDA
POST-JHANGA
DISTRICT-KUSHI NAGAR

178- NAVEEN SINGH
S/O S.N. SINGH
ADDRESS-VILLAGE-CHITVISAO KHURD

POST-CHANDPUR
DISTRICT-BALLIA

179- SANJAY KUMAR
S/O FAKIR CHAND
ADDRESS-VILLAGE-AMARPUR
POST-HASANPUR KALAN
DISTRICT-MEERUT

180- UMESH KUMAR
S/O JAGDISH PRASAD
ADDRESS-CHAMAN SINGH BAGH ROAD
DISTRICT-BALLIA

181- JANARDAN PRASAD YADAV
S/O RAM PALAT YADAV
ADDRESS-VILLAGE-SAFIPUR
POST-KHETASARAI
DISTRICT-JAUNPUR

182- ANIL KUMAR
S/O LT. JAGDISH PRASAD
ADDRESS-VILLAGE-SARDAR NAGAR
POST-SARDAR NAGAR
(MARCHUA)
DISTRICT-GORAKHPUR

183- RADHE MOHAN SRIVASTAVA
S/O SITARAM SRIVASTAVA
ADDRESS-VILLAGE & POST-MUJEHARA
DISTRICT-MIRZAPUR

184- PUSHPENDER SINGH
S/O JAI PAL SINGH
ADDRESS-H.I.G.-16, DEFENCE COLONY
KARGUAN, DISTRICT-JHANSI

185- SANDEEP GUPTA
S/O DAYARAM GUPTA
ADDRESS-37/218C/5A JAYANTIPUR
SULEM SARAI ALLAHABAD

186- SMT. ALPANA SHUKLA
W/O SANDEEP GUPTA
ADDRESS-37/218C/5A JAYANTIPUR
SULEM SARAI ALLAHABAD

187- SMT. KANCHAN
W/O SANJAY KUMAR
ADDRESS-6/23, CIVIL LINES UNNAO
DISTRICT-UNNAO

188- SUNIL SINGH
S/O KRIPAL SINGH
ADDRESS-VILLAGE-LAHARA MAHUAN
POST-DHARAU
DISTRICT-MAINPURI

189- PRAKASH TIWARI
S/O A.N. TIWARI
ADDRESS-VILLAGE & POST-VISHUNPURA
DISTRICT-AZAMGARH

190- SMT. NISHA SINGH
W/O DIGVIJAY SINGH
ADDRESS-VILLAGE-BARNAI
POST-BAITALPUR
DISTRICT-DEORIA

191- RAKESH PATEL
S/O BECHAI DAS
ADDRESS-VILLAGE-KARAILA AJGARHA
POST-VANRSIA KHURD
DISTRICT-MAHARAJ GANJ

192- RAM LAL
S/O SHIV SAMPAT
ADDRESS-VILLAGE-PIPRAHIGH
POST-NOORPUR
DISTRICT-KAUSHAMBI

193- OMVIR SINGH
S/O BHUDEO SINGH
ADDRESS-H.N.-7, LANE NO.-17
SUBHASH NAGAR

GANDHI COLONY,
DISTRICT-MUZAFFAR NAGAR

194- MANOJ KUMAR SINGH
S/O LT. MOTILAL
ADDRESS-282/ A.T.B. COLONY
TELIARGANJ
ALLAHABAD

195- NISHA SRIVASTAVA
D/O LT. RAM LAKHAN SRIVASTAVA
ADDRESS-VILLAGE-PARASI (PADMABHAWAN)
POST-KAKARI-BINA ROAD
DISTRICT-SONEBHADRA,

196- PRAN VIJAY SINGH
S/O S.N.SINGH
ADDRESS-VILLAGE & POST-KAITHI
DISTRICT-VARANASI

197- AMIT KUMAR PANDEY
S/O LT. VISHWANATH PANDEY
ADDRESS-MALVIA NAGAR
DISTRICT-GONDA

198- TALEWAR SINGH
S/O PRABHU SINGH
ADDRESS-VILLAGE-MUSTFABAD-DADUA
POST-SHIKARPUR
DISTRICT-BULAND SHAHAR

199- ANU SAXENA
D/O D.P. SAXENA
ADDRESS-ANUBHAV COTTAGE
LANE-1, NEAR A.M.U. CAMPUS, ALIGARH.

200- SMT. MONA PAWAR
W/O SHARAD SINGH
ADDRESS-H.I.G., C-1
SANJAY NAGAR, GHAZIABAD

201- BIRENDRA KUMAR
S/O B.N.RAM
ADDRESS-VILLAGE &POST-UCHERA
DISTRICT-BALLIA

202- HARI PRASAD
S/O TAKE LAL
ADDRESS-VILLAGE &POST-BEHANDAR KHURD
DISTRICT-HARDOI

203- RAKESH KUMAR SINGH
S/O JAGDISH BAHADUR SINGH
ADDRESS-VILLAGE &POST-KHIDIRPUR KARAUNDI
DISTRICT-RAI BARELI

204- KRISHNA KUMAR
S/O KAMTA BHAKTA
ADDRESS-VILLAGE SALEMPUR MAHADEVA,POST-SIWAN
DISTRICT-SIWAN (BIHAR)

205- ANIL KUMAR
S/O RAMA SHANKER
ADDRESS-VILLAGE-RUSTAMPUR
POST-ASHAPUR
DISTRICT-VARANASI

206- DINESH KUMAR CHAURASIA
S/O RAMAYAN PRASAD CHAURASIA
ADDRESS-16/61,RAGHAV NAGAR,
DISTRICT-DEORIA

207- TARUN SINGH
S/O INDRA PAL SINGH
ADDRESS-H.N. 491,NEAR SHIV MANDIR
NAI BASTI BIJNOR
DISTRICT BIJNOR

208- GOPAL TIWARI
S/O R.S. TIWARI
P.A.-128/76,H-1,KIDWAI NAGAR
KANPUR NAGAR

209- VIJAY KUMAR VERMA
S/O B.L. VERMA
ADDRESS-VILLAGE DINDASPUR
POST-JANSA
DISTRICT-VARANASI

210- ARUN KUMAR
S/O JHAGGAR SINGH
ADDRESS-116-B,SAKET
DISTRICT-MEERUT

211- JITENDRA SINGH
S/O LT. DHARAM SINGH
ADDRESS-3/355,KOTHI YAT
D.M.COLONY BULANDSHAHAHAR

212- BALKRISHNA N.RANJAN
S/O P.N. SINGH
ADDRESS-VILLAGE &POST-GAIRWAH
DISTRICT-JAUNPUR

213- VIKAS NAGAR
S/O SL. NAFAR
ADDRESS-214-GUMASHTA NAGAR
INDORE.
DISTRICT-INDORE(M.P.)

214- PAWAN KUMAR SRIVASTAVA
S/O R.K. SRIVASTAVA
ADDRESS-VISHWANATH PURI
COLONY HYDERABAD GATE
POST-SUSUWAHI VARANASI

215- SANTOSH KUMAR YADAV
S/O RAM MURAT YADAV
ADDRESS-VILLAGE-MUREEDPUR
POST-BADLAPUR
DISTRICT-JAUNPUR

216- SMT. SANDEEPA YADAV
W/O SANTOSH KUMAR YADAV
ADDRESS-VILLAGE-MUREEDPUR
POST-BADALAPUR

DISTRICT-JAUNPUR

217- YAJNESH CHANDRA PANDEY
S/O S.C.PANDEY
ADDRESS-141/222 RAIDOPUR
AZAMGARH

218- IFRAQUE AHMAD
S/O LT. SHAUKAT ALI
ADDRESS-VILLAGE-DARIYABAD
POST-DUDHARA
DISTRICT-SANT KABIR NAGAR

219- SMT. PRATIBHA NARAYAN
W/O VIVEK KUMAR
ADDRESS-H.N.,J-105
SOUTH CITY LUCKNOW

220- VIVEKANAND VISHWAKARMA
S/O R.A. VISHWAKARMA
ADDRESS-MOHALLA-MOTI SAGAR
NEAR PATHIK HOTEL
DISTRICT-BALRAMPUR

221- CHHANGUR RAM
S/O RAM SHANKAR RAM
ADDRESS-VILLAGE-SULTANPUR
POST-JALALABAD
DISTRICT-GHAZIPUR

222- RAJU PRASAD
S/O LT. RAM PRASAD
VILLAGE-PIPRAMISRA
POST-MADHIYA TOLA
DISTRICT-DEORIA

223- ANIL KUMAR
S/O SALEK CHAND
ADDRESS-R-15/47, RAJ NAGAR
GHAZIABAD

- 224- PRASHANT MITTAL
S/O VIJAY KUMAR
ADDRESS-H.N. 78 DWARIKAPURI
MUZAFFAR NAGAR
- 225-ARVIND MISRA
S/O LT. JAGDISHWAR MISRA
ADDRESS-OM BHAWAN
HARDOI ROAD, SITAPUR
- 226- MANISH KUMAR
S/O RAM KISHOR SINGH
ADDRESS-VILLAGE-KURI
POST-SEOHARA
DISTRICT-BIJNOR
- 227- SANJAY MISHRA
S/O S.N MISHRA
ADDRESS- 7/84/3D TILAKNAGAR
ALLAHPUR ALLAHABAD
- 228- SMT. MONICA THAKUR
W/O RAJESH KUMAR MANI
ADDRESS- BHAGWAN MANI
VILLAGE- GOVINDPUR
POST- BAITALPUR
DISTRICT-DEORIA
- 229- SMT. SHABIH ZEHRA
W/O ASIF IQBAL RIZVI
ADDRESS- VILLAGE &POST- BAHARIABAD
DISTRICT- GHAZIPUR
- 230- SHIKHA PRADHAN
D/O SARVESH KUMAR PRADHAN
ADDRESS- 135A CIVIL LINES RAM NIWAS, BAREILLY
- 231- SANJAY KUMAR GOND
S/O BHAGWAN PRASAD
ADDRESS- MOH. SIDHARI AZAMGARH

232-DEEP KANT MANI
S/O SHRI PATI
ADDRESS- VILLAGE- LALLAPUR
POST- MANGARI
DISTRICT- VARANASI

233-BRIJENDRA KUMAR PANDEY
S/O R.N PANDEY
ADDRESS- VILLAGE&POST- MATHIYA(SHIVPUR)
DISTRICT- GORAKHPUR

234-GAURAV SHARMA
S/O D.L SHARMA
P.A- MAHAVIR CHOWK
MUZAFFAR NAGAR

235-SMT. NEETU PATHAK
W/O GAURAV SHARMA
ADDRESS- MAHAVIR CHOWK
MUZAFFAR NAGAR

236-SMT DEEPA RAI
W/O RAVINDRA KUMAR
ADDRESS- 34 DEV NAGAR COLONY SECTOR-8,
INDRA NAGAR
LUCKNOW

237-RAVINDRA KUMAR
S/O R.B SINGH
ADDRESS- 34 DEV NAGAR COLONY SECTOR-8,
INDRA NAGAR
LUCKNOW.

238-AJAY KUMAR
S/O PRABHU SINGH
ADDRESS- VILLAGE- KARMU KHERI
POST- SHAMLI
DISTRICT- SHAMLI

239- SMT. PARUL VERMA
W/O AJAY SINGH
ADDRESS- VILLAGE- KARMU KHERI
POST- SHAMLI

DISTRICT- SHAMLI

240- DR. MOHD. ILIYAS
S/O MOHD. YUSUF
ADDRESS- MUGALPURA
PANDAV ROAD, BAGHPAT

241- VISHNU PRASAD AGARWAL
S/O K.P AGARWAL
ADDRESS- D-4/18 MEERGHAT
VARANASI

242- PREM SHANKAR
S/O BINDA PRASAD
ADDRESS-11/13, BHAGVAT KA PURWA
BADAUSA ROAD
ATTARRA, BANDA

243- RANVEER SINGH
S/O VISHWAMBHAR LAL
ADDRESS- H.N. 205-BLOCK-C
SHYAM NAGAR
KANPUR NAGAR

244- GAGAN KUMAR BHARTI
S/O RAMESH CHANDRA BHARTI
ADDRESS- INDRA NAGAR COLONY
ALIGARH ROAD, HATHRAS
DISTRICT-HATHRAS

245- SMT. ROOPALI SAXENA
W/O SAMIR DIXIT
ADDRESS- H.NO.11- SHANTI NAGAR
ETAH.

246- SANJAY KUMAR YADAV
S/O R.B YADAV
ADDRESS- VILLAGE & POST- NAUHARA
DISTRICT-AZAMGARH

247- ANIL KUMAR KHARWAR
S/O KASHI NATH
ADDRESS- VILLAGE. CHANVER

POST- GAIE
DISTRICT-GHAZIPUR

248-VIJAY KUMAR
S/O B.B LABH
ADDRESS- VILLAGE &POST- BAKARI-KESHO
DISTRICT- MUZAFFARPUR (BIHAR)

249-ABAY KRISHNA TIWARI
S/O LT. JAY PRAKASH NARAYAN
TIWARI
ADDRESS- VILLAGE- BELBHARIYA
POST- KARMAHI
DISTRICT-MAHARAJGANJ

250-SMT. SAPNA SHUKLA
W/O ABAY KRISHNA TIWARI
ADDRESS- VILLAGE- BELBHARIYA
POST- KARMAHI
DISTRICT-MAHARAJGANJ

251-ANIL KUMAR SETH
S/O CHANDRA MOHAN SETH
ADDRESS- VILLAGE &POST- LALGANJ
DISTRICT- AZAMGARH

252-AMIT SINGH
S/O J.N SINGH
ADDRESS- 8-NAWAB YOUSUF
ROAD CIVIL LINES
ALLAHABAD

253- SMT. NEETU YADAV
W/O VINIT KUMAR
ADDRESS- VILLAGE &POST-GAGALHERI
DISTRICT-SARAHANPUR

254- SMT.ANKITA SHUKLA
W/O AMOL KUMAR
ADDRESS- 117B- LAL KOTHI
FAIZABAD ROAD
LUCKNOW

255-RAKESH TRIPATHI
S/O RAVIRAM TRIPATHI
ADDRESS- VILLAGE- BARDILA RAURAR
POST- HEMDHAPUR
DISTRICT- GORAKHPUR

256-ABHAI SRIVASTAVA
S/O G.S SRIVASTAVA
ADDRESS- KALYANI BHAWAN
2/2A MINTO ROAD ALLAHABAD

257- SMT. ARTI FAUZDAR
W/O CHANDRA BOSE
ADDRESS- 47/11 RAJPUR ROAD
CIVIL LINES NEW DELHI
PIN-110054

258-UMAKANT JINDAL
S/O BEEDHA RAM
SABORA - WALE
ADDRESS-KATRA-NADBAI
DISRICT-BHARATPUR(RAJASTHAN)

259- DR. REEMA BANSAL
W/O UMAKANT JINDAL
SABORA - WALE
ADDRESS-KATRA-NADBAI
DISRICT-BHARATPUR(RAJASTHAN)

260- RAVIKANT
S/O H.S KUSHWAHA
ADDRESS-VILLAGE & POST-MOHAMMADABAD
DISTRICT-GHAZIPUR

261-DEEPAK YADAV
S/O AJAI SINGH YADAV
ADDRESS-C-1317 INDIRA NAGAR
LUCKNOW

262-TRIBHUWAN NATH PASWAN

S/O R.P PASWAN

ADDRESS-VILLAGE &POST - SAHA

DISTRICT- FATEHPUR

263-SHELLY ROY

D/O D.K ROY

ADDRESS-A-38 KRISHNA APARTMENT

PHASE-2 ASHOK NAGAR

GHAZIABAD

264-SMT.AMRITA SHUKLA

W/O ANAND DWIVEDI

ADDRESS-RAM NAGAR COLONY

LUCKNOW ROAD,

DISTRICT-HARDOI

265-SMT.ASHA RANI SINGH

W/O AMIT PRASAD

ADDRESS-B-3,PRABHAT NIWAS

PRABHAT NAGAR

DISTRICT-MEERUT

266-DEVENDRA NATH SINGH

S/O R.N.SINGH

ADDRESS-VILLAGE JAHANABAD

POST-NAJIBABAD

DISTRICT-BIJNOR.

Versus

1. State of U.P. through Secretary, Karmik Anubhag, Govt. of U.P., Lucknow.
 2. Principal Secretary, Department of Law, Govt. of U.P., Lucknow.
 3. High Court of In the High Court of Judicature at Allahabad at Allahabad, through is Registrar General.
-Respondents

To

The Hon'ble the Chief Justice and His other companion Judges of the aforesaid Court.

The humble petition of the petitioners, above named, MOST RESPECTFULLY SHOWETH:

1. That this is the first writ petition being filed by the petitioners pertaining to the cause of action involved in the present writ petition. No other earlier writ petition on the same set of facts and grounds has been filed by the petitioners either before this Hon'ble court or any other court.
2. That the petitioners have not been served with any Caveat application for opposing the writ petition.
3. That the Public Service Commission, U.P., issued an Advertisement bearing No.A-2/E-1/2003 notifying the U.P. Judicial Service Civil Judge (Junior Division) Preliminary Examination-2003 published in the newspaper "Employment News" dated 22-28th November, 2003. The relevant extract of Advertisement No.A-2/E-1/2003 is being filed and marked as **ANNEXURE NO.1** to this petition.
4. That by means of the aforesaid advertisement applications were invited for filling up 347 posts of civil Judge (Junior Division) in the State.
5. That all the petitioners being fully qualified/eligible also applied in pursuance to the said advertisement. The

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preliminary examination was held in the month of March, 2004 in which all the petitioners participated. In the result of the preliminary examination declared by the respondents the petitioners were shown as having qualified the same.

6. That the Main's written examination was conducted on 5.10.2004 and 7.10.2004 in which all the petitioners participated. In the result of the main's written examination, the petitioners were declared as having qualified the main's written examination.

7. That the interviews were held in April, 2005 in which all the petitioners participated. The final result was published by the Public Service Commission, U.P., in the newspaper dated 2.5.2005, the relevant extract of which is being filed and marked as **ANNEXURE NO.2** to this petition.

8. That it subsequently transpired that one of the Hon'ble Judges nominated by the Chief Justice for participating as a Member of the interview committee before the Public Service Commission in terms of Rule 20(2) of U.P. Judicial Service Rules 2001. After conclusion of the interview the learned Judge sent a communication dated 26.4.2005 to the Public Service Commission, U.P., raising objection against such candidates having been treated to be eligible who were within permissible age limits on 1.7.2001 and 1.7.2002, as according to the said learned Judge consideration ought to have been limited to candidates who were within the permissible age limit as on 1.7.2004 alone.

9. That on the basis of the objection so taken, the Public Service Commission, U.P., at a meeting held on 30.4.2005 and 1.5.2005 took a decision holding that all such candidates who were beyond the permissible age limit as on 1.7.2004 were to be treated as over age and their candidature cancelled. It was on the basis of the said decision that the final result was published on 1.5.2005 by the Public Service



Commission, U.P., and thereafter published in the newspaper dated 2.5.2005.

10. That as a consequence of the aforesaid decision of the Public Service Commission, a large number of candidates who had earlier been treated to be within permissible age limit by the Public Service Commission were treated as having become over age, their candidature cancelled and their names not included in the final select list despite their having higher marks than the candidates finally shown to be selected.

11. That the result dated 1.5.2005, as published in the newspapers dated 2.5.2005, was the subject matter of challenge before this Hon'ble court by means of a large number of writ petitions out of which leading writ petition was numbered as Writ Petition No.40058 of 2005 (Dinesh Pratap Singh & ors. Vs. State of UP & ors.). The aforesaid writ petitions were finally decided by a Division Bench of this Hon'ble court by judgment dated 21.10.2005. a true copy of the judgment dated 21.10.2005 passed by a Division Bench in Writ Petition No.40058 of 2005 is being filed and marked as **ANNEXURE NO.3** to this petition.

12. That by means of the aforesaid judgment a direction was issued to the Public Service commission to revise its recommendation in the light of the finding recorded by the Division Bench and to finalise the same within a period of 4 weeks.

13. That against the judgment dated 21.10.2005 passed in Writ Petition No.40058 of 2005 and other connected writ petitions, a large number of Special Leave Petitions were filed before the Supreme Court. The said SLPs were decided by the Supreme Court by judgment dated 3.4.2006 in the case of Malik Mazhar Sultan vs. UP Public Service Commission & others. The aforesaid judgment of the Supreme Court is



reported in 2006(9) SCC 507, the relevant extract of which is being filed and marked as **ANNEXURE NO.4** to this petition.

14. That it is only thereafter that the result of the aforesaid selection, as revised in pursuance to the observation of the Supreme Court judgment, was published in the newspaper by the Public Service Commission, U.P., in April, 2006, the relevant extract of which is being filed and marked as **ANNEXURE NO.5** to this petition.

15. That based upon the aforesaid result, the State Government by order dated 26.4.2006 issued directions for the medical examination of the selected candidates to be completed within a period of one week and the selected candidates be granted appointments within a period of one month. a true copy of the Govt. Order dated 26.4.2006 is being filed and marked as **ANNEXURE NO.6** to this petition.

16. That in pursuance to the aforesaid result, appointment orders were issued on 26.5.2006. A true copy of one such appointment orders dated 26.5.2006 is being filed and marked as **ANNEXURE NO.7** to this petition.

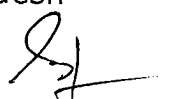
17. That in pursuance to the aforesaid appointment orders, all the petitioners stood appointed as Civil Judge (Junior Division). Each of the petitioners forthwith joined at the place of their posting on different dates in the month of June, 2006 itself. It is, however, necessary to state that the date of joining of some of the petitioners is subsequent to the year 2006 but the said individual date of joining of the individual petitioners is not relevant to the controversy involved in the present writ petition.

18. That the petitioners are presently posted as Civil Judge (Senior Division) or Chief Judicial Magistrate or Additional Chief Judicial Magistrate in different districts of the State.

19. That a perusal of the aforesaid facts would demonstrate that the entire selection proceedings are on the basis of a

requisition of the year 2003 in pursuance to which the advertisement was issued by the Public Service Commission, U.P. on 22.11.2003.

- 20.** That during the course of the proceedings of interview, wholly unwarranted objections were taken by the Hon'ble Judge nominated by the Chief Justice to participate in the proceedings of interview with regard to the computation of date for purposes of eligibility in terms of age limit. On the basis of the objections so taken, the Public Service Commission, U.P., proceeded to cancel the candidature of a large number of cards as being over age leading to litigation both before this Hon'ble court as also the Supreme Court.
- 21.** That it is only on account of such objection and the ensuing litigation that the appointment orders were issued to the petitioners in the month of May, 2006 with petitioners joining either in June, 2006 or thereafter.
- 22.** That at the time of initiation of the selection proceedings the post of civil Judge (Junior Division) was a pensionable post and covered by the Pension Scheme of the State Government then operating.
- 23.** That during the intervening period the State Government issued a notification dated 28.3.2005 notifying a New Pension Scheme, a true copy of which is being filed and marked as **ANNEXURE NO.8** to this petition.
- 24.** That by means of a notification dated 7.4.2005, the U.P. Retirement Benefits (Amendment) Rules 2005 were notified whereby sub-clause (2) was added to rule 2 of 1961 rules providing that nothing in the said rules would be applicable to persons entering service subsequent to 1.4.2005. A true copy of the notification dated 7.4.2005 is being filed and marked as **ANNEXURE NO.9** to this petition.
- 25.** That on 7.4.2005 itself another notification was issued notifying the General Provident Fund Uttar Pradesh



(Amendment) Rules 2005, a true copy of which is being filed and marked as **ANNEXURE NO.10** to this petition, whereby a proviso was added to rule 4 thereof by providing that no govt. servant entering service on or after April 01, 2005 shall subscribe to the Fund.

26. That on 14.8.2008, the State Government issued an office order notifying the New Pension Scheme which was to be applicable to persons joining service on or subsequent to 1.4.2005. A true copy of the office order issued by State Government on 14.8.2008 is being filed and marked as **ANNEXURE NO.11** to this petition.

27. That according to the respondents, the actual date of appointment of the petitioners being subsequent to 1.4.2005, the petitioners are covered by the New Pension Scheme notified by the State Government by office order dated 14.8.2008 and are not covered by the original Pension Scheme or General Provident Fund.

28. That it is on account of the aforesaid that none of the petitioners have been allotted their Provident Fund Account Number nor any deductions are being made from the monthly salary of the petitioners towards the General Provident Fund.

29. That the Subordinate Judicial Service cannot strictly be treated as a part of service of the State governed by the provisions of 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 services discharging administrative work under the control of the State Executive.

30. 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 High Court.

31. That to the best information of the petitioners there does not exist either any consultation with the High Court or approval of the High Court with regard to implementation of the New Pension Scheme pertaining to members of the Subordinate Judicial Service appointed subsequent to 1.4.2005.

32. That the status of Judicial Service and the power exercisable by the High Court came up for consideration before the Supreme Court in the case reported in 1992(1) SCC 119 (All India Judges Association vs. Union of India & others), the relevant extract of which is being filed and marked as **ANNEXURE NO.12** to this petition. The several directions issued by the said judgment were thereafter subject matter of review petition filed by the Union of India and several States of the country and was numbered as Review Petition No.249 of 1992 connected with several other review petitions. such review petitions were decided by the Supreme Court by judgment dated 24.8.1993, reported in 1993(4) SCC 288, the relevant extract of which is being filed and marked as **ANNEXURE NO.13** to this petition.

33. That a perusal of paras 7,8 & 9 of the aforesaid judgment would demonstrate the difference in status and character highlighted by the Supreme Court with regard to members of Subordinate Judicial Service or in other service in the State.

34. That in para 36 of the aforesaid judgment, the Supreme Court specifically proceeded to hold that on account of nature of work of Subordinate Judicial Service, the work of prescribing the service conditions for the Judicial Officers were required to be entrusted to a separate Pay Commission exclusively set-up for the said purpose.



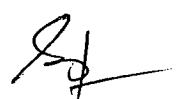
35. That in pursuance to the aforesaid directions given by the Supreme Court, the Govt. of India by resolution dated 21.3.96 constituted the First National Judicial Pay Commission under the Chairmanship of Mr. Justice K.J. Shetty, commonly referred to as 'Shetty Commission'.

36. That the Shetty commission submitted a preliminary report dated 31.1.98 followed by its final report dated 11.11.99. Towards implementation of the recommendations of the Shetty Commission from time to time further directions have been issued by the Supreme Court. One such judgment is dated 21.3.2002 reported in 2002(4) SCC 247, the relevant extract of which is being filed and marked as **ANNEXURE NO.14** to this petition.

37. That attention is also drawn to an order of the Supreme Court dated 8.4.2004 reported in 2004(12) SCC 444 whereby the Govt. Order dated 4.2.2004 issued by Govt. of Karnataka in regard to payment of pension to retired Judicial Officers was taken on record with further suggestion that the same model be adopted by other States. The relevant extract of the order dated 8.4.2004 reported in 2004(12) SCC 444 is being filed and marked as **ANNEXURE NO.15** to this petition.

38. That the petitioners further bring on record an order of the Supreme Court dated 25.4.2005 reported in 2006(12) SCC 187, which specifically takes into account the fact that State of U.P.O. had not complied with the recommendations of the Shetty Commission in so far as pensionary benefits were concerned on account of which the counsel for State of LUP sought time to fully comply with the said directions on or before 30.6.2005. The relevant extract of the order dated 25.4.2005, reported in 2006(12) SCC 187 is being filed and marked as **ANNEXURE NO.16** to this petition.

39. 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 High Court on the administrative side.

40. That the New Pension Scheme enforced with effect from 1.4.2005 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 High Court has been consulted in this regard nor approval accorded by the High Court.

41. That even otherwise a perusal of the details of the New Pension Scheme will demonstrate that the same is largely discriminatory and causes prejudice to the member of the service.

42. That the New Pension Scheme adopted by the State Government with effect from 1.4.2005 in pursuance to a decision of Ministry of Finance, Govt. of India dated 23.8.2003 approving a restructured Contributory Pension System for new entrants to the Central Government Services.

43. That the New Pension Scheme adopted by State of U.P. provides that it shall be a Two Tier Scheme. Tier-I would be a Pension Account with no permissible withdrawals and Tier-II would be a withdrawable Savings Account to meet financial contingencies; whereas contributions are mandatory both from the employee and the State Govt. to Tier-I, tier-II has been made optional and even otherwise does not envisage any contribution from the side of the Government.

44. That the New Pension Scheme further provides that the Government Servants will have to make a contribution of 10%



of their basic pay plus dearness allowance which will be deducted from the salary every month and equal contribution will be made by the Government. Tier-I contribution and the investment returns will be kept in a non-withdrawable pension Tier-I account. The Government Servant can exit at the age of retirement from Tier-I of the scheme. At the exit from Tier-I the individual has to mandatorily invest 40% of pension wealth to purchase an annuity from a recognized Insurance Company which will provide pension for the life time of the employee and his dependant parents and his spouse at the time of retirement.

45. That the entire Tier-I contributions shall be managed through fund managers and the contributions will be invested through fund managers.

46. That it is important to mention here that with the adoption of the New Pension Scheme 2005 by the State of U.P. the General Provident Fund (Uttar Pradesh) Rules 1985 are no more applicable to the State Government Employees with effect from 1.4.2005.

47. That a perusal of the New Pension Scheme 2005 reveals that the State Government employees are required to mandatorily contribute 10% of their basic pay and dearness allowance to the Pension Account and an equal contribution will be made by the State Government and is invested in the equity market which is entirely based on market speculation with a touch of uncertainty. The recent experience from the global financial crisis, has, however, shown that despite the variety of instruments and the sophistication of the markets, they may not remain immune to crisis and the regulatory oversight is poor.

48. That the New Pension Scheme 2005 provides that the money invested by the subscriber is to be invested in Government securities, Mutual Fund Scheme etc. The New



Pension Scheme 2005 does not claim that the investment is done after market research and during financial crunch there is every chance that the subscriber may suffer losses at that juncture of his age when financial stability would be his necessity.

49. That a perusal of the New Pension Scheme would demonstrate that it does not specifically mention about its applicability upon members of the Subordinate Judicial Service.

50. That the maturity amount at the time of exist from Tier-I under the New Pension Scheme would depend on Net Asset Value which were subject to market risks and fluctuations thereby introducing uncertainty at the end of the career which is otherwise secure.

51. That even otherwise the New Pension Scheme enforced with effect from 1.4.2005 has no applicability to the petitioners who have been selected for appointment in pursuance to the Advertisement No.A-2/E-1/2003 dated 22-28.11.2003.

52. That all the petitioners were selected at a point of time when Old Pension Scheme was applicable. The conditions of service of the petitioners would be governed by the conditions of service as existing at the time of the initiation of the selection proceedings.

53. That at the time of initiation of the proceedings for recruitment, it is only the Old Pension Scheme which existed and the benefits thereof cannot e denied to the petitioners.

54. That whatever time lag came into existence in the actual appointment of the petitioners is a time lag on account of misconceived objections raised by a learned Single Judge at the time of holding interview which led to protracted litigation before the High Court and the Supreme Court, as has been

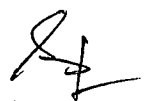


fully detailed above. But for the aforesaid delay all the petitioners would have been appointed prior to 1.4.2005.

55. That the petitioners bring on record the under noted judgments in support of their case:

- (i) Judgment dated 18.2.2014 passed in Writ No.1588(SS) of 2013 (Devendra Prasad & ors. Vs. State of Uttarakhand & ors.), a true copy of which is being filed and marked as **ANNEXURE NO.17** to this petition.
- (ii) Judgment dated 20.6.2014 passed by the Division Bench in Special Appeal No.330 of 2013 (State of Uttarakhand & ors. vs. Balwant Singh & ors.), a true copy of which is being filed and marked as **ANNEXURE NO.18** to this petition.
- (iii) Judgment dated 17.6.2013 passed in Writ No.1170(SS) of 2010 (Ashutosh Joshi & ors. vs. State of Uttarakhand & ors.), a true copy of which is being filed and marked as **ANNEXURE NO.19** to this petition.
- (iv) Judgment dated 18.4.2013 passed in Service Single No.4926 of 2012 (Triloki Prasad & ors. vs. State of UP & ors.), a true copy of which is being filed and marked as **ANNEXURE NO.20** to this petition.
- (v) Judgment dated 18.1.2012 passed by Mumbai High court in Writ Petition No.3162 of 2001 (Abdul Mannan vs. Union of India & ors.), a true copy of which is being filed and marked as **ANNEXURE NO.21** to this petition.

56. That the issue of wrongful enforcement New Pension Scheme with regard to members of the Subordinate Judicial Service in State of U.P. was agitated before the Supreme Court by means of an Intervention Application in Writ Petition(Civil) No.1022 of 1989 (All India Judges Association & ors. Vs. Union of India & ors.). By judgment dated 28.1.14 the Supreme Court declined to entertain Intervention application leaving it open for the writ court to be approached for redressal of their grievance. For convenience, the order passed by the Supreme Court on 28.1.14 on Intervention application No.315 is quoted below:-



IA No.315

Following prayer is made in this I.A.....

"Pleased to issue direction that the notification by Govt. of U.P. published in U.P. Gazette dated 28th March, 2005 of New Pension Scheme annexed as (AnnexureP-1) as no application so far as the members of the District Judiciary in State of U.P., came to be appointed subsequent to 1.4.2005 and further direct the Govt. of U.P. to continue the Old Pension Scheme with respect to the applicants/Judicial Officers.

In our considered view, the aforesaid prayer cannot be granted. Therefore, we decline to entertain this application. IA No.315 is dismissed accordingly. However, we permit the applicants to approach the writ court for redressal of their grievance."

57. That in view of the aforesaid facts and circumstances, it is expedient in the interest of justice that this Hon'ble court may be pleased to issue an interim mandamus commanding the respondents to allocate to the petitioners their General Provident Fund Account and to make regular monthly deductions from the monthly salary of the petitioners towards General Provident Fund and not to make any deductions under Contributory Pension scheme notified on 28.3.2005; and/or to pass such other and further order as this Hon'ble court may deem fit and proper in the circumstances of the case, during the pendency of the present writ petition otherwise the petitioners shall suffer an irreparable loss and injury.

58. That the petitioners have no other equally efficacious and alternative remedy available except to approach this Hon'ble court by way of filing the present writ petition under Article 226 of the Constitution of India.

59. That the petitioners are filing the present writ petition on the following, *inter alia*, other grounds:

GROUND

A. Because, 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 High Court on the administrative side.

B. Because, the New Pension Scheme enforced with effect from 1.4.2005 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 High Court has been consulted in this regard nor approval accorded by the High Court.

C. Because, even otherwise a perusal of the details of the New Pension Scheme will demonstrate that the same is largely discriminatory and causes prejudice to the member of the service.

D. Because, the New Pension Scheme adopted by the State Government with effect from 1.4.2005 in pursuance to a decision of Ministry of Finance, Govt. of India dated 23.8.2003 approving a restructured Contributory Pension System for new entrants to the Central Government Services.

E. Because, the New Pension Scheme adopted by State of U.P. provides that it shall be a Two Tier Scheme. Tier-I would be a Pension Account with no permissible withdrawals and Tier-II would be a withdrawable Savings Account to meet financial contingencies; whereas contributions are mandatory both from the employee and the State Govt. to Tier-I, tier-II has been made optional and even otherwise does not envisage any contribution from the side of the Government.

F. Because, the New Pension Scheme further provides that the Government Servants will have to make a contribution of

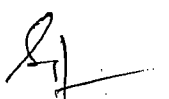
10% of their basic pay plus dearness allowance which will be deducted from the salary every month and equal contribution will be made by the Government. Tier-I contribution and the investment returns will be kept in a non-withdrawable pension Tier-I account. The Government Servant can exit at the age of retirement from Tier-I of the scheme. At the exit from Tier-I the individual has to mandatorily invest 40% of pension wealth to purchase an annuity from a recognized Insurance Company which will provide pension for the life time of the employee and his dependant parents and his spouse at the time of retirement.

G. Because, the entire Tier-I contributions shall be managed through fund managers and the contributions will be invested through fund managers.

H. Because, it is important to mention here that with the adoption of the New Pension Scheme 2005 by the State of U.P. the General Provident Fund (Uttar Pradesh) Rules 1985 are no more applicable to the State Government Employees with effect from 1.4.2005.

I. Because, a perusal of the New Pension Scheme 2005 reveals that the State Government employees are required to mandatorily contribute 10% of their basic pay and dearness allowance to the Pension Account and an equal contribution will be made by the State Government and is invested in the equity market which is entirely based on market speculation with a touch of uncertainty. The recent experience from the global financial crisis, has, however, shown that despite the variety of instruments and the sophistication of the markets, they may not remain immune to crisis and the regulatory oversight is poor.

J. Because, the New Pension Scheme 2005 provides that the money invested by the subscriber is to be invested in Government securities, Mutual Fund Scheme etc. The New



Pension Scheme 2005 does not claim that the investment is done after market research and during financial crunch there is every chance that the subscriber may suffer losses at that juncture of his age when financial stability would be his necessity.

K. Because, a perusal of the New Pension Scheme would demonstrate that it does not specifically mention about its applicability upon members of the Subordinate Judicial Service.

L. Because, the maturity amount at the time of exist from Tier-I under the New Pension Scheme would depend on Net Asset Value which were subject to market risks and fluctuations thereby introducing uncertainty at the end of the career which is otherwise secure.

M. Because, even otherwise the New Pension Scheme enforced with effect from 1.4.2005 has no applicability to the petitioners who have been selected for appointment in pursuance to the Advertisement No.A-2/E-1/2003 dated 22-28.11.2003.

N. Because, all the petitioners were selected at a point of time when Old Pension Scheme was applicable. The conditions of service of the petitioners would be governed by the conditions of service as existing at the time of the initiation of the selection proceedings.

O. Because, at the time of initiation of the proceedings for recruitment, it is only the Old Pension Scheme which existed and the benefits thereof cannot e denied to the petitioners.

P. Because, whatever time lag came into existence in the actual appointment of the petitioners is a time lag on account of misconceived objections raised by a learned Single Judge at the time of holding interview which led to protracted litigation before the High Court and the Supreme Court, as has been



fully detailed above. But for the aforesaid delay all the petitioners would have been appointed prior to 1.4.2005.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble court may graciously be pleased to allow the present writ petition and to issue:

- (a) a writ, order or direction of a suitable nature commanding the respondents to treat the petitioners as governed by the Old Pension Scheme and not by the New Pension Scheme enforced from 1.4.2005, with all consequential benefits thereof;
- (b) a writ, order or direction of a suitable nature commanding the respondents to allocate to the individual petitioners their General Provident Fund Account Number and to make monthly deductions from the monthly salary of the petitioners towards the General Provident Fund and to prohibit the respondents from making any deductions Contributory Pension scheme notified on 28.3.2005;
- (c) any other writ, order or direction as this Hon'ble court may deem fit and proper in the circumstances of the case; and
- (d) award cost of the petition to be paid to the petitioners.

(V.D. SHUKLA)
ADVOCATE

Ad. Roll No. A/V0029/2012
Cham. No. 21

(DHARAM PRAKASH MISHRA)
ADVOCATE

Ad. Roll No. A/D-0214/2012
COUNSEL FOR THE PETITIONERS
CHAMBER LIBRARY HALL

Dt. /4/2017.

NOTE:

Shri ASHOK KHARE, Senior Advocate, High Court, Allahabad, has consented to appear and argue the case on behalf of the petitioners.

[Signature]

IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. |

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.
.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.
..... RESPONDENTS.

[Handwritten Signature]

सिविल जज (जूनियर डिवीजन) परीक्षा वर्ष 2003 का परिणाम

इलाहाबाद। उ. प्र. न्यायिक सेवा सिविल जज (जूनियर डिवीजन) मुख्य परीक्षा वर्ष 2003 का परिणाम घोषित कर दिया गया है। उ. प्र. लोक सेवा आयोग के सचिव डा. जे.बी. सिन्हा के मुताबिक सफल अभ्यर्थियों के अनुक्रमांक इस प्रकार हैं।

श्री. प्र.
तथा
डा. प्र.
गयी
अनुसू.
तथा
आरक्षित

POST	NAME	(PROV)	POST	NAME	(PROV)		
003036	VIKAS GOYAL	014475	TARUN KUMAR SINGH	051466	NETRA PAL SINGH	(PROV)	
012812	TARUN SINGH	010222	DIVAKAR DHIVEDI	007544	KAUNUZI MISHRA	011993	SHALINI SIKAR
011728	RAASHANT MITTAL	013488	ANUJA SHUKLA	080777	AMARJEET	007393	SHAILENDRA VERMA
(PROV)		002493	(PROV)	046335	VIJAY KUMAR VERMA	049780	RAVI KANT
028733	SHEELU ROY	012134	SUBHASH SINGH	000408	PRASHALAD SINGH	009895	SMITA VERMA
013732	SAANJEV KUMAR SINGH	000060	SHYAMAL MISHRA	024799	ARVIND KUMAR YADAV	042028	RAHUL PRAKASH
(NOC)		(PROV)	(PROV)	010633	SHAKTI SINGH (PROV)	002831	RAVI YADAV (PROV)
000704	KAMLESH KUMAR PATHAK	005510	RAKESH VASHISHT	003622	DINESH KUMAR	026043	JANARDAN PRASAD
(NOC)		(PROV)	(PROV)	032952	SARVEET KUMAR SINGH	YADAV (PROV)	
0007163	HITENDRA HARI	013626	MRIDUL DUBEY	029247	PARUL VERMA (PROV)	049745	MOHAMMAD AZAD
(PROV)		017758	ANAND PRAKASH	007247	NITENDRA KUMAR	040142	GYANENDRA SINGH
032551	SANDEEP GUPTA	(PROV)		(PROV)		019183	JAHENDRA PAL SINGH
002881	CHANDRA BHAN SINGH	040346	NAVEEN KUMAR SINGH	045919	ASHUTOSH KUMAR SINGH	(PROV)	
(PROV)		045960	BRIJENDRA KUMAR	(PROV)		025858	ANIL KUMAR (PROV)
000723	HARSH AGARWAL	PANDEY	022462	GAURAV SHARMA	(PROV)	029223	JAY GOPAL GIRI
(NOC)		009281	CHANDRA VIJAY SRINET	005105	RAHUL SINGH	041177	ALKA BHARATI
006893	SHAILENDRA NIGAM	030304	KUMAR MAYANK (PROV)	(NOC)	MAHESH CHANDRA VERMA	030932	SAROJ KUMAR YADAV
006483	HEMAYIN BASHHEED KHAN	020090	RAM PRATAP SINGH RANA	029199	ASHISH KUMAR CHAURA	(PROV)	
011986	MONICA THAKUR	(NOC)		STA	017107	009816	VINAY KUMAR
(PROV)		012841	CHHAYA NAIN (PROV)	028207	OMVIR SINGH (PROV)	011869	RAJENDRA KUMAR SINGH
032212	SARVESH KUMAR PANDEY	035257	AKHILESH KUMAR	(PROV)	PARMESHWAR PRASAD	(PROV)	
(NOC)		004040	AUGUST KUMAR TIWARI	013951	RISHI KUMAR (PROV)	042538	ANKITA SHUKLA
013746	MRIDULA MISHRA	000122	SHABISTAN AQUIL	013816	VINEET CHAUDHARY	047329	RAKESH KUMAR
000982	DINESH TIWARI	004055	SUSHIL KUMAR	011443	INDRA PRAKASH	003341	CHANDRA BHUSHAN
026321	DEV KANT SHUKLA	002133	SUBHAWAZ T K TANVEER	033425	MANOJ KUMAR SINGH	001074	SIDDHARTHA KUMAR
(NOC)		034167	PAWAN KUMAR SHUKLA	002454	SITA RAM	WAGAV (PROV)	
029433	SHOBHA SRIVASTAVA	039577	AKHILESHWAR PRASAD MISHRA	020692	SANTOSH KUMAR	005301	CHANDRA MOHAN
018507	PALLAVI AGARWAL	(NOC)		006655	SURJAN SINGH (PROV)	CHATURVEDI	
005577	ABHINITA M	040307	PRAKASH NATH TRIPATHI	019847	PANKAJ JAISWAL	028887	PARUL ANJOR
008863	IFRAQUE AHMAD	(NOC)		(NOC)		036222	GUNANDRA PRAKASH
030120	BHOOPESH KUMAR GUPTA	007085	NAHESHA NAND JHA	001509	RAJAT KUMAR KUREEL	004057	ABHAY PRAKASH NARAIN
(NOC)		(PROV)		018258	ANAND PRAKASH SINGH	012654	SUBODH BHARATI
006534	SONICA CHAUDHARY	017936	VINOD KUMAR (PROV)	027239	ASHA RANI SINGH	030307	PASHUPATI NATH MISHRA
013858	ANAMIKA CHAUHAN	017862	GAJENDRA	(PROV)		008251	RAVISH KUMAR ATTRI
012611	RICHA JOSHI	008421	CHANDRA SHEKHAR	007610	RAM BABOO YADAV	005067	NIRMALA
050866	NEETU PATHAK	MISHRA (NOC)		037803	DHARMENDER RAMA	001319	ANURAG KUREEL
002817	ABHAY KRISHNA TIWARI	(NOC)		004434	SNEH LATA SINGH	(NOC)	
011384	KUSHAV GOYAL	040102	GAJENDRA RAO	005553	SHAILENDRA KUMAR	003283	HEMANT KUMAR (NOC)
018911	RITU SHARMA	(NOC)		VERMA		017795	TRIBHUVAN NATH
005790	RAKHI TEDI	005228	PRAMOD KUMAR GANGWAR	034162	GOVIND NARAYAN MISHRA	026907	PARASHRAM (NOC)
008947	NITISH KUMAR RAI	(PROV)		023461	DEEPAK YADAV (PROV)	023118	ANIL KUMAR
(NOC)		030484	KUMAR PRASHANT	017690	RAM NET (PROV)	032373	SHIV KUMAR
024948	PREMENDRA KUMAR	042362	HARBANS NARAIN	040688	RAHUL ANAND	004879	ARBIND KUMAR GAUTA M
006167	NISHA SRIVASTAVA	(NOC)		050926	NEETU YADAV (PROV)	021975	UDAY VEER SINGH
023440	BHAGIRATH VERMA	011855	TABREZ AHMED	013647	NIKHANJAN KUMAR	037774	SUNIL SINGH (PROV)
(PROV)		034034	SUNIL KUMAR SHARMA	010286	MOHINDER KUMAR	017855	TRIBHUVAN NATH PASWAN
046655	VIJAY KUMAR	033043	JEETENDRA MISHRA	003194	SIYARAM CHAURASTIA	(PROV)	
008344	MOHD ASLAM SEDIQUI	(NOC)		001927	BHARAT SINGH YADAV	013748	FRATIBHA NARAYAN
003974	VIKAS NAGAR	018420	BALKRISHNA N RANJAN	026660	KRISHNA KUMAR SINGH	044270	RANVEER SINGH
032619	ASHISH VARMA	034284	SUBODH VARSHNEY	023184	KASHI PRASAD SINGH	038371	SAAGITA KUMARI
(PROV)		000710	KUSUM LATA (PROV)	007284	YADAV (NOC)	(PROV)	
005430	RAKESH TRIPATHI	005429	RAKESH KUMAR SINGH	017168	PRABEN KUMAR TYAGI	012193	SHALINI SINGH
0007218	ANIT MALAVIYA	016348	RAJEEV KUMAR PALIWAL	007526	MOHD NASIM	045471	SANJAY KUMAR
(PROV)		006380	PRABEN KUMAR PANDEY	022044	KRISHNA KUMAR	039120	BIRENDRA KUMAR
004346	MOHD AHMAD KHAN	MISHRA		(PROV)		027484	KULDEEP KUMAR
002597	ABHAI SRIVASTAV	005231	RAVINDRA KUMAR DWIVE- DI	000791	RAVINDRA SINGH	007330	RAM AVTAR PRASAD
018724	MUKESH KUMAR SINGH	007677	ABHISHEK SRIVASTAVA	006602	DINA NATH (PROV)	004149	RAJVEER KUMAR
002939	ANUOSH KUMAR SHARMA	018428	PRAVEZ AKHTAR	001016	VIJAYA BAHADUR YADAVA	015550	RAM LAL
003408	PRAMOD KUMAR	010437	ADITYA CHATURVEDI	(PROV)		023585	MANOJ KUMAR (PROV)
005387	NIKUPAMA VIKRAM	004127	NIERHAY NARAIN RAI	027070	RAMANAND (PROV)	013889	RAJENDRA PRASAD
008009	RAJTEV RANJAN	004231	RAVINDRA KUMAR	012610	RAM KARAN YADAV	BHARATI	
034607	PAWAN KUMAR SRIVASTA- VA	036588	RADHEY MOHAN SRIVASTAVA	(PROV)		011611	RENU SINGH (PROV)
013788	FRATIBHA SAXENA	(NOC)		017257	ATY KUMAR	046343	KALPANA
021482	GAURAV DUDEJA	004237	ABHAY PRATAP SINGH	013481	CHHOTI LAL YADAV	018461	DEEP KANT MANI
021102	GARDA SINGH (PROV)	051006	NEHA ANAND	(PROV)		(PROV)	
008979	ARIT FAUZDAR (PROV)	002048	PRAKASH TIWARI	027462	GHULAM MUSTAFA	002633	SHAILENDER SINGH
043832	SATYAM AN SINGH	000914	SIDDHARTH SINGH	026712	SANTOSH KUMAR YADAV	(PROV)	
032649	RAJESH PARSANER	022104	KRISHNA KUMAR	(PROV)		011611	RENU SINGH (PROV)
003136	VIJAS GUPTA	042090	RANJEET KUMAR	020600	BAQUAR SHAMIM RIZVI	046343	KALPANA
010264	KAVITA MISHRA	000080	SHABIH ZEHRA	(PROV)		018461	DEEP KANT MANI
(PROV)		011236	VINAY KUMAR SINGH	012060	AZAD SINGH	(PROV)	
012071	RESHMA PRAW B E N	010204	KAVITA NIGAM	005268	PRANOD KUMAR GUPTA	002633	SHAILENDER SINGH
007044	KASHI NATH	001689	RAJAT VERMA	(PROV)		044452	SATYENDRA KUMAR LAL
000472	SANJAY KUMAR SINGH	005907	NISHA RAI (PROV)	040731	SANJAY CHAUDHARY	(NOC)	
032229	RAJESH N MANI TRIPATHI	026979	ANESH KUMAR (PROV)	011379	ARUN KUMAR (PROV)	012255	TALEWAR SINGH
024775	UNAKANT JINDAL	001423	HARSHVARDHAN (PROV)	000961	CHANCHAL (PROV)	001172	SANJAY KUMAR SINGH
018901	DEEPA RAI	008891	REEMA BANSAI	027571	SAIF AHMAD	035930	RANGOPAL SINGH
047017	ALPANA SHUKLA	003859	APARNA PANDEY	030408	MOHAMMAD ILTIYAS	(NOC)	
039122	GYANENDER SINGH YADAV	004574	SNEHA TYAGI	(PROV)		046567	PRADEEP KUMAR JAYANT
(PROV)		026199	ASAD AHMAD HASHMI	040256	VIVEKA NAND VISHAKAR- MA (PROV)	017808	PRABEN SONKAR
021902	GAURAV KUMAR	013594	SUBODH SINGH (NOC)	007428	PRAMOD KUMAR SINGH	(PROV)	
005517	ABHINAV KUMAR MISHRA	004998	ANIT KUMAR PRAJAPATI	(PROV)		023408	PREM PRAKASH (PROV)
009498	AMIT VEER SINGH	004322	DINESH KUMAR CHAURA- SIA	014825	MANISH KUMAR	004975	SUSHIL KUMAR
031708	PUSHPENDER SINGH	002544	KANCHAN	009740	AW ADHESH KUMAR SINGH	041411	SANJAY K LAL (PROV)
008828	PRAN VIJAY SINGH	029213	SHIKHA PRADHAN	(NOC)		050627	PRADIP KUMAR RAM
003680	ATUL SINGH	046298	ANU SAXENA	004125	MAHENDRA KUMAR	022766	MUNNA PRASAD
030211	SANAR VISHAL	004070	RAKESH PATEL (PROV)	004312	SANJAY KUMAR YADAV	005525	MAHESH KUMAR
008773	SHABNA SINGH	000366	MOHAMMAD RAFI	008717	ABUL KALSH (PROV)	046911	SANJAY KUMAR GOND
004878	AMIT KUMAR PANDE	(PROV)		029830	RAMESH CHAND	(NOC)	
042257	ALOK DWIVEDI	008945	MANATA SINGH	009136	VINAY ARYA (PROV)	024416	VIPIN KUMAR
025173	SHIKHA PATHAK	029167	PARULSRIYASTAVA	037534	SUNIL PRASAD	044884	LOKESH VARUN
(PROV)		004432	SANJAY KUMAR YADAV	005037	ABHIMANYOU SINGH	008096	VINDAL PRAKASH ARYA
045441	DHIRENDRA KUMAR	(PROV)		(PROV)		046222	HARI PRASAD
032822	GOPAL TIWARI	027992	SAPNA SHUKLA	003126	MOHAN KUMAR	010831	SMT REKHA SINGH
000847	NIHARIKA CHAUHAN	012721	CHHAVI ABTHANA	031545	MANOJ KUMAR SIDPHU	(PROV)	
017482	GAGAN KUMAR BHARATI	034607	KUMAR (PROV)	011686	MONA PANWAR (PROV)	020750	RAM RAJ
006638	AMIT SINGH	000003	ANURADHA PUNDIR	007071	RAVINDRA PRASAD	022438	ANIL KUMAR
015534	SUDHAKAR RAI	009046	MOHD SUHAIB ASEF	014396	GURPA (PROV)	010139	ARUN KUMAR
005192	SANJAY MISHRA	(PROV)		014396	VINEET KUMAR VA S WANI	030481	DEVENDRA NATH SINGH
033169	VISHNU PRASAD AGRAWAL	007379	ARCHANA GUPTA (NOC)	025919	ARVIND VIKAS (PROV)	004996	VIKAS VERMA
008097	ABID SHAMIM (PROV)	004660	AVADHESH PANDEY	005296	VIKASH KUMAR (PROV)	039923	JITENDRA SINGH
001947	NIRAJ GAUTAM	026114	SURAJA TRIPATHI	036131	SANDEEPA YADAV	023968	PREM SHANKAR (PROV)
043863	JYOTSNA SINGH	030318	ANIL KUMAR SETI	(PROV)		044049	RAJU PRASAD
(PROV)				032344	KUNDAN KISHOR	012381	CHHANGUR RAM
007277	ABHISHEK PANDEY					005435	SUSHIL KUMAR KHARWAR
037989	RAJIV MANISHWARAN					028018	ANIL KUMAR KHARWAR
024999	ARVIND MISRA					036344	LAL BAHADUR GOND
001729	RAJBAHADUR PANDEY YADAV					NO OF CANDIDATES=00345	

Note- 1. The result of roll no 1252 is subject to the final decision of Hon'ble High Court, Allahabad.
2. In compliance of the order of Hon'ble High Court, Allahabad on Writ petition no.
28209/2005 one post of reserved category is vacated.

Signature

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IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 2

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.
.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.
..... RESPONDENTS.

13/

Request 139

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IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO.3

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.
.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.
..... RESPONDENTS.

[Signature]

Civil Misc. Writ Petition No. 40058 of 2005

Dinesh Pratap Singh and others *Versus* State of U.P. and others

Connected with

Civil Misc. Writ Petition No. 40594 of 2005

Satendra Singh Birwan and others *Versus* State of U.P. and others

Connected with

Civil Misc. Writ Petition No. 40759 of 2005

Kamlesh Kumar Singh and others *Versus* State of U.P. and others

Connected with

Civil Misc. Writ Petition No. 43270 of 2005

Sayed Parvazul Hasan *Versus* State of U.P. and others

Connected with

Civil Misc. Writ Petition No. 47485 of 2005

Fareeda Begum *Versus* State of U.P. and others

Connected with

Civil Misc. Writ Petition No. 49526 of 2005

Kaushal Kishore Mishra *Versus* State of U.P. and others

Connected with

Civil Misc. Writ Petition No. 49772 of 2005

Shambhu Nath Pandey *Versus* State of U.P. and others

Connected with

Civil Misc. Writ Petition No. 52182 of 2005

Lakshmi Kant Mishra and others *Versus* State of U.P. and others

Connected with

Civil Misc. Writ Petition No. 52446 of 2005

Attequddin *Versus* State of U.P. and others

Connected with

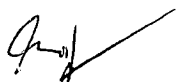
Civil Misc. Writ Petition No. 52763 of 2005

Smt. Sandhya Srivastava and another *Versus* State of U.P. and others

Hon'ble Sushil Harkauli, J.
Hon'ble G.P. Srivastva, J.

(Delivered by G.P. Srivastva, J.)

All the above writ petitions involve common questions and are therefore
being decided by this common judgment.



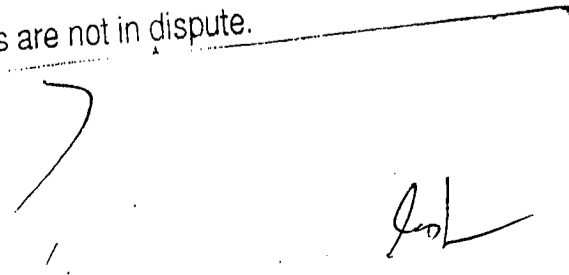
The genesis :

The U.P. Public Service Commission (hereinafter referred to as the Commission) held the U.P. P.C.S. (J) Examination - 2003 (hereinafter referred as the 2003 recruitment) for recruitment to 347 posts of Civil Judges (Junior Division) to the U.P. Judicial Service. The petitioners have challenged the order of the Commission cancelling their candidature for the 2003 recruitment. The candidature was cancelled on the ground that these candidates were overage and therefore not eligible to appear at the said examination.

For appreciating the controversy, it is necessary to give few facts and the history of the Rules involved.

Prior to the disputed 2003 recruitment, the last recruitment was held in the calendar year 2000. The advertisement issued by the Commission for the year 2003 recruitment permitted all the candidates who were age-wise eligible in the calendar years 2001 and 2002 to apply. Written examinations were held and when the interviews were going on, one of the members of one of the Interview Boards who happened to be a Judge of this Court noticed the irregularity and sent a letter to the Commission pointing out the error. Upon considering that letter, the Commission came to the conclusion that it had committed an error while issuing the advertisement and, as such, it cancelled the candidature of about 80 candidates including the petitioners on the ground that they were overage and, therefore, ineligible to appear at the examination. Admittedly, no opportunity of hearing was given by the Commission to such candidates before cancelling their candidature. Hence, such candidates filed this bunch of writ petitions challenging the cancellation of their candidature.

We have had learned counsel for the petitioners, the learned Additional Advocate General Sri Sudhir Agrawal representing the High Court and the State of Uttar Pradesh and the learned counsel representing the Commission. Affidavits have been exchanged and the facts are not in dispute.



From the side of the petitioners, the main arguments were advanced by Sri Rav Kant Senior Advocate and Sri Ashok Khare, Senior Advocate.

Technical objection :

The initial thrust from the petitioners' side was that a member of an Interview Board had a limited jurisdiction namely to judge the calibre of a candidate and to award marks at the interview, and such member had no right to go into the age-wise eligibility not only of the candidate before him but also of other candidates. The second argument from the petitioners' side was that the candidature of the petitioners could not have been cancelled by the Commission, at such a belated stage in the midst of the competitive examination/interview, and that too without affording an opportunity of hearing to the concerned candidate.

We have considered these contentions and even during the course of arguments, we had made it known to the learned counsel for both sides that both these contentions were in the ultimate analysis merely technical in nature. It is obvious that if the writ petitions were to be allowed on such technical grounds and some of the petitioners do get selected and appointed to the public posts of judicial officers, a writ petition seeking *quo warranto* may lie on the ground of ineligibility and in the *quo warranto* proceedings the concerned candidate would have necessarily to justify his age-wise eligibility with reference to the service Rules only and no other defence would be permissible. It is well settled that if there is a conflict between the terms of advertisement issued by the Commission and the service Rules framed under Article 309 of the Constitution of India, the service Rules must prevail. Allowing candidates to plead estoppel on the basis of the Commission's advertisement or the consequent prolonged participation of candidates in the competition, would amount to allowing the Commission to alter the service Rules, which it has no power to do. Besides it may be difficult to bind the Appointing Authority by estoppel based on an error by the Commission.

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It is more than likely that some of the advanced age candidates may already be in employment at other places. If selected, they would have to resign from their existing employment for joining the judicial service, and if they get removed from judicial service by *quo warranto*, they may not be able to get back the service from where they have resigned. Therefore, the present stage is a better and more appropriate stage for determining the eligibility of these candidates on merits with reference to the Rules alone, instead of deciding these writ petitions on the basis of the technical grounds referred above.

We may mention here that both the learned senior counsel from the petitioners' side were fair enough not to persist in the technical objections and advanced their remaining arguments with reference to the Rules and the suggested interpretation of those Rules.

The Rules :

In the State of Uttar Pradesh, the judicial service subordinate to the High Court consists of two cadres namely, the "U.P. Judicial Service" (also called the *Nyayik Sewa*) and the "U.P. Higher Judicial Service". Here we are not concerned with the Higher Judicial Service which is governed by a different set of Rules.

The recruitment to the U. P. Judicial Service was earlier governed by the *U.P. Nyayik Sewa Niyamavali, 1951* (hereinafter referred to as the 1951 Rules). According to Rule 11 of that *Niyamavali*, the upper age limit for a candidate to appear at the competitive examination for the recruitment to the post of Civil Judge (Junior Division), formerly known as *Munsifs*, was 30 years which was later enhanced to 32 years.

Further, according to the said Rule 11 the upper as well as lower age limit candidates was to be seen as on the 1st day of January next following the date announcement of the competitive examination by the Commission.

The second proviso to Rule 11 stated that a candidate who would have been entitled to appear at the examination in any year in which no such examination was held, shall be deemed to be eligible in respect of the age, to appear at the next following examination. For convenience, the entire Rule 11 of the 1951 Rules, as it stood originally, is quoted below:

"11. Age- No person shall be recruited to this service who is more than 30 years or less than 22 years of age on the first day of January next following the date of announcement of the examination by the Commission for the recruitment to the service.

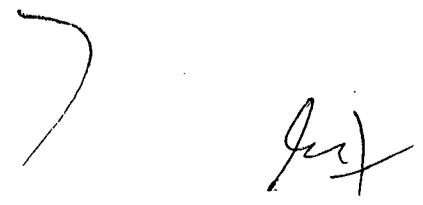
Provided that the upper age-limit shall be greater by five years in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes.

Provided further that if a candidate would have been entitled in respect of his age to appear at such an examination in any year in which no such examination was held, then he shall be deemed to be entitled in respect of his age to appear at the next following examination."

The 1951 Rules were later replaced by the Uttar Pradesh Judicial Service Rules, 2001 (hereinafter referred to as the 2001 Rules).

Under Rule 4(a) of the 2001 Rules, the 'Appointing Authority' is defined to mean the Governor of Uttar Pradesh and under Rule 4(m) 'year of recruitment' is defined to mean a period of 12 months commencing from first day of July of the calendar year in which the process of recruitment is initiated by the Appointing Authority.

The Appointing Authority, under the 2001 Rules, performs two functions relating to recruitment. The first function is under Rule 15, which provides that the Governor in consultation with the High Court determines and intimates to the Commission, the number of vacancies to be filled during the year of recruitment. The second function of the Appointing Authority under Rule 21 is making the appointments from out of the select list submitted to the Appointing Authority by the Commission.



Therefore, the words 'initiated by the Appointing Authority' used in Rule 4(m) can only mean the intimation by the Governor to the Commission of the number of vacancies to be filled during the year of recruitment.

Rule 10 of the 2001 Rules and more specifically its second Proviso is the provision which requires interpretation. Therefore, the said Rule is reproduced below:

"10. Age. - A candidate for direct recruitment to the service must have attained the age of 22 years and must not have attained the age of more than 35 years on the first day of July next following the year in which the notification for holding the examination by the Commission inviting Applications, is published:

Provided that the upper age limit shall be higher by five years in the case of candidates belonging to Scheduled Castes, Scheduled Tribes and such other categories as may be notified by the Government from time to time:

Provided further that where a candidate was eligible in age to appear at the examination in any year of recruitment in which no such examination was held, he shall be deemed to be eligible in age to appear in the next following examination:

Provided also that the maximum number of chances a candidate is permitted to take will be four."

Before proceeding further it may be mentioned that in the above Rule 10 as originally drafted and published, the age limit had to be seen on the first day of January next following the year in which the advertisement was issued by the Commission. Subsequently, the Rule was amended and now 'January' has been replaced by 'July'.

It will be noticed upon comparison of the second proviso to Rule 10 of the 2001 Rules with the second proviso to Rule 11 of the 1951 Rules that there is a departure from the earlier law, at least in the language deployed.

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The difference is that age-wise eligibility will be deemed to continue whenever examination is held next in respect of candidates who were below the upper age limit -

(under 1951 Rules)

(under 2001 Rules)

in any (calendar) year in which no examination was held.

in any 'recruitment year' in which no examination was held.

The Petitioners' contention :

Sri Ashok Khare, Senior Advocate attempted to demonstrate that the introduction of the concept of 'year of recruitment' in the 2001 Rules did not bring about any change from the legal position which obtained under the 1951 Rules. He submitted that applying the definition of year of recruitment given in Rule 4 (m) to Rule 7, Rule 15 and Rule 26(2) would lead to results which do not make sense. Assuming for the sake of argument that what Mr. Khare submits is correct, we must not forget that the opening words of Rule 4 are "in these Rules unless the context otherwise requires". But, even if the context otherwise requires in certain Rules, it will not necessarily lead to the conclusion that in the second proviso to Rule 10 also the context requires otherwise. Therefore, we have to consider whether in Rule 10 the definition of 'year of recruitment' can be applied without leading to absurd results.

The interpretation of the Rule 10 :

A careful reading of the 2001 Rules will show that under these Rules only the following two events and their dates are relevant for considering the age-wise eligibility or continued eligibility of candidates :

- (1) First is the date and act of the Appointing Authority of intimating vacancies to the Commission under Rule 15. This date and event fixes the period of "year of recruitment" as per Rule 4 (m).
- (2) Second is the date and act of publication by the Commission of the notification for holding the examination, inviting applications. This date is relevant for determining the age-wise eligibility in view of Rule 10.

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Thus the "year of recruitment" begins from first day of July of the calendar year in which the Appointing Authority intimates vacancies to the Commission with request for making recruitment; such act of the appointing authority will hereafter be called 'requisition' for short. Interestingly, the recruitment period is determined solely with reference to the 'requisition', and if the 'requisition' is sent between July and December, the 'recruitment year' will be deemed to have commenced retrospectively from the preceding first of July.

It is yet more interesting to consider how the Rule 10 and more particularly its second proviso will operate in the various possible situations given below :

- (a) If the Commission issues the notification for holding examination inviting applications (hereinafter called advertisement for short) and also holds the examination within the year of recruitment, the age wise eligibility will be seen according to the main part of Rule 10 and its second proviso would not apply to any candidate;
- (b) If the Commission issues the advertisement in the year of recruitment but delays holding of examination till after the expiry of the year of recruitment, then also the second proviso would not be material, because the age wise eligibility of a candidate is seen with reference to the advertisement date and has no connection with the examination date;
- (c) In view of the above, the only possible meaning that can be assigned to the said second proviso is that will apply only where after the 'requisition' by the Appointing Authority, there is delay beyond the year of recruitment on part of the Commission in issuing the advertisement. In such a situation, only those candidates would continue to be age wise eligible who were so eligible in the 'recruitment year' as distinguished from the 1951 Rules where the benefit of continued eligibility was available even to candidates who were age wise eligible in any calendar year

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subsequent to the calendar year of the previous recruitment whether such calendar year was or was not 'year of recruitment'.

However, the above interpretation poses the following problem. For finding out who was age-wise eligible in the 'year of recruitment' it is necessary to refer to the date of advertisement (see main part of Rule 10), whereas the second proviso applies only where in fact there was no advertisement. So on a very literal construction no candidate can be said to have been age-wise eligible in the recruitment year. But that would make the second proviso totally redundant.

Therefore, for saving it from redundancy, the only possible interpretation of the Rule 10 would be that in such a situation as is described in para (c) above, only those candidates would continue to be age wise eligible for the delayed examination, who would have been eligible if the advertisement had been issued within the recruitment year. But even this does not solve the problem entirely, because for applying the Rule 10 in this manner, the publication of advertisement within the period of 'year of recruitment' has to be assumed. Now if the advertisement is assumed to have been issued between 1st of July and 31st of December the date for considering the cut off age will be the 1st of July of the next calendar year; whereas if the date of publication is assumed between 1st of January to 30th of June of the same 'year of recruitment', the date for considering the cut off age gets postponed by one full year as per the main part of Rule 10. So, what should be the assumed date of advertisement? The said second proviso to Rule 10 is a piece of beneficent legislation for benefiting certain candidates by removing their upper age disqualification incurred due to delay on part of the Commission and without any fault on their part. Therefore, we would interpret the Rule to mean that such assumed date should be between the 1st of July and 31st December, as that would extend the benefit of the second proviso to larger number of candidates.

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Interpreted as above, the 2001 Rules have restricted the benefit of continued upper age-wise eligibility only to candidates who were eligible upper age-wise when the Appointing Authority initiated the recruitment process and the candidates who were eligible age-wise in the earlier calendar years in which no recruitment process was initiated by the Appointing Authority have been deprived of the benefit by the 2001 Rules, in contradistinction to the 1951 Rules.

We are conscious that for the above interpretation we are stretching the language of the Rule and even reading words into it, but in the situation with which we are faced, this Court has two options, one is to strike down the second proviso as being too ambiguous to be implemented and leave it to the Rule making authority to re-frame the Rule fixing the age wise eligibility criteria. However, such a course would mean cancelling of the 2003 recruitment, because no selection can be valid unless the eligibility criteria is fixed. Further, the benefit under the said second proviso would be taken away even from these candidates who were within the age limit during the recruitment year 2003-2004.

The other option is to iron out the creases and to interpret the Rule in a reasonable manner having regard to the obvious object, for the purpose of the 2003 recruitment and to leave it to the Rule making Authority to amend the Rule if the Rule making Authority does not agree with the interpretation of this Court.

We would prefer to adopt the second option considering the fact that after the 2000 examination, no recruitment has been held and, there is an acute shortage of officers in the U.P. Judicial Service. Further, the Supreme Court had desired in its judgment dated 21st March 2002 in the *All India Judges Association* matter that vacancies in the sub-ordinate Courts should be filled up by 31st March 2003. We are of the opinion that where the purpose and object of a legislation (including subordinate or delegated legislation) is absolutely clear, then

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notwithstanding the imperfection in the language employed in the legislation, the Court can interpret it so as to give effect to the object and purpose. However, because primarily the intention of the legislator is to be gathered from the words used in the legislation, therefore such method of interpretation is to be adopted in those rare cases where the object and purpose of the legislation is clear beyond reasonable doubt, and adoption of such course is necessary because of the factual circumstances of the nature referred above. Therefore, we have interpreted the second proviso as above to extend its benefit to as many candidates as permissible because in this case its object and purpose is quite clear and does not admit of any reasonable doubt; and adoption of this method of interpretation is necessary to save the massive exercise of recruitment of judicial officers and to meet the acute shortage of judicial officers in this State.

On facts :

In the light of the above interpretation of the rules, we proceed to examine the facts.

On 23.11.2002, a 'requisition' was sent to the Commission intimating 347 vacancies and requesting the Commission to fill up these vacancies in three phases. The 'requisition' is enclosed as the first annexure to the counter affidavit of Kailash Nath, the Section Officer of U.P. Public Service Commission. The 'requisition' is by the Principal Secretary, U.P. Government on the recommendation of the High Court. It mentions the number of posts to be reserved in respect of all three phases, two of which consist of 100 posts each and the third of 147 posts.

Subsequent to this, there is another 'requisition' again for the same 347 vacancies for filling them up in two phases. The first phase for filling up 174 vacancies and the second for 173 vacancies. This second 'requisition' dated 29.7.2003 has been enclosed as the fourth annexure to the same affidavit of Kailash Nath. This 'requisition' mentions that the 'requisition' for the second phase of 173 posts will be sent at the proper time.

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It may be pointed out here that there was no mention of any supporting 'requisition' for the second and third phase in the 'requisition' dated 23.11.2002.

Finally, there is a third 'requisition' dated 10.11.2003 for the same 347 vacancies for filling them up in a single phase. This 'requisition' is enclosed as the fifth annexure of the same affidavit of Kailash Nath.

Admittedly, the Commission is calculating the recruitment year on the basis of this third 'requisition' dated 10.11.2003. The question to be examined is whether the subsequent two 'requisitions' are fresh 'requisitions' or are mere modifications in the original 'requisition' dated 23.11.2002. Having examined the matter carefully and considering the fact that the opening words of the 'requisition' dated 10.11.2003 are that it is in continuation of the 'requisition' dated 23.11.2002 coupled with the fact that it is in respect of the same 347 vacancies, we are of the opinion that the subsequent two letters dated 29.7.2003 and 10.11.2003 are not fresh 'requisition's but are mere modifications of the manner of filling up the same 347 vacancies which were determined by the Governor as Appointing Authority in consultation of the High Court and which were intimated to the Commission in terms of Rule 15 of the 2001 Rules and, therefore, the basic initiation of the recruitment process was done by the letter dated 23.11.2002. Thus, the recruitment year would be 1.7.2002 to 30.6.2003.

The validity of the second proviso to Rule 10 :

Another contention raised from the side of the petitioners is that under the 1951 Rules, all candidates, who were within the upper age limit in any (calendar) year in which no examination was held would continue to be eligible for the next examination and this continued eligibility was irrespective of initiation of recruitment process by the Appointing Authority. Under the new Rules as interpreted by the Commission, such candidates have now been divided into two categories namely, (i) those who were within the age limit in a year in which although process of recruitment was initiated by the Appointing Authority but the Commission did not

issue an advertisement and, (ii) those who were eligible in age in a year when neither recruitment process was initiated by the Appointing Authority and obviously no advertisement was issued by the Commission. According to the petitioners, the only object sought to be achieved by the second proviso is to grant the benefit of age relaxation to candidates, who could not appear when they were eligible in age due to non-holding of examination and not due to any fault or inaction on their part. According to the petitioners, the criteria of differentiation between the two categories given above has no nexus with the above object.

In the light of the same object, the petitioners also submit that the second proviso to Rule 10 creates a legal fiction about eligibility and while interpreting the same, the Court must give the fullest possible effect to the fiction, having regard to the purpose of the provision. Reliance has been placed in support this contention upon the decisions of the Supreme Court in the case of (2003) 2 S.C.C. 111- *Bhavnagar University Versus Palitana Sugar Mill (P) Ltd.*, (para 32 and 33), (2003) 5 S.C.C. 521- *Manorey Allas Versus Board Of Revenue (U.P.)*, (2004) 6 S.C.C. 59 - *State of West Bengal Versus Sadan K. Bormal*, (para 24 to 29).

As against the above, the learned Additional Advocate General has submitted that the U.P. P.C.S. (J) Examination, over the last 20 years have been held for the following years :

1984, 1985, 1986, 1987, 1988, 1989, 1990 - (7 years) - 1997 - (2 years) - 1999, 2000 - (3 years) - 2003.

According to the learned Additional Advocate General, while drafting the 2001 Rules, the gap of 7 years between 1990 and 1997 may have been one of the reasons because of which the benefit granted under the 1951 Rules was confined to that limited section of candidates who lost eligibility by becoming overage subsequent to the year when vacancies were intimated to the Commission by the Governor, and taking away that benefit of age relaxation from candidates who became overage before initiation of recruitment process. According to Sri Agrawal,

the Appointing Authority has the discretion not to fill up vacancies or not to hold recruitment. Under Rule 6(3) of the 2001 Rules, the Governor may from time to time in consultation with the High Court leave unfilled or hold in abeyance any post. Sri Ashok Khare countered this argument by submitting that would require a conscious order to that effect and there is no such order in the present case. Having considered the rival submissions, we are of the opinion that even apart from Rule 6 (3), there may well be several other situations in which without the requirement of an express order in that behalf, no recruitment process is initiated. For example it may not be considered desirable to hold the massive recruitment exercise if the number of vacancies is too small. There may be cases where there is delay on part of the High Court in computing and intimating vacancies to the Governor.

The upper age limit was enhanced from 30 to 32 years under the 1951 Rules, and now under the 2001 Rules it has been enhanced to 35 years. In respect of reserved category candidates, the said age limit is higher by 5 years, which means 40 years. The selection and appointment to the judicial service also takes anything between 1 to 3 years. To take the example of 1997 examination, which was held after a gap of 7 years, if the interpretation suggested by the petitioners is to be accepted, a candidate of reserved category would get a further relaxation of six years i.e. 40 plus 6 years. Adding the recruitment time of 2 to 3 years to this would mean that by the time he gets appointed, a reserved category candidate would be reaching the age of 48 or 49 years and a non-reserved category candidate would be reaching the age of 43 or 44 years. Normally it takes about 18 years in this State for a member of the judicial service to get promoted to the Higher Judicial Service. The retirement age of a judicial officer is 60 years now. Thus, chances would be that none of these judicial officers who get recruited at such a belated age would even be able to become Additional District Judge. Future service prospects are an important element in ensuring devotion to duty. With obvious lack of promotional prospects, it would be difficult to expect devotion to duty on part of the judicial officer. We, therefore, think that public policy requires

that the contention from the petitioners' side that no change has been brought about in the upper age limit by the second *proviso* to Rule 10 of the 2001 Rules as compared to the second *proviso* to Rule 11 of the 1951 Rules should not be accepted.

Having regard to what has been observed above, we are of the opinion that no discrimination can be said to arise if candidates are divided into two categories extending the benefit of continued eligibility only to some of them who were eligible when the vacancies were requested to be filled up under Rule 15 but have subsequently become overage and not allowing that benefit to others in the best interests of maintaining the standards in the judicial service. While according the benefit of an enhanced age limit, it is open to the Rule making authority under Article 309 of the Constitution of India to balance the hardship of the candidates with the interests of the judicial service and then to decide whether the benefit should be confined to a few candidates without compromising on the prospects of devotion to duty on part of the selected candidates.

Further as suggested from the respondents' side, where the Appointing Authority does not deem it expedient to initiate recruitment process, the candidates who were eligible but who have lost eligibility subsequently can not allege deprivation of any vested right to compete for a particular service. In fact, if the second *proviso* to Rule 10 of the 2001 Rules had not been there at all, we fail to see any ground which could have been pressed forward by any of the petitioners or such candidates compelling the respondents to grant any such relaxation. Therefore, the grant of such relaxation to some candidates while denial of this benefit of age relaxation to other candidates can not be said to be infringing any right of the candidates who have been denied that benefit. Again a candidate becomes eligible for competing at the age of 22 years. Normally, a candidate who is unable to pass LL.B., which is the eligibility qualification till the age of 25 years could hardly be expected to succeed in the competition. Assuming that a candidate passes his LL. B., at the age of 25 years, he gets 10 years up to the age of 35

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years for utilising his four chances. Thus, by increasing the upper age limit to 35 years, the 2001 Rules have given sufficient margin to candidates to utilise all of their four chances.

Conclusion and directions :

We therefore dispose of these writ petitions directing the Commission to revise its recommendations, if necessary, and forward the same within four weeks from today, according to the following criteria.

On the basis of the 'requisition' dated 23-11-2002, the 'recruitment year' for the 2003 recruitment will be from 1st July 2002 to 30th June 2003. For determining whether a candidate was eligible in that recruitment year, it should be assumed that an advertisement pursuant to the 'requisition' dated 23.11.2002 was issued before 31.12.2002 and, therefore, all candidates who were less than the upper age limit, according to his category (reserved or unreserved), on 1.7.2003 would be eligible to appear at the 2003 recruitment. However, candidates who had crossed the upper age limit according to their respective categories up to 30.6.2003 will not be eligible under the second proviso to Rule 10.

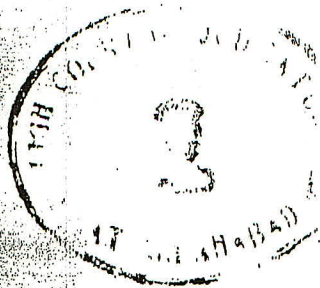
The other respondents will also abide by the above and act expeditiously, in keeping with the desire of the Supreme Court in the *All India Judges Association* case. Writ petitions disposed off finally as above. No costs.

Dated: October, 21 2005

Sr. Justice Jushil Harkauli, J

Sr. Justice G.P. Swarupa, J

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7/10/05



9/11/05

Jof

IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 4

IN

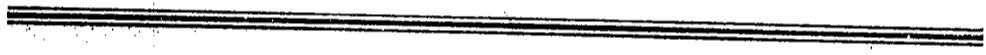
CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.
.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.
..... RESPONDENTS.



MALIK MAZHAR SULTAN v. U.P. PUBLIC SERVICE COMMISSION 507

13. Prof. S. Raman, Associate Professor of IIT, Madras, who is an expert on the subject has opined that the "motion capture animation files" are normally referred to as software in the industry and the same can be manipulated and modified by 3D animation software. These files can be interactively modified and used for various domestic requirements of the advertising, broadcast and film industry. According to him "motion capture animation files" on data is computer software recorded in a machine readable form and capable of being manipulated and the same is software.

14. *Random House Compact Unabridged Dictionary* refers to "software" as anything that is not hardware and is used with hardware. *Encyclopaedia Britannica* refers to "software" to designate non-hardware items, namely, internal programs or routines and programming aids. Thus the programming aids are also known as software and thus the goods in question would fall within the meaning of the word "software". The goods under import are admittedly data recorded on tapes. Under the existing Notification No. 20/99-Cus. any kind of data in a machine readable form and capable of being manipulated by means of an automatic data processing machine would be covered by the term "information technology software".

15. For the reasons stated above, the goods under import are computer software recorded in a machine readable form and capable of being manipulated by means of an automatic data processing machine. We do not find any infirmity in the impugned order of the Tribunal.

16. For the reasons stated above, we do not find any merit in this appeal and dismiss the same. Parties shall bear their own costs.

(2006) 9 Supreme Court Cases 507

(BEFORE Y.K. SABHARWAL, C.J. AND C.K. THAKKER, J.)

MALIK MAZHAR SULTAN AND ANOTHER .. Appellants;

Versus

U.P. PUBLIC SERVICE COMMISSION AND OTHERS .. Respondents.

Civil Appeals No. 1867 of 2006† with Nos. 1868 to 1872 of 2006‡, decided on April 3, 2006

A. Service Law — Recruitment process — Eligibility — Age — U.P. Judicial Service Rules, 2001 — Rr. 4(m), 10, second proviso and 6 — Main part of R. 10 requiring that candidate must be aged between 22 to 35 years as "on the first day of July next following the year in which the notification for holding the examination by the Commission inviting applications, is published" — Second proviso to R. 10 providing "that where a candidate was eligible in age to appear at the examination in any year of recruitment

† Arising out of SLP (C) No. 22523 of 2005. From the Judgment and Final Order dated 21-10-2005 of the Allahabad High Court in CMWP No. 40058 of 2005

‡ Arising out of SLPs (C) Nos. 23314, 23316, 23702, 25179 and 24732 of 2005

[Signature]

in which no such examination was held, he shall be deemed to be eligible in age to appear in the next following examination" — R. 4(m) defining "year of recruitment" to mean "a period of twelve months commencing from the first day of July of the calendar year in which the process of recruitment is initiated by the appointing authority" — Under the main part of R. 10 determining factor for age is date of advertisement inviting applications while under second proviso to R. 10 determining factor for age is year of recruitment — Where process of recruitment was initiated on 23-11-2002 when State Govt. required Public Service Commission to make selection of candidates for specified number of vacancies and send its recommendations, held, year of recruitment would be 1-7-2002 to 30-6-2003 and age requirement would be as on 1-7-2002 under R. 4(m) r/w R. 10 — Examination having not been held in the year 1-7-2002 to 30-6-2003 and instead having been held in March 2004, held, candidates would be entitled to benefit of second proviso to R. 10 — Secondly, advertisement having been published on 22/28-11-2003, relevant year under the main part of R. 10 would be 1-7-2004 and those who were of requisite age as on 1-7-2004 would be eligible — Judiciary (Paras 22 to 28)

B. Service Law — Recruitment process — Advertisement inviting applications for filling vacancies — Held, cannot override provisions of statutory rules — Therefore, error in eligibility requirements mentioned in the advertisement, being inconsistent with the Rules, would not create any right in favour of candidates if they are otherwise ineligible under the Rules (Paras 21 and 24)

C. Service Law — Recruitment process — Age — Relaxation — Held, can be granted only if permissible under Rules and not on the basis of advertisement inviting applications (Paras 21 and 24)

D. Service Law — Judiciary — Recruitment process — Adherence to time schedule — Determination of vacancies and timely filling the same necessary — Fixed time schedule should be provided so that the system works automatically without delay — All State Govt., UTs and High Courts directed to file within 3 months details of the time schedule and date from which the same would be operational — U.P. Judicial Service Rules, 2001, Rr. 15, 6, 4 and 10

It is absolutely necessary to evolve a mechanism to speedily determine and fill vacancies of judges at all levels. For this purpose, timely steps are required to be taken for determination of vacancies, issue of advertisement, conducting examinations, interviews, declaration of the final results and issue of orders of appointments. For all these and other steps, if any, it is necessary to provide for fixed time schedule so that the system works automatically and there is no delay in filling up of vacancies. The dates for taking these steps can be provided for on the pattern similar to filling of vacancies in some other services or filling of seats for admission in medical colleges. The schedule appended to the regulations governing medical admissions sets out a time schedule for every step to be strictly adhered to every year. The exception can be provided for where sufficient number of vacancies do not occur in a given year. The adherence to strict time schedule can ensure timely filling of vacancies. All the State Governments, the Union Territories and/or the High Courts are directed to provide for time schedule for the aforesaid purposes so that every year vacancies that may occur

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are timely filled. All the State Governments, the Union Territories and the High Courts are directed to file within three months details of the time schedule so fixed and date from which the time schedule so fixed would be operational.

(Para 23)

Appeals allowed

R-M/TZ/34051/SL

Advocates who appeared in this case :

Gopal Subramaniam, Additional Solicitor General, Mukul Rohatgi, M.L. Varma and Dr. R.G. Padia, Senior Advocates (Ejaz Maqbool, Vikash Singh, Ms Taruna Singh, Abhijit Sinha, C.D. Singh, Dr. Indra Pratap Singh, Ms Kiran Suvarna, Vivek Narayan, G.V. Rao, Shail Kr. Dwivedi, Sanjay Parikh, A.N. Singh, Chandra Prakash, Lakshmi Raman Singh, A.K. Tripathi, Ms Sangeeta Das, Dharmendra Kr. Sinha, Satya Mitra, Arvind Kr. Tiwary, Rajiv Ranjan Dwivedi, Awadhesh Kr. Chaudhary, Ms Prerna, Ranjan Dwivedi, S. Chander Shekhar, S.W.A. Qadri, Rajeev Kr. Dubey, Kamendra Mishra, K.K. Mohan, Soren Uppal, Prakash Kr. Singh, Ashok K. Srivastava; Saurabh Trivedi and Prashant Chaudhury, Advocates), for the appearing parties.

The Judgment of the Court was delivered by

Y.K. SABHARWAL, C.J.— Leave granted.

2. The main question to be determined in these matters, which relates to the recruitment to the posts of Civil Judge (Junior Division) under the U.P. Judicial Service Rules, 2001 (for short "the Rules"), is as to the eligibility of some candidates from the point of view of age.

3. The High Court by the impugned judgment has held only those candidates eligible who were of requisite age as on 1-7-2003. Is the High Court right in its conclusion, or is 1-7-2001 or 1-7-2002 the relevant date for determining the age as a condition of eligibility as contended on behalf of those candidates who stand excluded as a result of the impugned judgment? The other viewpoint urged is that even 1-7-2003 held by the High Court as a date for determining eligibility of age is wrong and on correct interpretation of the Rules, the relevant date for determining age is 1-7-2004. The circumstances giving rise to these issues may first be stated.

4. The U.P. Public Service Commission (for short "PSC") was informed by letter of the Government of U.P. dated 23-11-2002 that it has been decided to make appointment of 347 candidates on the basis of competitive examination for recruitment on the post of Civil Judge (Junior Division) for 2002 in the U.P. Judicial Service in three phases of 100 + 100 + 147 candidates. PSC was requested to take prompt action and after completion of selection, send its recommendations to the Government by 31-3-2003. By another requisition dated 29-7-2003 the Government informed PSC that the recruitment be conducted in two phases, first for 174 posts and later for 173 posts in the second phase for which another requisition will be sent. By this requisition PSC was asked to advertise 174 posts in accordance with the provisions contained in the Rules as amended. The Rules had been earlier amended by the Government in terms of its notification dated 19-3-2003 whereby the existing requirement of the requisite age as on the "1st day of January" was substituted by the "1st day of July".

5. By the third requisition dated 10-11-2003 sent by the Government, PSC was informed that on the basis of recommendations of the High Court, it had been decided to hold selection together for 374 posts on the basis of competitive examination. Thus, the proposal for phased recruitment in the earlier requisitions was given up. a

6. An advertisement dated 22/28-11-2003 was issued by PSC for holding examinations to select candidates to fill 347 vacancies to the posts of Civil Judges (Junior Division). In respect of age-limit, clause 5 of the advertisement stated that the candidates must have attained the age of 22 years and must not have attained the age of more than 35 years on 1-7-2004 i.e. they must not have been born before 2-7-1969 and not later than 1-7-1982 but for the Scheduled Caste, Scheduled Tribe and Other Backward Class candidates of U.P., the age-limit shall be five years more. In the same manner, it was stated that for dependants of freedom fighters of U.P., and for ex-army personnel of U.P., the age-limit would be five years more. It was further stated in the advertisement that those candidates who were within age on 1-7-2001 and 1-7-2002 shall be treated within age for this examination. b
c

7. Clause 12 of the advertisement states that the Commission may allow any candidate provisionally on summary checking of application but in later stages if it is found that the candidate was not eligible or his application was not fit for admission or he should have been rejected at the initial stage, his candidature will be cancelled and his recommendations shall be withdrawn even if he has been recommended. d

8. The preliminary and the main examinations were held and the successful candidates were called for interview between 14-4-2005 and 26-4-2005. A learned Judge of the Allahabad High Court who was presiding over one of the Interview Boards in a letter dated 26-4-2005 sent to the Chairman of PSC expressed the opinion that the age requirement benefit of period during which examination could not be held can be given only if the statutory rules provide determination of vacancies every year on a particular date and this issue may be examined before declaration of the result. e

9. PSC, after examination of the issue, came to the conclusion that the provision of relaxation in age-limit given in the advertisement seems to have been done due to misinterpretation of the Rules and, therefore, on 18-5-2005, it took the following decision: f

(1) Due to non-availability of relaxation in age-limit on 1-7-2004 the candidature of the candidates who are overage on 1-7-2004 are rejected.

(2) Result of the selection from examination be declared excluding the aforesaid candidates. g

10. On 2-5-2005 the result of the U.P. Judicial Service, Civil Judge (Junior Division) was declared excluding the candidates in terms of the aforesaid decision.

11. The aforesaid decision led to filing of various writ petitions by the excluded candidates before the High Court. The High Court by the impugned judgment held that the basic initiation of the recruitment process was when h

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a a the first requisition dated 23-11-2002 was sent and thus the recruitment year would be 1-7-2002 to 30-6-2003. Further, it was held that for determining whether a candidate was eligible in that recruitment year it should be assumed that an advertisement pursuant to requisition dated 23-11-2002 was issued before 31-12-2002. In this view, it was held that all candidates who were less than upper age-limit according to their category (reserved or unreserved) on 1-7-2003 would be eligible to appear at the 2003 recruitment.

b b However, the candidates who had crossed the upper age-limit according to their respective categories up to 30-6-2003 will not be eligible under the Rules.

c c 12. Those who stand excluded from consideration, though within age-limit as per the advertisement, are one set of candidates who have questioned the correctness of the impugned judgment. The correctness of the judgment has also been challenged by PSC and those candidates who were eligible from the age criteria as on 1-7-2004. They contend that on due application of the Rules, the candidates who were less than the upper age-limit according to their respective categories on 1-7-2004 alone were eligible to appear in the process of recruitment and that the conclusion of the High Court extending the benefit to those who were less than the age-limit as on 1-7-2003 is erroneous.

d d

e e 13. The question is as to the interpretation of the rules framed in exercise of the power conferred by Article 234 and the proviso to Article 309 of the Constitution upon the Governor of Uttar Pradesh, in consultation with PSC and the High Court of Judicature at Allahabad. The year of recruitment is defined in Rule 4(m) which states that in these rules unless the context otherwise requires—"year of recruitment" means a period of twelve months commencing from the first day of July of the calendar year in which the process of recruitment is initiated by the appointing authority.

f f 14. Rule 4(m) reads as under:

"4. (m) 'Year of recruitment' means a period of twelve months commencing from the first day of July of the calendar year in which the process of recruitment is initiated by the appointing authority."

g g 15. The High Court has held recruitment year to be from 1-7-2002 to 30-6-2003.

h h 16. The strength of service is provided in Rule 6 which reads as under:

"6. *Strength of service.*—(1) The strength of the service and of each category of posts therein shall be such as may be determined by the Governor from time to time in consultation with the Court.

(2) Strength of service and each category of posts therein shall unless varied by order passed in this behalf under sub-rule (1) be as specified in Appendix I.

(3) The Governor may from time to time in consultation with the Court leave unfilled or hold in abeyance, any post without thereby entitling any person to compensation or may create from time to time additional posts, temporary or permanent as found necessary."

17. Part III of the Rules relates to recruitment and Rule 7 therein provides for the source of recruitment. The said rule reads as under:

"7. *Source of recruitment.*—Recruitment to the service shall be made on post of Civil Judge (Junior Division) by direct recruitment on the basis of competitive examination conducted by the Commission. Competitive examination shall be held in every year of recruitment, subject to availability of vacancies." a

18. The age requirement is contained in Rule 10 which reads as under:

"10. *Age.*—A candidate for direct recruitment to the service must have attained the age of 22 years and must not have attained the age of more than 35 years on the first day of July next following the year in which the notification for holding the examination by the Commission inviting applications, is published: b

Provided that the upper age-limit shall be higher by five years in the case of candidates belonging to Scheduled Castes, Scheduled Tribes and such other categories as may be notified by the Government from time to time: c

Provided further that where a candidate was eligible in age to appear at the examination in any year of recruitment in which no such examination was held, he shall be deemed to be eligible in age to appear in the next following examination:

Provided also that the maximum number of chances a candidate is permitted to take will be four." d

19. As already noted "July" was substituted for "January" by amendment of 19-3-2003. The aforementioned rule is as amended.

20. Part V of the Rules comprising Rules 15 to 19 deals with procedure for recruitment to the service. We are concerned with Rule 15 which reads as under: e

"15. *Determination of vacancies.*—The Governor shall, in consultation with the Court, determine and intimate to the Commission the number of vacancies in the posts of Civil Judge (Junior Division) to be filled in during the year of recruitment as also the number of vacancies to be reserved for candidates belonging to Scheduled Caste, Scheduled Tribe and other categories." f

21. The present controversy has arisen as the advertisement issued by PSC stated that the candidates who were within the age on 1-7-2001 and 1-7-2002 shall be treated within age for the examination. Undoubtedly, the excluded candidates were of eligible age as per the advertisement but the recruitment to the service can only be made in accordance with the Rules and the error, if any, in the advertisement cannot override the Rules and create a right in favour of a candidate if otherwise not eligible according to the Rules. The relaxation of age can be granted only if permissible under the Rules and not on the basis of the advertisement. If the interpretation of the Rules by PSC when it issued the advertisement was erroneous, no right can accrue on basis thereof. Therefore, the answer to the question would turn upon the interpretation of the Rules. h

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22. The Rules postulate timely determination of vacancies and timely appointments. The non-filling of vacancies for long not only results in the avoidable litigation but also results in creeping of frustration in the candidates. Further, non-filling of vacancies for a long time, deprives the people of the services of the judicial officers. This is one of the reasons of huge pendency of cases in the courts.

23. It is absolutely necessary to evolve a mechanism to speedily determine and fill vacancies of judges at all levels. For this purpose, timely steps are required to be taken for determination of vacancies, issue of advertisement, conducting examinations, interviews, declaration of the final results and issue of orders of appointments. For all these and other steps, if any, it is necessary to provide for fixed time schedule so that the system works automatically and there is no delay in filling up of vacancies. The dates for taking these steps can be provided for on the pattern similar to filling of vacancies in some other services or filling of seats for admission in medical colleges. The schedule appended to the regulations governing medical admissions sets out a time schedule for every step to be strictly adhered to every year. The exception can be provided for where sufficient number of vacancies do not occur in a given year. The adherence to strict time schedule can ensure timely filling of vacancies. All the State Governments, the Union Territories and/or the High Courts are directed to provide for time schedule for the aforesaid purposes so that every year vacancies that may occur are timely filled. All the State Governments, the Union Territories and the High Courts are directed to file within three months details of the time schedule so fixed and date from which the time schedule so fixed would be operational.

24. Now, to the present case, the only dispute is in respect of the age requirement. The resolution of the dispute would depend upon implementation of Rule 10 of the Rules. According to the main part of Rule 10, the minimum and maximum age requirement has to be as on 1st July next following the year in which the notification for holding the examination by PSC inviting applications is published. That publication inviting applications is dated 22/28-11-2003. The next following year is "2004". Therefore, on the plain reading of the main part of Rule 10, the age requirement is to be seen as on 1-7-2004.

25. The "year of recruitment" has been held by the High Court as 1-7-2002 to 30-6-2003 after rightly coming to the conclusion that the subsequent second and third requisitions were in continuation of the first requisition dated 23-11-2002. The process of recruitment was initiated by the appointing authority on 23-11-2002. The year of recruitment has thus been rightly determined as 1-7-2002 to 30-6-2003, having regard to Rule 4(m).

26. Now, let us examine the second proviso to Rule 10. It stipulates that where a candidate was eligible in age to appear at the examination in any year of recruitment in which no such examination was held, he shall be

deemed to be eligible in age to appear in the next following examination. The benefit of the proviso comes into operation if examination in any year of recruitment is not held so as to give relief to those candidates who would have been otherwise eligible in age but for not holding of the examination. There are two different categories dealt with under Rule 10 for the purpose of eligibility from age viewpoint. One—under the main part of Rule 10 and two—under the second proviso of Rule 10. Under the first part, the determining factor for age is the date of advertisement. Under the second part, determining factor for age is as on the year of recruitment. The age requirement under the main part of Rule 10 is on the requisite date following the year in which notification for holding examination inviting applications is published. The expression “notification” in the context means issue of advertisement inviting applications. Under the first part, therefore, the relevant date for determining age would be 1-7-2004 the advertisement having been issued on 22/28-11-2003. The proviso, however, makes eligible, from the viewpoint of age, even those candidates to appear in the next following examination, who were eligible in age if examination was held in year of recruitment. That is the reason that under the second proviso for determining age, the relevant fact is not the publication of notification as in the main part of Rule 10, but is age of a candidate to appear at the examination in any year of recruitment in which examination was not held. The candidate shall be deemed to be eligible in age to appear in the next following examination. The year of recruitment has been held to be 1-7-2002 to 30-6-2003. The examination in the year of recruitment was not held. The examination was held in March 2004. In such a situation, candidates would be entitled to benefit of age requirement in terms of the second proviso.

27. According to Rule 4(m), the year of recruitment means a period of twelve months commencing from the first day of July of the calendar year in which the process of recruitment is initiated by the appointing authority. The appointing authority within the meaning of the Rules means the Governor of Uttar Pradesh, in other words, the State Government of Uttar Pradesh. As already noted above, the process of recruitment was initiated on 23-11-2002. The determination of vacancies and procedure for recruitment to the service has been provided for in Rule 15. After the vacancies are determined, the same are required to be intimated to the Commission to be filled in during the year of recruitment. That process commenced by sending communication dated 23-11-2002. The second and third communications dated 29-7-2003 and 11-11-2003 by the Government to PSC were in continuation of the first one. The advertisement was published on 22/28-11-2003 after the third communication. The relevant year for the main part of Rule 10 is the one next following the year in which the publication for holding the examination is published. It would be 1-7-2004. For the purpose of the proviso, the recruitment year is 1-7-2002 to 30-6-2003 and age requirement therein would be as on 1-7-2002 in view of Rule 4(m) read with Rule 10 second proviso. Thus, those who were of requisite age as on 1-7-2002 would be eligible under the second proviso and also those who were of requisite age as on 1-7-

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JOSEPH ANTONY LAZARUS v. A.J. FRANCIS

2004 as per the main part of Rule 10. However, it seems difficult to comprehend how candidates of requisite age on 1-7-2001 would be eligible for the recruitment in question. Though Rule 10 is not happily worded yet we find it difficult to sustain the conclusion of the High Court that the advertisement issued on 22/28-11-2003 can be assumed to be issued before 31-12-2002. The interpretation of Rule 10 placed by us is also in accord with the object of the Rules.

28. On harmonious consideration of the Rules, it seems evident that Rule 10, its main part and the second proviso read with Rule 4(m), cater for two categories of candidates. The later makes those eligible who are eligible in the recruitment year in which the process of recruitment is initiated by the appointing authority. In this category, in the present case, would fall those who were eligible as on 1-7-2002. In main part of Rule 10, those who become eligible on 1-7-2004, would be eligible. In this view, those candidates who were eligible on 1-7-2002 and also those who were eligible on 1-7-2004 would be eligible to be considered for appointment to the posts of Civil Judge (Junior Division).

29. In view of the above, the appeals are allowed in the aforesaid terms. The remaining recruitment process shall be completed at the earliest. No costs.

(2006) 9 Supreme Court Cases 515

(BEFORE B.P. SINGH AND ALTAMAS KABIR, JJ.)

JOSEPH ANTONY LAZARUS (DEAD) BY LRS. Appellant;
Versus
A.J. FRANCIS Respondent.

Civil Appeal No. 4009 of 1998†, decided on April 3, 2006

Will — Genuineness — Suspicious circumstances — Non-mention in the Will about other sons of testatrix while bequeathing the entire property to two sons alone — Old age and indifferent health of testatrix — Existence of two different signatures of testatrix on each page of the Will — Will registered more than a year after the date of the Will — Non-examination of advocate who had drafted the Will and Sub-Registrar before whom Will was presented for registration — Having regard to facts and circumstances, held, genuineness of the Will doubtful — Succession Act, 1925, S. 61

It will be injudicious to suggest that in the present case there are no suspicious circumstances surrounding the execution and registration of the Will. It is difficult to understand as to why the testatrix omitted to mention two of her sons in the Will although she had taken great pains to mention the fact that the appellant and her other son, C had looked after her and had paid all the instalments towards the house property, even though C had gone to Sharjah as far

† From the Judgment and Order dated 17-12-1997 of the High Court of Madras in OSA No. 45 of 1991

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IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 5

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.

.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.

..... RESPONDENTS.



[Handwritten signature]

Request No

122

A-4

प्राप्त हुए, कृपया इसे, मूल में ही प्रेषित करें।
चौबे आदि शामिल थे।

विरिन्द्र पटेल के एक माह का बिल करीब दो लाख रुपये का आया है।

बुझाकर शांत करा दिया था।

सिविल जज जूनियर डिवीजन का परिणाम

इलाहाबाद। उत्तर प्रदेश लोक सेवा आयोग के सचिव डॉ. जे.बी. सिन्हा ने सोमवार को उत्तर प्रदेश न्यायिक सेवा सिविल जज (जूनियर डिवीजन) परीक्षा 2013 का सशोधित परीक्षाफल घोषित कर दिया है। सशोधित परीक्षाफल आयोग कार्यालय के सूचना पट्टे पर चम्पा कर दिया गया है।

POST-CAN Judge (J.D.) 003036 VIKAS GOYAL 012815 JANYA SINGH 011728
PRESIDENT MITAL (PROV) 026733 SHELLY ROY 013732 SANJEEV KUMAR
SINGH (NOC) 000704 KAMLESH KUMAR PATHAK (NOC) 007163 HITENDRA
HARI (PROV) 032551 SANDEEP GUPTA 002881 CHANDRA BHAN SINGH
(PROV) 000723 HARSH AGARWAL (NOC) 006093 SHAILENDRA NIGAM 008483
HUMAYUN RASHEED KHAN 004559 BRAHMATEL CHATURVEDI (PROV) 011986
MONICA THAKUR (PROV) 032212 SARVESH KUMAR PANDEY (NOC) 013746
MRIDULA MISHRA 009082 DINESH TIWARI 026321 DEV KANT SHUKLA (NOC)
029433 SHIKHA SRIVASTAVA 018567 PALLAVI AGARWAL 005577 ABHINITAM
008663 IFAQE AHMAD 030120 BHOOPEESH KUMAR GUPTA (NOC) 006534
SONIKA CHOUDHARY 013858 ANAMIKA CHAUHAN 012611 RICHIA JOSHI
058566 NEETU PATHAK 002917 ABHAY KRISHNA TIWARI 011384 KESHAV
GOYAL 00831 RITU SHARMA 005790 RAKH DIXIT 008947 NITISH KUMAR RAI
(NOC) 006731 SANDHYA SRIVASTAVA (PROV) 000650 RAKESH KUMAR SINGH
024948 PREMENDRA KUMAR (PROV) 006167 NISHA SRIVASTAVA 023440
BHAGIRATH VERMA (PROV) 044655 VIJAY KUMAR 005366 MOHD ASLAM SID-
DIQI 003976 VIKAS NAGAR 032619 ASHISH VARMA 007626 MOHD NEYAZ
AHMAD ANSARI (PROV) 005430 RAKESH TRIPATHI 007218 AMIT MALAVIYA
(PROV) 004346 MOHD AHMAD KHAN 002597 ABHAI SRIVASTAV (NOC) 018726
MAKESH KUMAR SINGH 002939 ANUTOSH KUMAR SHARMA 003408 PRAMOD
KUMAR 005387 NIRUPAMA VIKRAM 008009 RAJEEV RAJAN 034607 EAVAN
KUMAR SRIVASTAVA 013788 PRATIBHA SAXENA 021482 GAURAV DUDEJA
021102 GARIMA SINGH (PROV) 008979 ARTI FAUZDAR (PROV) 043532
SATYANAN SINGH 032549 RAJESH PARASHER 003136 VIKAS GUPTA 010164
KAVITA MISHRA (PROV) 012071 RESHMA PRAWEEEN 007044 KASHI NATH
000472 SANJAY KUMAR SINGH 032229 RAJESH N MANI TRIPATHI 024775
LAKSHMI JINDAL 018901 DEEPA RAI 097017 ALPANA SHUKLA 039122 GYA-
NENDER SINGH YADAV (PROV) 021902 GAURAV KUMAR 005517 ABHINAV
KUMAR MISHRA 009498 AMIT VEER SINGH 031708 PUSHPENDER SINGH
008828 PRAN VIJAY SINGH 003680 ATUL SINGH 030211 SAMAR VISHAL
008775 SWAPNA SINGH 001878 AMIT KUMAR PANDE 042257 ALOK DWIVEDI
029173 SHIKHA PATHAK (PROV) 045441 DHIRENDRA KUMAR 005041 CHAN-
DRA MPANI MISHRA 032822 GOPAL TIWARI 000847 NIKHARUKA CHAUHAN
017482 BAGAN KUMAR BHARTI 008638 AMIT SINGH 002826 MOHD QAMRUZ-
ZAMAN KHAN (PROV) 015534 SUDHAKARRAI 005192 SANJAY MISHRA 033156
VISHNU PRASAD AGRAWAL 008097 ABID SHAMIM (PROV) 001947 NIRAJ
GAUTAM 043863 JYOTSNA SINGH (PROV) 007277 ABHISEKH PANDEY 037989
RAJU MAHESHWARAM 024999 ARVIND MISRA 001729 RAJBABADUR
RANDEY YADAV (PROV) 014475 TARUN KUMAR SINGH 010222 DIVAKER
DINDESI 013455 AMRITA SHUKLA 002493 SHAILA (PROV) 012134 SUBHASH
SINGH 000660 SHYAMAL MISHRA (PROV) 005510 RAKESH VASHISHT
PROV 013626 MRIDUL DUBEY 002295 SURYA PRAKASH SINGH (PROV)
00775 ANAND PRAKASH (PROV) 040346 NAVEEN KUMAR SINGH 046960
DELENDRA KUMAR PANDEY 022462 GAURAV SHARMA 009261 CHANDRA

VIJAY SRINET 030304 KUMAR MAYANK (PROV) 020090 RAM PRATAP SINGH
RANA (NOC) 012841 CHHAYA NAIN (PROV) 035257 AKHILESH KUMAR 004040
AUGUST KUMAR TIWARI 000122 SHABISTAN AQULI 004055 SUSHIL KUMAR
002133 SHAHNAWAZ T K TANVEER 034167 PAWAN KUMAR SHUKLA 039577
AKHILESWAR PRASAD MISHRA (NOC) 040307 PRABHA NATH TRIPATHI
(NOC) 007085 NAHESHA NAND JHA (PROV) 017936 VINOD KUMAR (PROV)
017862 GAJENDRA 008421 CHANDRA SHEKHAR MISRA (NOC) 028791 SAKSHI
SHARMA 040102 GYANENDRA RAO (NOC) 005228 PRAMOD KUMAR GANG-
WAR (PROV) 030484 KUMAR PRASHANT 042362 HARBANS NARAIN (NOC)
011855 TABREZ AHMED 034034 SUNIL KUMAR SHARMA 033043 JEETENDRA
MISHRA (NOC) 018420 BALKRISHNA N RAJAN (PROV) 013614 SUBODH
VARSHNEY 034284 KUSUM LATA (PROV) 000710 RAKESH KUMAR SINGH
005429 RAJEEV KUMAR PALIWAL 016348 PRAVEEN KUMAR PANDEY 006380
AVINASH CHANDRA MISHRA 005231 RAVINDRA KUMAR DWIVEDI 007677
ABHISEKH SRIVASTAVA 018428 PRAVEZ AKHTAR (PROV) 010437 ADITYA
CHATURVEDI (PROV) 004327 NIRBHAY NARAIN RAI 004231 RAVINDRA
KUMAR 036588 RADHEY MOHAN SRIVASTAVA (NOC) 004237 ABHAY PRAT-
AP SINGH 051006 NEHA ANAND 002048 PRAKASH TIWARI 000914 SID-
DHARTH SINGH 000080 SHABIH ZEHRA 010204 KAVITA NIGAM 005907 NISHA
RAI (PROV) 026875 UMESH KUMAR (PROV) 001423 HARSHVARDHAN (PROV)
008891 REEMA BANSAL 003859 APARNA PANDEY (PROV) 004574 SNEHA
TYAGI 026199 ASAD AHMAD HASHIMI 008977 ACHCHHE LAL GUPTA (PROV)
013594 SUBODH SINGH (NOC) 004958 AMIT KUMAR PRAJAPATI 004322
DINESH KUMAR CHAURASIA 002544 KANCHAN 029213 SHIKHA PRADHAN
046298 ANU SAXENA 004070 RAKESH PATEL (PROV) 000366 MOHAMMAD
RAFI (PROV) 008945 MAMATA SINGH 029167 PARUL SRIVASTAVA 004432
SANJAY KUMAR YADAV (PROV) 027992 SAPNA SHUKLA 012721 CHHAVI
ASTHANA 010467 NUPUR (PROV) 000603 ANURADHA PUNDIR 009046 MOHD
SUHAIB ASIF (PROV) 007379 ARCHNA GUPTA (NOC) 004660 AVADHESH
PANDEY 030318 ANIL KUMAR SETH (PROV) 051466 NETRA PAL SINGH
050777 AMARJEET 048335 VIJAY KUMAR VERMA 000408 PRAHALAD SINGH
024799 ARVIND KUMAR YADAV (PROV) 010633 SHAKTI SINGH (PROV) 015587
OMBIR (PROV) 003622 DINESH KUMAR 032952 SARVJEET KUMAR SINGH
029247 PARUL VERMA (PROV) 007247 NITENDRA KUMAR (PROV) 045919
ASHUTOSH KUMAR SINGH (PROV) 042548 RAHUL SINGH 005105 MAHESH
CHANDRA VERMA (NOC) 029199 ASHISH KUMAR CHAURASIA 017107 OMVIR
SINGH (PROV) 005439 ARCHANA 028207 PARMESHWAR PRASAD (PROV)
013951 RISHI KUMAR (PROV) 013876 VINEET CHAUDHARY 011443 INDRA
PRAKASH 032425 MANOJ KUMAR SINGH (PROV) 002454 SITA RAM 020692
SANTOSH KUMAR 000655 SURJAN SINGH (PROV) 019847 PANKAJ JAISWAL
(NOC) 001509 RAJAT KUMAR KUREEL 018258 ANAND PRAKASH SINGH
027239 ASHARANI SINGH (PROV) 007610 RAM BABOO YADAV 037901 BHAR-
MENDER RANA (PROV) 004434 SNEH LATA SINGH 005553 SHAILENDRA
KUMAR VERMA 034162 GOVIND NARAYAN MISHRA 023461 DEEPAK
YADAV (PROV) 017690 RAM NET (PROV) 040688 RAHUL ANAND 050926
NEETU YADAV (PROV) 003647 NIRANJAN KUMAR (PROV) 010286 MOHIN-
DER KUMAR (PROV) 003194 SIYARAM CHAURASIA (PROV) 026660 BHARAT
SINGH YADAV 023184 KRISHNA KUMAR SINGH 007284 KASHI PRASAD SINGH
YADAV (NOC) 017168 PRAVEEN KUMAR TYAGI 007526 MOHD NASIM 022044
KRISHNA KUMAR (PROV) 007591 RAVINDRA SINGH 000602 DINA NATH

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012610 RAM KARAN YADAV (PROV) 017257 AJAY KUMAR 013481 CHHOTTE
LAL YADAV (PROV) 027462 GHULAM MUSTAFA 026712 SANTOSH KUMAR
YADAV (PROV) 020600 BAQUAR SHAMIM RIZVI (PROV) 012060 AZAD SINGH
005268 PRAMOD KUMAR GUPTA (PROV) 040731 SANJAY CHAUDHARY
011379 ARUN KUMAR (PROV) 000961 CHANCHAL (PROV) 027571 SAI
AHMAD (PROV) 050405 MOHAMMAD ILIYAS (PROV) 040256 VIVEKA NAND
VISHWAKARMA (PROV) 007428 PRAMOD KUMAR SINGH (PROV) 014825
MANISH KUMAR 009740 AWADHESH KUMAR SINGH (NOC) 004125 MAHEN-
DRA KUMAR 004312 SANJAY KUMAR YADAV 008717 ABUL KAISH (PROV)
029830 RAMESH CHAND 009136 VINAY ARYA (PROV) 037534 SUNIL PRASAD
005037 ABHIMANYOU SINGH (PROV) 003126 MOHAN KUMAR 031545 MANOJ
KUMAR SIDDHU 011686 MONA PANWAR (PROV) 007071 RAVINDRA PRASAD
GUPTA (PROV) 014396 VINEET KUMAR VASWANI (PROV) 025919 ARVIND
VIKAS (PROV) 005296 VIKASH KUMAR (PROV) 036131 SANDEEPA YADAV
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SHAILENDRA VERMA 049750 RAVI KANT (PROV) 009895 SWETA VERMA
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PRASAD YADAV (PROV) 049745 MOHAMMAD AZAD 040142 GYANENDRA
SINGH 019183 JAHENDRA PAL SINGH (PROV) 025858 ANIL KUMAR (PROV)
029223 JAY GOPAL GIRI 041177 ARIKA BHARTI 030932 SAROJ KUMAR YADAV
(PROV) 042538 ANKITA SHUKLA 047329 RAKESH KUMAR 003341 CHANDRA
BHUSHAN 001074 SIDDHARTHA KUMAR WAGAV (PROV) 005301 CHANDRA
MOHAN CHATURVEDI 028887 PARUL ANJOR 038222 GUNANDRA PRAKASH
004057 ABHAY PRAKASH NARAIN 012654 SUBODH BHARTI 030307 PASHU-
PATI NATH MISHRA 008251 RAVISH KUMAR ATRI 005067 NIRMALA 001319
ANURAG KUREEL (NOC) 003283 HEMANT KUMAR (NOC) 017795 TRIBHUWAN
NATH 026907 PARASHU RAM (NOC) 023118 ANIL KUMAR 032373 SHIV KUMAR
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012193 SHALINI SINGH 045471 SANJAY KUMAR 039120 BIRENDRA KUMAR
027484 KULDEEP KUMAR 007330 RAM AVTAR PRASAD 004149 RAJEEV
KUMAR 015550 RAM LAL 023585 MANOJ KUMAR (PROV) 013889 RAJENDRA
PRASAD BHARATI 011611 RENU SINGH (PROV) 046343 KALPANA 018461
DEEP KANT MANI (PROV) 002633 SHAILENDER SINGH (PROV) 04452
SATYENDRA KUMAR LAL (NOC) 012255 TALEWAR SINGH 001172 SANJAY
KUMAR SINGH 035930 RAMGOPAL SINGH (NOC) 046567 PRADEEP KUMAR
JAYANT 017808 PRAVEEN SONKAR (PROV) 023408 PREM PRAKASH (PROV)
004975 SUSHIL KUMAR 041411 SANJAY K LAL (PROV) 050622 PRADIP KUMAR
RAM 022766 MUNNA PRASAD 005525 MAHESH KUMAR 046911 SANJAY
KUMAR GOND (NOC) 024436 VIPIIN KUMAR 044884 LOKESH VARUN 008096
VIMAL PRAKASH ARYA 046222 HARI PRASAD 010831 SMT REKHA SINGH
(PROV) 020750 RAM RAJ 022438 ANIL KUMAR 010139 ARUN KUMAR 030481
DEVENDRA NATH SINGH 004996 VIKAS VERMA 039923 JITENDRA SINGH
023968 PREM SHANKAR (PROV) 044049 RAJU PRASAD 012381 CHANGUR
RAM 005435 SUSHIL KUMAR KHARWAR 008990 RAM BILAS PRASAD 028018
ANIL KUMAR KHARWAR 036344 LAL BAHADUR GOND

NO OF CANDIDATES-40347

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जिला
पत्रांक

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IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 6

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.
.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.
..... RESPONDENTS.



विशेष वाहक द्वारासर्वोच्च प्राथमिकता/समयबद्धसंख्या-1882/दो-4-06-32(1)/2001टी.सी.-1

प्रेमक,

मोहन सिंह चौहान,
विशेष सचिव,
उत्तर प्रदेश शासन।

सेवा में,

महानिदेशक,
चिकित्सा एवं स्वास्थ्य,
उत्तर प्रदेश लखनऊ।

निधिरित अनुभाग-4

लखनऊ: दिनांक: 26 अप्रैल, 2006

विषय: -उत्तर प्रदेश न्यायिक सेवा सिविल जज (जू0 डि0)

परीक्षा- 2003 के आधार पर नियुक्ति हेतु चयनित
अभ्यर्थियों की शारीरिक परीक्षा।

महोदय,

मुझे यह कहने का निदेश हुआ है कि उत्तर प्रदेश न्यायिक सेवा सिविल जज (जू0 डि0) में चयनित 340 अभ्यर्थियों, जिनके नाम व पते संलग्न तालिका में दिये गये हैं, को नियुक्त किये जाने के विषय में विचार किया जा रहा है तथा उक्त अभ्यर्थियों को सेवा में नियुक्ति देने के लिये अन्य बातों के अतिरिक्त उनकी शारीरिक योग्यता होनी भी अनिवार्य है। अतः अनुरोध है कि आप कृपया मुख्य चिकित्सा अधिकारी, लखनऊ को निर्दिष्ट कर दें कि वे संलग्न तालिका में उल्लिखित अभ्यर्थियों की शारीरिक परीक्षा 30 प्र0 राज्य चिकित्सा परिषद लखनऊ, द्वारा सर्वोच्च प्राथमिकता पर तत्काल करवाने तथा चिकित्सा परिषद की संस्तुति एक सप्ताह में उपलब्ध कराने का कष्ट करें।

2- सम्बन्धित अभ्यर्थियों को निर्धारित शुल्क 30 प्र0 राज्य चिकित्सा परिषद को देने के लिये कहा जा रहा है। मुख्य चिकित्सा अधिकारी, लखनऊ कृपया रजिस्टर्ड पत्र द्वारा अभ्यर्थियों को राज्य चिकित्सा परिषद की बैठक की तिथि व निर्धारित शुल्क समय, स्थान से अवगत करा दें तथा चिकित्सा परिषद की कार्यवाही शासन को एक सप्ताह में उपलब्ध कराने का कष्ट करें।

3- उल्लेखनीय है कि महानिदेशक, उच्च न्यायालय, इलाहाबाद के पत्र संख्या-पी एस(आरजी)/6/06 दिनांक-5.4.06 में यह कहा गया है कि मा0 मुख्य न्यायाधीश महोदय द्वारा यह अपेक्षा की गयी है कि चयनित अभ्यर्थियों के चयन/नियुक्ति की प्रक्रिया बिलम्बत चार सप्ताह में पूरी कर ली जाये। अतएव

-2-

अनुरोध है कि स्वास्थ्य परीक्षण सम्बन्धी समस्त उक्त कार्यवाही तत्काल समयान्तर्गत सम्पन्न कराने का कष्ट करें। यदि आवश्यकता हो तो विशेष बोर्ड का गठन कर समयान्तर्गत समस्त कार्यवाही सुनिश्चित करायी जाये।

संलग्नक: यथोपरि (तालिका)

भवदीय,

(मीहन सिंह चौहान)

विशेष सचिव

संख्या-1832 (1)/दो-4-2006-32(1)/2001टी.सी.-1, तददिनांक।

प्रतिमिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

शेष वाहक द्वारा 1- मुख्य चिकित्सा अधिकारी, लखनऊ। संलग्न तालिका सहित।

जस्टिस-

2- सम्बन्धित अभ्यर्थियों को इस मन्तव्य के साथ प्रेषित कि:-

(1) वह मुख्य चिकित्सा अधिकारी, लखनऊ से सूचना प्राप्त होने पर निर्धारित शुल्क के साथ 30 प्र० राज्य चिकित्सा परिषद लखनऊ के समक्ष उपस्थित हों। बिना समुचित कारण के निर्धारित तिथि पर उपस्थित न होने पर उनका नियुक्ति के लिये कोई दावा नहीं रहेगा।

(2) उन्हें यह भी सूचित किया जाता है कि उन्हें शारीरिक परीक्षा के लिये बुलाये जाने का आशय यह नहीं है कि उन्हें उत्तर प्रदेश न्यायिक सेवा सिविल जज (जू०डि०) में नियुक्ति मिल ही जायेगी क्योंकि उसके लिये उन्हें अन्य बातों में भी योग्य पाया जाना आवश्यक है।

(3) राज्य चिकित्सा परिषद के समक्ष उपस्थित होने अथवा वहाँ से वापसी के सम्बन्ध में उन्हें कोई यात्रा भत्ता आदि अनुमन्य नहीं होगा।

(3) महानिबंधक, उच्च न्यायालय, इलाहाबाद।

आज्ञा से,

(यतीन्द्र मोहन)

अनु सचिव

Ad

Request-130

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IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 7

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.
.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.
..... RESPONDENTS.

Ad

उत्तर प्रदेश शासन
नियुक्ति अनुभाग-4

संख्या-2430/दो-4-06-32(1)/2001टीसी.-1

लखनऊ: दिनांक: 26 मई, 2006

विज्ञापित/नियुक्ति

लोक सेवा आयोग, उत्तर प्रदेश, इलाहाबाद द्वारा उत्तर प्रदेश व्यापिक सेवा में सीधी भर्ती हेतु आयोजित प्रतियोगितात्मक परीक्षा, 2003 के आधार पर चयनित निम्नलिखित अभ्यर्थियों की वेतनमान रुपया-9000-250-10750-300-13150-350-14550 में सिविल जज (जुजिसर डिप्टीजज) के पद पर चरित्र एवं पूर्ववृत्त संतोषजनक पाये जाने की शर्त/प्रतिबन्ध के साथ, अस्थायी रूप से नियुक्त किया जाता है। उनकी पारस्परिक ज्येष्ठता बाद में निर्धारित की जायेगी:-

कसं० अभ्यर्थी का नाम व पता/पति का नाम पत्र व्यवहार का पता

सर्वश्री/सुश्री

1. विकास गोयल, सनेन्द्र नाथ गोयल
मन०-315 वार्डन०-2बरसी
पथाना-140412 फतेहगढ़ साहिब
पंजाब
2. तान्या सिंह, अचनिन्द्र प्रसाद सिंह
डी-28 सेक्टर जी अलीगंज
लखनऊ-226024
3. प्रशाब्द मिश्रा, विजय कुमार
द्वारा एल० के० मिश्रा, 57
झारिकापुरी, गली नं०-6
मुजफ्फरनगर
4. शैली राय, दिलीप कुमार राय
3के/133 नहरू नगर गाजिया-
बाद-201001
5. संजीव कुमार सिंह, जे० पी० सिंह
द्वारा मनोज पाठक, 24/9-बी
एम जेड एच रोड न्यू कर्टस
इलाहाबाद
6. कमलेश कुमार पाठक, विक्रमादित्य
पाठक
कार्यालय उपनिबंधक-2 सदर
बुलन्दशहर-203001
7. हितेन्द्र हरी, महेन्द्र प्रसाद गुप्ता
मन०-1076 डा०मुखर्जी नगर
दिल्ली-110009
8. संदीप गुप्ता, डी० आर० गुप्ता
218 सी/एस ए नयन्तीपुर
सुलेमसराय इलाहाबाद 211001
9. चन्द्रभाज सिंह, रामचरण वर्मा
सी-260/1 गली नं०-12 भजन
पुरा दिल्ली-110053
10. हर्ष अग्रवाल, गिरधारी लाल
मन०-51, कारोनेन विहारीपुर
बरेली-243003
11. शैलेन्द्र निगम, स्व० डा० ओ०पी०निगम
39/16 मैस्टन रोड कानपुर
208001

-2-

2. इमरुद्दीन रशीद खान, रशीद अहमद खान
क. नं.-25 आफताब हास्टल
आफताब हाल ए.एम.यू. अली-
गढ़
13. ब्रह्मदेव चतुर्वेदी, स्व० बाबूरामजी चतुर्वेदी
म.नं.-178 नई बस्ती पीलीभीत
262001
14. मोनिका ठाकुर, राजेश कुमार माणि
ए-5 गोविन्दपुर, इलाहाबाद-
211004
15. सर्वेश कुमार पाण्डेय, उदयशंकर पाण्डेय
जी-11 गीतानगरी, बिजनौर
16. मृदुला मिश्रा, ए० के० मिश्रा
टी-5/9 टेलीकॉम कालोनी
सेक्टर डी अलीगंज लखनऊ
जिलाजज, फिरोजाबाद दिवानी
कचहरी डबर्ड फिरोजाबाद-
283203
17. दिनेश तिवारी, श्यामशंकर तिवारी
73/21 बेली रोड पावर हाउस
नया कटरा इलाहाबाद 211002
18. देवकान्त शुक्ला, कमला कान्त शुक्ला
ए-46 वैदेहीनगर साहबगंज
फैजाबाद-224001
19. कु० शिखा श्रीवास्तवा, अमरनाथ श्रीवास्तवा
98/4 जायति विहार मेरठ
20. कु० पल्लवी अग्रवाल, गिरजाशंकर अग्रवाल
79 जुबली हाल यूनिवर्सिटी
आफ दिल्ली मल्लरोड दिल्ली
110007
21. अभिनितम, धरनीधर उपाध्याय
ग्राम-दरियाबाद पो० दुधारा
संत कबीर नगर-272125
22. इफराक अहमद स्व० शीकत अली
12/97-ए चर्च रोड खालाटोली
(पंजाब नेशनल बैंक के सामने)
कानपुर-208001
23. भूपेश कुमार गुप्ता, प्रयागदत्त गुप्ता
आर०एस० पब्लिक स्कूल
निकट चौधरी महेन्द्र सिंह
डिग्री कालेज रेलवे स्टेशन रोड
गढ़मुक्तेश्वर गाजियाबाद
एम-61 नवकपुरी मैरिस रोड
अलीगढ़-202001
24. कु० सोनिका चौधरी, चौ० महेन्द्र सिंह
5 जयन्तीपुर सुनेम सराय,
इलाहाबाद
25. अनामिका चौहान डा० नीकम सिंह चौहान
2/11 विराट खण्ड गोमती
नगर लखनऊ-226010
26. कु० ऋचा जोशी, महेश चन्द्र जोशी
54 शुतुरखाना तेलियरगंज,
इलाहाबाद-211004
27. नीतू पाठक, डी०पी० पाठक
ई०एस०आई० हास्पिटल कैम्पस
आगरा रोड, सस्नीगेट
अलीगढ़-202001
28. अभय कृष्ण तिवारी, जयप्रकाश नारायण
तिवारी
29. केशव गोयल, डा० नगदीश प्रसाद गोयल

Request-129

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IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 8

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.

.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.

.....RESPONDENTS.

SL

नवीनतम् शासनादेश एवं नियमावलियाँ (Latest Government Orders and Rules)

शासनादेश संग्रह : नियुक्ति से पेंशन तक : का प्रकाशन विगत में द्वितीय संस्करण 20 (सितम्बर) में मुद्रित कराया गया था। इसके पश्चात् समय-समय पर विभिन्न शासनादेश नियमावलियाँ में संशोधन किये गये हैं। इन संशोधनों को इस अध्याय में अद्यावधिक किया गया सुविधा के लिए विषय-सूची में इनका उल्लेख यथास्थान कर दिया गया है।

उ.प्र. रिटायरमेंट बेनीफिट (संशोधन) रूल्स, 2005 द्वारा 1.4.2005 या उसके पश्चात् प्र करने वाले कर्मचारियों पर उ.प्र. रिटायरमेंट बेनीफिट रूल्स, 1961 को प्रतिबंधित किया गया है।

वित्त सामान्य अनुभाग (3) द्वारा निर्गत अधिसूचना संख्या दिनांकित 28.3.2005 द "नवपरिभाषित अंशदान पेंशन योजना" लागू की गयी है।

भाग 1 (क्रमशः)

सेवा प्रसंगतियाँ (Service Incidents)

1

NEW DEFINED CONTRIBUTION PENSION SYSTEM

No. G-3-379/X-2005-301(9)-2003

Lucknow, Dated March 28, 2005

Notification

The State Government, in consideration of its long-term fiscal interest and following broadly the pattern adopted by the Central Government, has approved the following proposal of introducing a new defined contribution pension system in place of the existing defined benefit pension scheme, for new entrants to the service of the State Government and of all State-controlled autonomous institutions and State-aided private educational institutions where the existing pension scheme is patterned on the scheme for Government employees and is funded by the consolidated fund of the State Government :—

- (1) From 1st of April, 2005, the new defined contribution pension system would mandatorily apply to all new recruits to the service of the State Government and of all State-controlled autonomous/State aided private educational institutions referred to above. However, employees covered by the existing pension scheme whose service would be of less than ten years on 1st April, 2005, may also voluntarily opt for the new pension system in place of the existing pension scheme.

1890

शासनादेश संग्रह

[अध्याय 42]

- (ii) Under the new defined contribution pension system, the employee would make a monthly contribution equal to 10 per cent of the salary and dearness allowance. A matching employer's contribution would be made by the State Government or by the concerned autonomous institution/private educational institution. However, the State Government would provide grant to the concerned autonomous institution/private educational institution for making employer's contribution until the institution is in a position to make the contribution itself. The contribution and investment returns would be deposited in an account to be known as pension tier-I account. No withdrawal would be allowed from this account during the service period. The existing provisions of defined benefit pension and GPF would not be available to the new recruits covered by the new defined contribution pension system.
- (iii) Since new recruits would not be able to subscribe to GPF, they may also have a voluntary tier-II account, in addition to the pension tier-I account. However, employer would make no contribution to tier-II account. The assets in tier-II account would be invested/managed through exactly the same procedure as for pension tier-I account. However, the employee would be free to withdraw part or all of the "second tier" of his money anytime.
- (iv) Employee can normally exit tier-I of the pension system at the time of retirement. At exit the employee would be mandatorily required to invest 40 per cent of pension wealth to purchase an annuity from a recognised insurance company so as to provide for pension for the lifetime of the employee and his dependent parents and his spouse at the time of retirement. The remaining pension wealth would, however, be received by the employee as a lump-sum which he would be free to utilise in any manner. In case of employee exiting the pension tier-I before retirement, the mandatory annuitisation would be 80 per cent of the pension wealth.
- (v) There would be several pension fund managers who would offer mainly three categories of investment options. The pension fund managers and the record-keeper would jointly give out easily understood information about past performance so that the employee is able to make informed choices of the investment options.
2. The effective date for operationalisation of the new pension system shall be 1st of April, 2005.

Request-139

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IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 9

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.
.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.
..... RESPONDENTS.

[Handwritten signature]

क्रम-संख्या—90(क)



रजि० नं० एल. डब्लू. /एन. पी. 890

लाइसेंस नं० डब्लू० पी०-41

लाइसेंस टू पोस्ट एट कन्वेंशनल रेट

सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग—4, खण्ड (ख)

(परिनियत आदेश)

लखनऊ, बृहस्पतिवार, 7 अप्रैल, 2005

चैत्र 17, 1927 शक सम्वत्

उत्तर प्रदेश सरकार

वित्त (सामान्य) अनुभाग—3

संख्या सा-3-469/दस-2005-301(9)-03

लखनऊ, 7 अप्रैल, 2005

अधिसूचना

प्रकीर्ण

प०आ०—123

संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्ति का प्रयोग करके राज्यपाल उत्तर प्रदेश रिटायरमेन्ट बेनिफिट्स रूल्स, 1961 को संशोधित करने की दृष्टि से निम्नलिखित नियमावली बनाते हैं।

उत्तर प्रदेश रिटायरमेन्ट बेनिफिट्स (संशोधन) रूल्स, 2005

- 1—(1) यह नियमावली उत्तर प्रदेश रिटायरमेन्ट बेनिफिट्स (संशोधन) रूल्स, 2005 कही जायेगी।
- (2) यह 1 अप्रैल, 2005 को प्रवृत्त हुआ समझा जायेगा।
- 2—उत्तर प्रदेश रिटायरमेन्ट बेनिफिट्स रूल्स, 1961 में, नियम 2 में, वर्तमान उपनियम (2) के पश्चात् निम्नलिखित नया उपनियम बढ़ा दिया जायेगा, अर्थात्:—
- “(3) यह नियमावली राज्य के कार्य लाप के सम्वन्ध में पेंशनी स्थापन सेवाओं और पदों पर, चाहे वे अस्थायी हों या स्थायी हों, 1 अप्रैल, 2005 को या उसके पश्चात् प्रवेश करने वाले कर्मचारियों पर लागू नहीं होंगी।”

संक्षिप्त नाम और
प्रारम्भ
नियम 2 का
संशोधन

आज्ञा से,
रीता शर्मा,
वित्त आयुक्त एवं
प्रमुख सचिव।

उत्तर प्रदेश असाधारण गजट, 7 अप्रैल, 2005

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of notification no. G-3-469/X-2005-301(9)-03, dated April 7, 2005:

No. G-3-469/X-2005-301(9)-03

Dated Lucknow, April 7, 2005

IN exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh Retirement Benefits Rules, 1961.

THE UTTAR PRADESH RETIREMENT BENEFITS (AMENDMENT) RULES, 2005

Short title and
commencement

1. (1) These rules shall be called the Uttar Pradesh Retirement Benefits (Amendment) Rules, 2005.

(2) They shall and be deemed to have come into force with effect from April 1, 2005.

Amendment of
rule 2

2. In the Uttar Pradesh Retirement Benefits Rules, 1961 in rule 2, after existing sub-rule (2) the following new sub-rule shall be inserted, namely:—

"(3) These rules shall not apply to employees entering services and posts on or after April 1, 2005 in connection with the affairs of the state borne on pensionable establishment, whether temporary or permanent."

By order.

RITA SHARMA,

Vita Ayukta Evam

Pramukh Sachiv.

पी०एस०यू०पी०—ए०पी० 39 राजपत्र (हि०)—2005—(68)—597 (कम्प्यूटर/ऑफसेट)।

पी०एस०यू०पी०—ए०पी० 3 सा०वित्त—2005—(69)—10,000 (कम्प्यूटर/ऑफसेट)।

IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 10

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.

.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.

..... RESPONDENTS.

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क्रम-संख्या-90(ख)



रजि० नं० एल. डब्ल्यू. / एन. पी. 890

लाइसेंस नं० डब्ल्यू. पी०-41

लाइसेंस टू पोस्ट एट कन्वेंशनल रेट

सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग-4, खण्ड (ख)

(परिनियत आदेश)

लखनऊ, बृहस्पतिवार, 7 अप्रैल, 2005

चैत्र 17, 1927 शक सम्वत्

उत्तर प्रदेश सरकार

वित्त (सामान्य) अनुभाग-3

संख्या सा-3-470/एस-2005-301(9)-03

लखनऊ, 7 अप्रैल, 2005

अधिसूचना

प्रकीर्ण

प० आ०-125

संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्ति का प्रयोग करके राज्यपाल सामान्य भविष्य निधि (उत्तर प्रदेश) नियमावली, 1985 को संशोधित करने की दृष्टि से निम्नलिखित नियमावली बनाते हैं।

सामान्य भविष्य निधि (उत्तर प्रदेश) (संशोधन) नियमावली, 2005

1-(1) यह नियमावली सामान्य भविष्य निधि (उत्तर प्रदेश) (संशोधन) नियमावली, 2005 कही जायेगी।

संक्षिप्त नाम और प्रारम्भ

(2) यह 1 अप्रैल, 2005 को प्रवृत्त हुआ समझा जायेगा।

2-सामान्य भविष्य निधि (उत्तर प्रदेश) नियमावली, 1985 में नीचे स्तम्भ-1 में दिये गये वर्तमान नियम 4 के स्थान पर स्तम्भ-2 में दिया गया नियम रख दिया जायेगा, अर्थात् :-

नियम 4 का प्रतिस्थापन

स्तम्भ-1

वर्तमान नियम

4-संविदा पर नियुक्त कर्मचारियों और पुनर्नियोजित पेंशनभोगियों से भिन्न समस्त स्थायी सरकारी सेवक और समस्त अस्थायी सरकारी सेवक, जिनकी सेवायें एक वर्ष से अधिक तक जारी रहने की सम्भावना हो, सेवा में कार्यभार ग्रहण करने के दिनांक से निधि में अभिदान करेंगे।

स्तम्भ-2

एतद्वारा प्रतिस्थापित नियम

4-संविदा पर नियुक्त कर्मचारियों और पुनर्नियोजित पेंशनभोगियों से भिन्न समस्त स्थायी सरकारी सेवक और समस्त अस्थायी सरकारी सेवक, जिनकी सेवायें एक वर्ष से अधिक तक जारी रहने की सम्भावना हो, सेवा में कार्यभार ग्रहण करने के दिनांक से निधि में अभिदान करेंगे।

[Signature]

स्वा०-1
वर्तमान नियम

टिप्पणी-1 : शिक्षुओं और परिवीक्षाधीन व्यक्तियों को इस नियम के प्रयोजनार्थ अस्थायी सरकारी सेवक समझा जायेगा।

टिप्पणी-2 : ऐसे अस्थायी सरकारी सेवक, (जिसके अन्तर्गत शिक्षु और परिवीक्षाधीन व्यक्ति भी हैं) जिन्हें नियमित या अस्थायी रिक्तियों के प्रति नियुक्त किया गया है और जिनकी सेवाएँ एक वर्ष से अधिक तक जारी रहने की सम्भावना हो, सेवा में कार्यभार ग्रहण करने के दिनांक से, निधि में अभिदान करेंगे।

टिप्पणी-3 : जैसे ही कोई सरकारी सेवक निधि में अभिदान करने का दायी हो जाय, वैसे ही कार्यपालक प्राधिकारियों को चाहिये कि वे इसकी सूचना लेखा अधिकारी को दे दें।

स्वा०-2

एतद्वारा प्रतिस्थापित नियम परन्तु कोई सरकारी सेवक जो 1 अप्रैल, 2005 को या उसके पश्चात् सेवा में प्रवेश करता है, निधि में अभिदान नहीं करेगा।

टिप्पणी-1 : शिक्षुओं और परिवीक्षाधीन व्यक्तियों को इस नियम के प्रयोजनार्थ अस्थायी सरकारी सेवक समझा जायेगा।

टिप्पणी-2 : ऐसे अस्थायी सरकारी सेवक, (जिसके अन्तर्गत शिक्षु और परिवीक्षाधीन व्यक्ति भी हैं) जिन्हें नियमित या अस्थायी रिक्तियों के प्रति नियुक्त किया गया है और जिनकी सेवाएँ एक वर्ष से अधिक तक जारी रहने की सम्भावना हो, सेवा में कार्यभार ग्रहण करने के दिनांक से, निधि में अभिदान करेंगे।

टिप्पणी-3 : जैसे ही कोई सरकारी सेवक निधि में अभिदान करने का दायी हो जाय, वैसे ही कार्यपालक प्राधिकारियों को चाहिये कि वे इसकी सूचना लेखा अधिकारी को दे दें।

आज्ञा से,

रीता शर्मा,

वित्त आयुक्त एवं प्रमुख सचिव।

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of notification no. G-3-470/X-2005-301(9)-03, dated April 7, 2005 :

No. G-3-470/X-2005-301(9)-03

Dated Lucknow, April 7, 2005

IN exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor is pleased to make the following rules with a view to amending the General Provident Fund (Uttar Pradesh) Rules, 1985.

THE GENERAL PROVIDENT FUND (UTTAR PRADESH)
(AMENDMENT) RULES, 2005

Short title and
commencement

1. (1) These rules may be called the General Provident Fund (Uttar Pradesh) (Amendment) Rules, 2005.

(2) They shall and be deemed to have come into force with effect from April 1, 2005.

2. In the General Provident Fund (Uttar Pradesh) Rules, 1985 for existing rule 4 set out in Column-1 below, the rule as set out in Column-2 shall be substituted, namely :-

Substitution of rule 4

COLUMN-1

Existing rule

4. Conditions of eligibility-All permanent Government servants and all temporary Government servants, other than those appointed on contract and re-employed pensioners, whose services are likely to continue for more than a year shall subscribe to the fund from the date of joining the service.

NOTE 1— Apprentices and probationers shall be treated as temporary Government servants for the purpose of this rule.

NOTE 2 — Temporary Government servants (including Apprentices and probationers) who have been appointed against regular or temporary vacancies and are likely to continue for more than a year shall subscribe to the Fund from the date of joining the service.

NOTE 3 - Executive authorities should inform the Account Officer as soon as a Government servant becomes liable to subscribe to the Fund.

COLUMN-2

Rule as hereby substituted

4. Conditions of eligibility-All permanent Government servants and all temporary Government servants, other than those appointed on contract and re-employed pensioners, whose services are likely to continue for more than a year shall subscribe to the fund from the date of joining the service :

Provided that no Government servant entering service on or after April 1, 2005 shall subscribe to the fund.

NOTE 1 - Apprentices and probationers shall be treated as temporary Government servants for the purpose of this rule.

NOTE 2 - Temporary Government servants (including Apprentices and probationers) who have been appointed against regular or temporary vacancies and are likely to continue for more than a year shall subscribe to the Fund from the date of joining the service.

NOTE 3 - Executive authorities should inform the Account Officer as soon as a Government servant becomes liable to subscribe to the Fund.

By order,

RITA SHARMA,

Vita Ajukta Evam Pramukh Sachiv.

पी० एस० यू० पी०-ए० पी०-44 राजपत्र--(हिन्दी)-2005--(76)-597-(कम्प्यूटर/आफसेट)।

पी० एस० यू० पी०-ए० पी०-5 सा० वित्त-2005-(77)-10.000-(कम्प्यूटर/आफसेट)।

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Request-139

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IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 11

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.

.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.

..... RESPONDENTS.

SA

उत्तर प्रदेश शासन

वित्त (सामान्य) अनुभाग - 3

संख्या : सा - 3-1051/दस-2008-301(9) -2003

लखनऊ : दिनांक : 14 अगस्त, 2008

:- कार्यालय ज्ञाप :-

राज्य सरकार द्वारा दिनांक 01 अप्रैल, 2005 को अथवा उसके बाद सरकारी सेवा में आने वाले कर्मचारियों पर अधिसूचना संख्या - सा-3-379/दस-2005-301(9)/2003, दिनांक 28 मार्च, 2005 द्वारा नव परिभाषित अंशदान पेंशन योजना लागू करने का निर्णय लिया गया है। इस हेतु उत्तर प्रदेश रिटायरमेंट बेंनीफिट्स रूल्स, 1961 तथा सामान्य भविष्य निधि (उत्तर प्रदेश) नियमावली, 1985 में आवश्यक संशोधन भी क्रमशः अधिसूचना संख्या-सा-3-469/दस-2005-301(9)/2003 दिनांक 07 अप्रैल 2005 तथा संख्या-सा-3-470/दस-2005-301(9)/2003 दिनांक 07 अप्रैल 2005 द्वारा किये जा चुके हैं।

2. उपर्युक्त संदर्भ में केन्द्रीय लेखा अनुरक्षक एजेन्सी की समुचित व्यवस्था होने और पेंशन निधि विनियामक तथा विकास प्राधिकरण द्वारा पेंशन निधि प्रबन्धकों की नियुक्ति होने तक अन्तरिम व्यवस्था के रूप में ऐसे सभी राज्य कर्मचारियों के संबंध में उपरोक्त परिभाषित अंशदान पेंशन योजना के कार्यान्वयन के लिए राज्यपाल महोदय निम्नवत् आदेश देते हैं :-

(1) यह व्यवस्था दिनांक 01 अप्रैल, 2005 को अथवा उसके बाद सेवा में आने वाले कर्मचारियों पर अनिवाग्र रूप से लागू होगी। ऐसा प्रत्येक कर्मचारी अपने मूल वेतन, मंहगाई वेतन तथा मंहगाई भत्ते का मात्र 10 प्रतिशत मासिक अंशदान (निकटतम रूपये में पूर्णांकित) योजनान्तर्गत

[Handwritten Signature]

पेंशन टियर-। के लिए करेगा। इस अंशदान की कटौती संबंधित आहरण एवं वितरण अधिकारी द्वारा प्रत्येक माह कर्मचारी के वेतन से की जायेगी। इन कर्मचारियों पर सामान्य भविष्य निधि योजना लागू न होने के कारण इनके वेतन से सामान्य भविष्य निधि में अंशदान के रूप में कोई कटौती नहीं की जायेगी।

- (2) प्रत्येक कर्मचारी द्वारा योजना हेतु आवेदन:- पत्र (अनुलग्नक-1) तीन प्रतियों में तथा संलग्न प्रयत्न में नामांकन किया जायेगा, जिसे योजना की सीमान्तर्गत आवश्यकतानुसार पुनरीक्षित किया जा सकेगा। नामांकन के संबंध में आवश्यक प्रविष्टि कर्मचारी की सेवा पुस्तिका / सेवा अभिलेख में भी की जायेगी।
- (3) कार्यालयाध्यक्ष / विभागाध्यक्ष / संवर्ग नियंत्रक प्राधिकारी दिनांक 01 अप्रैल, 2005 को अथवा उसके बाद सेवा में आये प्रत्येक कर्मचारी के लिए निदेशक, पेंशन, उ० प्र० लखनऊ से इन आदेशों के जारी होने के एक माह के अन्दर इन्डेक्स नम्बर प्राप्त कर लें। तत्पश्चात् नये कर्मचारी जैसे ही सेवा में कार्यभार ग्रहण करें, उनके लिये भी तत्परता से कार्यवाही करके ऐसे नये कर्मचारियों के कार्यभार ग्रहण करने की तिथि से एक माह के अन्दर इन्डेक्स नम्बर प्राप्त कर लिया जाए।
- (4) उपरोक्त योजना से सम्बन्धित लेखों का रख रखाव निर्देशक, पेंशन, उ० प्र० लखनऊ द्वारा उसी प्रकार से किया जायेगा, जैसा कि सामान्य भविष्य निधि लेखों के मामले में महालेखाकार, उ० प्र० इलाहाबाद द्वारा किया जाता है कार्यालयाध्यक्ष / विभागाध्यक्ष / संवर्ग नियंत्रक प्राधिकारी से निर्धारित फार्म (अनुलग्नक-1) पर आवेदन पत्र दो प्रतियों में प्राप्त होने पर निर्देशक, पेंशन, उ० प्र० लखनऊ द्वारा पेंशन योजना में सम्मिलित प्रत्येक कर्मचारी को इन्डेक्स नम्बर आवंटित किया जायेगा। निर्देशक, पेंशन उ० प्र० लखनऊ द्वारा आवेदन पत्र की एक प्रति आवंटित इन्डेक्स नम्बर सहित संबंधित कार्यालयाध्यक्ष / विभागाध्यक्ष / संवर्ग नियंत्रक प्राधिकारी को वापस की जायेगी। पेंशन योजना हेतु आवंटित इन्डेक्स नम्बर को कर्मचारी की सेवा पुस्तिका के प्रथम पृष्ठ पर संबंधित कार्यालयाध्यक्ष द्वारा सत्यापन के साथ अंकित कर दिया जायेगा।

- (5) परिभाषित अंशदान पेंशन योजना के लिए वेतन से कटौती कर्मचारी द्वारा जिस माह में कार्यभार ग्रहण किया जाये, उकसे अगले माह के देय वेतन से प्रारम्भ होगी अर्थात् जिस माह में कर्मचारी द्वारा कार्यभार ग्रहण किया जायेगा, उस माह के लिए कटौती नहीं की जायेगी। उदाहरण स्वरूप, यदि कोई कर्मचारी माह अप्रैल, 2005 में सेवा में आया है, उसके वेतन से अंशदान की कटौती माह मई, 2005 के वेतन से प्रारम्भ होगी। दिनांक 01 अप्रैल, 2005 को अथवा उसके बाद सेवा में आने वाले कर्मचारियों से वर्तमान मासिक अंशदान के साथ - साथ अवशेष एक माह के अंशदान यदि कोई हो, की कटौती भी वेतन से कर ली जायेगी इसके समतुल्य धनराशि का अंशदान राज्य सरकार/ सेवायोजक द्वारा जमा किया जायेगा।
- (6)क उपर्युक्त कर्मचारियों के वेतन बिल, अन्य कर्मचारियों के वेतन बिल से अलग तैयार किये जायेंगे। आहरण एवं वितरण अधिकारी द्वारा वेतन बिल के साथ, पेंशन योजना के लिए अंशदान की कटौती का निर्धारित प्रारूप पर शेड्यूल (अनुलग्नक -2क) जो यथा सम्भव अलग रंग में होगा, दो प्रतियों में संलग्न किया जायेगा। शेड्यूल में अधिष्ठान के योजना से आच्छादित सभी कर्मचारियों के संबंध में प्रविष्टियाँ की जायेगी, भले ही किसी का वेतन किसी कारण आहरित न किया जा रहा हो इस संदर्भ में कोषागार स्तर पर निम्नानुसार कार्यवाही की अपेक्षा होगी :-
- (i) यह सुनिश्चित किया जायेगा कि आहरण एवं वितरण अधिकारियों द्वारा वेतन बिल के साथ संलग्न, मुख्य लेखाशीर्ष 8342 अन्य जमा के अन्तर्गत कटौतियों से संबंधित शेड्यूल निर्धारित प्रारूप (अनुलग्नक 2क) में स्पष्ट एवं कम्प्यूटराइज्ड बनाए गए हों।
- (ii) बिल पास करने से पूर्व यह सुनिश्चित किया जाना आवश्यक होगा कि बिल में दर्शायी गयी लेखाशीर्ष 8342 अन्य जमा - 117 सरकारी कर्मचारियों के लिए निर्धारित अंशदायी पेंशन स्कीम -01- राज्य कर्मचारियों के लिए निर्धारित अंशदान पेंशन योजना - 01 राजकीय कर्मचारियों का अंशदान - टियर - 1 के अन्तर्गत की गयी कुल कटौती की धनराशि के अनुसार शेड्यूल

संलग्न हैं कटौती की धनराशि एवं संलग्न शेड्यूल की धनराशि में भिन्नता होने की स्थिति में त्रुटियों के निराकरण के पश्चात् ही बिल पास किये जायेंगे।

(ख) बाह्य सेवा पर प्रतिनियुक्ति के आधार पर प्रदेश के अन्दर कार्यरत कर्मचारियों के संबंध में बाह्य सेवा योजक जिनके द्वारा शासनादेश संख्या- जी-1- 8852-दस-06-534(11) / 93 , दिनांक 09, नवंबर 2006 के अनुसार पेंशनरी अंशदान देय नहीं है, द्वारा कर्मचारी के वेतन से पेंशन अंशदान की कटौती करते हुए कटौती की धनराशि चालान (अनुलग्नक 2क) तीन प्रतियों में भरकर राजकोष में जमा की जायेगी, जिनमें से एक प्रति जमाकर्ता को वापस कर दी जायेगी तथा शेष दो में से कोषागार द्वारा एक प्रति निदेशक, पेंशन, उत्तर प्रदेश, लखनऊ को भेजी जायेगी तथा एक प्रति कोषागार में अभिलेखार्थ रखी जायेगी। इस प्रयोजनार्थ अनुलग्नक 2 क को ही ट्रेजरी चालान फार्म माना जायेगा। यदि ऐसे बाह्य सेवायोजक का कार्यालय प्रदेश के बाहर स्थित है, तो पेंशन अंशदान की कटौती की धनराशि निदेशक पेंशन उ० प्र० लखनऊ के पक्ष में बैंक ड्राफ्ट द्वारा कटौती के शेड्यूल (अनुलग्नक- 2 क) के साथ निदेशक पेंशन उ० प्र० लखनऊ को भेजी जायेगी। उपरोक्त शासनादेश द्वारा आच्छादित ऐसे कर्मचारियों के संबंध में सेवायोजक का अंशदान राज्य सरकार द्वारा वहन किया जायेगा।

(ग) प्रदेश के बाहर बाह्य सेवा पर प्रतिनियुक्ति के आधार पर कार्यरत कर्मचारियों के संबंध में ऐसे बाह्य सेवाएं जो शासनादेश संख्या जी-1 - 885/दस- 2006- 534 (11) / 93 दिनांक 09 नवम्बर, 2006 की व्यवस्था से आच्छादित नहीं है, द्वारा ऐसे कर्मचारियों के पेंशन अंशदान की धनराशि (अनुलग्नक 2क सहित) और बाह्य सेवायोजक के अंशदान की धनराशि (अनुलग्नक 2 ख सहित) प्रतिमाह निदेशक, पेंशन, उ० प्र० लखनऊ के पक्ष में बैंक ड्राफ्ट द्वारा अगले माह की 10 तारीख तक निदेशक, पेंशन, उ० प्र० लखनऊ को भेजी जाएगी। यदि

ऐसे बाह्य सेवायोजक का कार्यालय प्रदेश के अन्दर स्थित है, तो कर्मचारी के पेंशन अंशदान की कटौती की धनराशि एवं बहाय सेवायोजक के अंशदान की धनराशि उपर्युक्त ख में निर्धारित प्रक्रिया अनुसार चालान के माध्यम से जमा की जायेगी, जिस हेतु कमशः अनुलग्नक 2 क एवं अनुलग्नक- 2ख को ही ट्रेजरी चालान फार्म माना जायेगा।

- (7) यदि किसी कर्मचारी से किसी माह में पेंशन के लिए अंशदान की कटौती नहीं की जाती है तो आहरण एवं वितरण अधिकारी द्वारा कटौती के शेड्यूल में अंशदान की कटौती शून्य दर्शाते हुए उसके स्पष्ट कारणों का निश्चित रूप से उल्लेख कर दिया जायेगा।
- (8) वेतन बिल से पेंशन के लिए अंशदान हेतु की गयी कटौती की धनराशि लोक लोक लेखा पक्ष में निम्नांकित लेखाशीर्ष में अन्तरण द्वारा जमा की जायेगी :-

मुख्य शीर्ष	8342 अन्य जमा
लघु शीर्ष	117 सरकारी कर्मचारियों के लिए निर्धारित अंशदायी पेंशन स्कीम
उप शीर्ष	01- राज्य कर्मचारियों के लिए निर्धारित अंशदान पेंशन योजना
विस्तृत शीर्ष	01- राजकीय कर्मचारियों का अंशदान टियर -1

- (9) आहरण एवं वितरण अधिकारी द्वारा वेतन बिल के साथ संलग्न किए गए शेड्यूल की एक प्रति को यथा स्थिति कोषाधिकारी/ एवं लेखाधिकारी द्वारामें प्रत्येक माह के लेखों के साथ कार्यालय निदेशक, पेंशन, उ0 प्र0 लखनऊ को भेजा जायेगा। बाह्य सेवायोजक द्वारा प्रतिनियुक्ति पर कार्यरत राज्य कर्मचारियों के शेड्यूल (यथास्थिति अनुलग्नक- 2 क तथा/ अथवा अनुलग्नक 2 ख) की एक - एक प्रति अगले माह की 10 तारीख तक निदेशक, पेंशन, उ0 प्र0 लखनऊ को भेजी जाएगी।

उपरोक्त सन्दर्भ में कोषागार स्तर पर सुनिश्चित किया जायेगा कि मुख्य लेखाशीर्षवार बनाई गयी कवरिंग लिस्ट के साथ संलग्न शेड्यूल की कुल संख्या एवं धनराशि, कवरिंग लिस्ट में प्रदर्शित मुख्य लेखाशीर्ष के अन्तर्गत

[Handwritten Signature]

अंशदान की कटौती की कुल धनराशि से मेल खाती हो तथा प्रत्येक माह में प्राप्त समस्त शेड्यूल, मुख्य लेखाशीर्ष 8342 अन्य जमा -117 सरकारी कर्मचारियों के लिए निर्धारित अंशदायी पेंशन स्कीम - 01 - राज्य कर्मचारियों के लिए निर्धारित अंशदान पेंशन योजना- 01 राजकीय कर्मचारियों का अंशदान टियर-1 की समरी से आच्छादित एवं कोषाधिकारी द्वारा प्रमाणित हो, जिसमें मुख्य लेखाशीर्षवार अंशदान की मद की कुल कटौतियों का उल्लेख हो।

(10) उप प्रस्तर -6(ग) से आच्छादित मामलों के अतिरिक्त, प्रत्येक कर्मचारी द्वारा किये गयेके समतुल्य (मैचिंग) अंशदान राज्य सरकार द्वारा किया जायेगा।

(11) क परिभाषित अंशदान पेंशन योजना के लिए कर्मचारी के अंशदान के समतुल्य राज्य सरकार के अंशदान (ऐसी बाह्य सेवा की अविध के लिए भी जिसके संबंध में शासनादेश के अनुसार बाह्य सेवायोजक द्वारा पेंशनरी अंशदान देय नहीं है) प्रति माह निदेशक, पेंशन, उ० प्र० लखनऊ के निम्नांकित लेखाशीर्ष को डेबिट कर बुक ट्रांसफर द्वारा लेखाशीर्ष 8342 अन्य जमा एवं सरकारी कर्मचारियों के लिये निर्धारित अंशदायी पेंशन स्कीम 01 राज्य कर्मचारियों निर्धारित अंशदान पेंशन योजना - 02 राज्य सरकार/ सेवायोजक का अंशदान ...में जमा किया जायेगा :-

मुख्य शीर्ष	2071-पेंशन तथा अन्य सेवानिवृत्ति हित लाभ
उप मुख्य शीर्ष	01 सिविल
लघु शीर्ष	निर्धारित अंशदायी पेंशन स्कीम के लिए सरकारी अंशदान
उप शीर्ष	03 राज्य सरकार का अंशदान
विस्तृत शीर्ष	01 राजकीय कर्मचारी टियर
मानक मद	20 सहायक अनुदान / अंशदान / राज सहायता

कर्मचारियों का अंशदान जिस माह के वेतन से काटा गया हो उससे अगले माह की को जमा हुआ माना जायेगा। इसी प्रकार राज्य सरकार का मासिक अंशदान सीमावर्ती माह के लिए कर्मचारी का अंशदान काटा गया हो के

अगले माह की पहली तारीख को जमा मान लिया जायेगा, भले ही वास्तव में किसी अन्य दिनांक को जमा किया गया हो इसके प्रयोजनार्थ मात्र इंडेक्स नम्बर आवंटित होने के पूर्व को अवधि के अवशेष अंशदान को ही माना जायेगा, जिसमें अवशेष अंशदान वास्तव में जमा किया गया हो अथवा जिस माह के वेतन के साथ कर्मचारी का अवशेष अंशदान वेतन से काटकर जमा किया गया हो उदाहरण के स्वरूप में यदि ऐस अवशेष अंशदान सीधे चालान के माध्यम से माह जून में जमा किया जाता है तो राज्य सरकार का अंशदान 01 अक्टूबर को जमा माना जायेगा। स्थानान्तरण की दशा में ही उसे वेतन पर्ची (एल0पी0सी0) में इस स्थिति का उल्लेख किया जाए कि किस माह अंशदान काटा गया है यदि किसी माह / अवधि के अंशदान की कटौती अवशेष हो तो अन्तिम वेतन पर्ची पर अलग टिप्पणी के रूप में दर्शाया जायेगा।

(ख) ऐसी बाह्य सेवा के लिए जिस हेतु शासनादेश संख्या- जी- 1 88 दस- 2006- 534 (11)/93, दिनांक 09 नवम्बर 2006 के अनुसार पेंशन अंशदान देय नहीं है की सेवा पर प्रतिनियुक्ति के आधार पर कार्यरत कर्मचारी का चालान अथवा बैंक ड्राफ्ट द्वारा अंशदान भी जिस माह के वेतन से कटा हो, उसके अगले माह की पहली तारीख को जमा माना जाएगा।

(12) पेंशन निधि में जमा कर्मचारी के अंशदान तथा राज्य सरकार के अंशदान तथा राज्य सरकार के अंशदान पर राज्य सरकार सामान्यतः सामान्य भविष्य निधि के संबंध में निर्धारित दर पर वार्षिक ब्याज अनुमान्य ब्याज की गणना उसी आधार पर की जायेगी जैसे सामान्य भविष्य निधि (जी0पी0एफ0 पर जमा धनराशि पर की जाती है।

(13) निदेशक पेंशन उ0 प0 लेखनरु द्वारा वर्ष के अन्त में ब्याज का भुगतान निम्नांकित लेखाशीर्ष को डेबिट कर बुक ट्रांसफर द्वारा संबंधित खातों में जमा किया जायेगा :-

मुख्य शीर्ष	2049-ब्याज अदायगियां
उप मुख्य शीर्ष	03 अल्प बचतों, भविष्य निधियों आदि पर ब्याज
लघु शीर्ष	117 निर्धारित अंशदायी पेंशन स्कीम पर ब्याज
उप शीर्ष	03 निर्धारित अंशदायी पेंशन योजना निधि में जमाराशि

	पर ब्याज
विस्तृत शीर्ष	01 राजकीय कर्मचारी- टियर ।
मानक मद	32 ब्याज / लाभश

(14) वर्ष के अन्त में निदेशक पेंशन, उ0 प्र0 लखनऊ द्वारा प्रत्येक कर्मचारी के संबंध में एक स्टेटमेन्ट (दो प्रतियों में) सम्बन्धित आहरण एवं वितरण अधिकारी को भेजा जायेगा जिसमें प्रारम्भिक अवशेष कर्मचारी / राज्य सरकार का अलग अलग मासिक अंशदान, ब्याज की धनराशि तथा अन्तिम अवशेष अंकित किया जायेगा। स्टेटमेन्ट की एक प्रति आहरण एवं वितरण अधिकारी द्वारा सम्बन्धित कर्मचारी को उपलब्ध करायी जाएगी।

(15) सम्बन्धित कार्यालयाध्यक्ष / आहरण एवं वितरण अधिकारी द्वारा प्रत्येक कर्मचारी के निदेशक पेंशन उ0 प्र0 लखनऊ से प्राप्त इन्डेक्स नम्बर के अनुसार अनुलगनक - 3 में निर्धारित प्रारूप में एक लेजर रखा जायेगा जिसमें कर्मचारी का वर्ष के प्रारम्भ में प्रारम्भिक अवशेष कर्मचारी के अंशदान तथा राज्य सरकार के अंशदान की धनराशि, ब्याज तथा अन्तिम अवशेष अंकित किया जायेगा। प्रत्येक कर्मचारी के संबंध में जी0 पी0 एफ0 पास बुक की भांति कार्यालयाध्यक्ष आहरण एवं वितरण अधिकारियों द्वारा अनुलगनक- 4 में निर्धारित प्रारूप पर अंशदायी पेंशन पास बुक भी रखी जायेगी। निदेशक, पेंशन से प्राप्त स्टेटमेन्ट तथा आहरण एवं वितरण अधिकारी के स्तर पर रखे जाने वाले लेखों में यदि कोई अन्तर हो तो उसका निदेशक पेंशन के कार्यालय से शीर्ष प्रतिवर्ष समाधान किया जायेगा।

(16) उपर्युक्त अन्तरिम व्यवस्था के दौरान योजना में प्रादधानित स्वैच्छिक टियर- II खाते को संचालन नहीं किया जायेगा।

3. कृपया शासन के उक्त आदेशों का समस्त संबंधित अधिकारियों / कर्मचारियों द्वारा अनुपालन सुनिश्चित किया जाय।

संख्या- सा-3-1051(1)/दस-2008 - 301 (9) 7 2003 तददिनांक
प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. प्रमुख सचिव श्री राज्यपाल उत्तर प्रदेश।

2. समस्त प्रमुख सचिव / सचिव , उत्तर प्रदेश शासन ।
3. प्रमुख सचिव , विधान सभा / विधान परिषद, उत्तर प्रदेश ।
4. महालेखाकार (लेखा एवं हकदारी) प्रथम / द्वितीय उत्तर प्रदेश इलाहाबाद ।
5. समस्त विभागाध्यक्ष / प्रमुख कार्यालयाध्यक्ष, उत्तर प्रदेश ।
6. निदेशक, कोषागार उत्तर प्रदेश जवाहर भवन लखनऊ ।
7. निदेशक पेंशन निदेशालय उत्तर प्रदेश इन्दिरा भवन लखनऊ ।
8. निदेशक वित्तीय प्रबंध प्रशिक्षण एवं शोध संस्थान उ० प्र० लखनऊ ।
9. सचिवालय के समस्त अनुभाग ।
10. निदेशक, सूचना एवं जनसम्पर्क विभाग , उत्तर प्रदेश लखनऊ ।
11. निदेशक मुद्रण एवं लेखन सामग्री, उत्तर प्रदेश लखनऊ को इस आशय से कि इसे असाधारण गजट में प्रकाशित कर उसकी दस हजार प्रतियां शासन को अविलम्ब उपलब्ध कराने का कष्ट करें ।

आज्ञा से
शिव प्रकाश
विशेष सचिव

81

अनुलग्नक-1
 उत्तर प्रदेश परिभाषित अंशदान पेंशन योजना हेतु आवेदन-पत्र
 (संदर्भ : शासनादेश संख्या सा-3-1051/दस-2008-301(9)-2003 दिनांक 14-08-2008)

परिभाषित अंशदान योजना इन्डेक्स नम्बर :
 (पेशाग मिश्रण, 30प्र0 लखनऊ द्वारा आयुटित किया जायेगा)

1. आवेदक का नाम (हिन्दी में) :
 अंग्रेजी में (बड़े अक्षरों में) :
2. आवेदक के पिता/पति का नाम :
3. लिंग : पुरुष स्त्री
4. वैवाहिक स्थिति: विवाहित अविवाहित
5. पदनाम :
6. कार्यालय का नाम :
7. आवेदक का सेवा संवर्ग :
8. सेवा में आने की तिथि :
9. वेतनमान :
10. मूल वेतन :
11. जन्म तिथि :
12. क्या नियमित नियुक्ति है : हाँ नहीं
13. श्रेणी:- अनुसूचित जाति/अनुसूचित जनजाति/अन्य
 पिछड़ा वर्ग/अन्य : (सांख्यिकीय उपयोग के लिए)
14. क्या नामांकन संलग्न है : हाँ नहीं
15. टिप्पणी, यदि कोई हो :

स्थान:

दिनांक

आवेदक के हस्ताक्षर

RF

प्रमाण-पत्र जो कार्यालयाध्यक्ष/संवर्ग नियंत्रक प्राधिकारी द्वारा दिया जायेगा

प्रमाणित किया जाता है कि

- (1) श्री/श्रीमती/कुमारी.....नियमित
कर्मचारी है एवं आवेदन-पत्र में दिये गये विवरण सही हैं।
- (2) श्री/श्रीमती/कुमारी..... उत्तर प्रदेश
सरकार की परिभाषित अंशदान पेंशन योजना में सम्मिलित होने के पात्र है।

कार्यालयाध्यक्ष/संवर्ग नियंत्रक प्राधिकारी के हस्ताक्षर
पूर्ण पत्रा/कार्यालय की मुहर सहित

स्थान :

दिनांक :

दिनांक :

1. उपर्युक्त आवेदन-पत्र पेंशन निदेशक, उ०प्र० लखनऊ को दो प्रतियों में भेजा जायेगा।
2. आवेदक कर्मचारी वाह्य सेवा पर प्रतिनियुक्त होने की दशा में वाह्य सेवायोजक द्वारा पेंशन निदेशक, उ०प्र० लखनऊ को दो प्रतियों में आवेदन-पत्र, संवर्ग नियंत्रक प्राधिकारी के माध्यम से ही भेजा जायेगा।

AJ

सलग्नक
(अनुलग्नक-1 के साथ)

नामांकन प्रपत्र

(उत्तर प्रदेश परिभाषित अंशदान पेंशन योजना हेतु नामांकन)

इस प्रपत्र को भरने से पूर्व कृपया इसके दूसरी ओर छपे हुए अनुदेश सावधानीपूर्वक पढ़ लिए जाएं

पेंशन योजना इंडेक्स नम्बर.....

मैं एतद्वारा निम्नलिखित व्यक्ति/व्यक्तियों को जो मेरे परिवार का/के सदस्य है/हैं अथवा आश्रित माता-पिता, बहन-भाई हैं, योजना में मेरे नाम जमा धनराशि को उस दरशा में निम्नलिखित रूप में प्राप्त करने के लिए नामित करता/करती हूँ जब उस धनराशि के देय होने से पूर्व मेरी मृत्यु हो जाय या देय होने पर जिसका भुगतान मुझे न हुआ हो और मेरी मृत्यु हो जाय :-

नामित व्यक्ति/व्यक्तियों का/के नाम और पूरा पता	अभिदाता से सम्बंध	नामित व्यक्ति की आयु	प्रत्येक नामित व्यक्ति का देय अंश (रुपय)	आकस्मिकताएं जिनके होना पर नाम अर्थ हो जायेंगा	यदि अभिदाता की मृत्यु से पूर्व नामित व्यक्ति की मृत्यु हो जायें तो इस व्यक्ति/उन व्यक्तियों का/के नाम पता/पते और सम्बंध यदि कोई हो, जिसे/जिन्हें नामित व्यक्ति के अधिकार प्राप्त हो जायेंगे।
1-	2	3	4	5	6
2-					
3-					
4-					

दिनांक मास 21

स्थान

हस्ताक्षर के दो साक्षी :

नाम

पता

हस्ताक्षर

अभिदाता के हस्ताक्षर

नाम : (हिन्दी में)

(अंग्रेजी में बड़े अक्षरों में)

पता

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Request-139

कार्यालयाध्यक्ष/सर्वगं नियंत्रक प्राधिकारी के कार्यालय के प्रयोग के लिए

स्थान _____
 श्री/श्रीमती/कुमारी _____ का नाम _____
 पदनाम _____ हस्ताक्षर (दिनांक सहित) _____

(कार्यालयाध्यक्ष/सर्वगं नियंत्रक प्राधिकारी)

मुहर

द्वारा नामांकन प्रपत्र की प्राप्ति का दिनांक _____

अभिदाता के हस्ताक्षर

(क) अभिदाता का पूरा नाम इस जाय।

(ख) परिवार का तात्पर्य निम्नलिखित से होगा।

(एक) पुरुष अभिदाता के मामले में अभिदाता की पत्नी अथवा पत्नियां तथा बच्चे एवं अभिदाता के मृत पुत्र की विधवा अथवा विधवाएं तथा बच्चे।

किन्तु प्रतिबंध यह है कि यदि अभिदाता यह सिद्ध कर देता है कि उसकी पत्नी का उससे न्यायिक पार्थक्य (Judicial Separation) हो चुका है अथवा वह जिस समुदाय की है, उसकी लुप्तगम विधि के अधीन भरण-पोषण की अधिकारिणी नहीं रह गई है, तो वह एतदवश्यात् अभिदाता का परिवार की सदस्य नहीं मानी जायेगी, जब तक कि अभिदाता बाद में कार्यालयाध्यक्ष/सर्वगं नियंत्रक प्राधिकारी को लिखित रूप से स्पष्ट अधिसूचना (Express Notification) द्वारा यह सूचित न करे कि उसे ऐसा माना जात्य रहेगा।

(दो) महिला अभिदाता के मामले में अभिदाता का पति तथा बच्चे और अभिदाता के मृत पुत्र की विधवा अथवा विधवाएं तथा बच्चे, किन्तु प्रतिबंध यह है कि यदि अभिदाता लिखित अधिसूचना द्वारा कार्यालयाध्यक्ष/सर्वगं नियंत्रक प्राधिकारी से अपने पति को अपने परिवार में सम्मिलित न किये जाने की इच्छा व्यक्त कर देती है, तो पति को एतदवश्यात् अभिदाता के परिवार का सदस्य न माना जायेगा जब तक कि अभिदाता बाद में उसे सम्मिलित न किये जाने हेतु अपनी अधिसूचना को औपचारिक रूप से लिखकर रद्द न कर दे।

टिप्पणी-

(1) 'बच्चों' का तात्पर्य बच्चे से है।

(2) कोई दत्तक बच्चा तभी बच्चा माना जायेगा जब दत्तक ग्रहण अभिदाता पर शासी स्वीय विधि द्वारा मान्यता प्राप्त हो। किन्तु, यदि कार्यालयाध्यक्ष/सर्वगं नियंत्रक प्राधिकारी के मन में कोई संदेह उत्पन्न हो जाता है तो यह तभी मान्य होगा जब संस्यार के विधि परामर्शी को इस बात का समाधान हो जाय कि अभिदाता की वैयक्तिक विधि (Personal Law) के अधीन दत्तक ग्रहण को 'जन्म बच्चे' (Natural Child) की प्राप्ति (Status) प्रदान करने के लिए विधिक मान्यता प्राप्त है।

(ग) यदि केवल एक व्यक्ति ही नामित किया गया हो तो नामित व्यक्ति के सामने शब्द 'पूरा' लिखा जाय। यदि एक से अधिक व्यक्ति नामित किये जाते हैं तो प्रत्येक नामित व्यक्ति को देय अर्थ जिसमें पेंशन स्वाते की सम्पूर्ण देय धनराशि आ जाय, निर्दिष्ट किया जाय।

(घ) सतन-5 में आकरिनकल के रूप में नामित व्यक्ति (व्यक्तियों) की मृत्यु का उल्लेख न किया जाय।

(ङ) सतन-6 में अभिदाता के नाम का उल्लेख न किया जाय।

(च) अन्तिम विधि के अर्थ के अन्तर्गत स्थान के आस-पार लक्ष्य भी हो जाय, जिससे कि अभिदाता के हस्ताक्षर करने के बाद कोई नाम बदलाव न जा सके।

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 August-19

अनुसूचक-2(क)

आवृत्त/वाला संख्या _____
दिनांक _____
(कोषागार/बैंक द्वारा भरा जायगा)

परिभाषित अंशदान पेंशन योजना (राजकीय सेवा)

वेतन से अंशदान कटौती का शेड्यूल/वाला माह _____ 20

जिला कोषागार/मुनतान एवं लेखाधिकारी

कोषागार कोड :

मुख्य लेखाशीर्ष :

कार्यालय का नाम : _____

आहरण/वितरण अधिकारी पदनाम : _____

आहरण/वितरण अधिकारी कोड :

अनुदान संख्या :

लेखाशीर्ष	8342-अन्य जना
लघु शीर्ष	117-सरकारी कर्मचारियों के लिए निर्धारित अंशदायी पेंशन स्कीम-
उपशीर्ष	01- राज्य कर्मचारियों के लिए निर्धारित अंशदान पेंशन योजना-
विस्तृत शीर्ष	01-राजकीय कर्मचारियों का अंशदान-टियर-1
	8 3 4 2 0 0 1 1 7 0 1 0 1

क्रम संख्या	परिभाषित अंशदान पेंशन योजना इन्डेक्स नम्बर	नाम/पदनाम	मूल वेतन	महंगाई वेतन	महंगाई भत्ता	योग	कर्मचारी का अंशदान			अभ्युक्ति	
							वर्तमान	एरियर			
								माह/वर्ष	घनराशि		
1	2	3	4	5	6	7	8	9	10	11	

नोट-4 ने जो नये मूल वेतन की प्रविष्टि संवत्सुरितका तथा वेतन विल से सत्यापित है।

आहरण अधिकारी के हस्ताक्षर
पदनाम सहित

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अनुक्रमक-2(ख)

चालान संख्या _____

दिनांक _____

(बैंक द्वारा भुक्त जायगा)

परिभाषित अंशदान पेंशन योजना (राजकीय सेवा)

पेंशनरी अंशदान के सम्बंध में शासनादेश संख्या-सां-1-885/दस-534(11)93 दिनांक 9 नवम्बर 2006 से अनाच्छादित कर्मचारियों के लिए सेवायोजक के अंशदान का शेड्यूल/ चालान माह _____ 20

जिला कोषागार/भुगतान एवं लेखाधिकारी

कार्यालय/संस्था का नाम _____

कोषागार कोड :

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आहरण/वितरण अधिकारी (पदनाम): _____

लेखाशीर्ष	8342-अन्य जमा
लघु शीर्ष	117-सरकारी कर्मचारियों के लिए निर्धारित अंशदायी पेंशन स्कीम-
उपशीर्ष	01- राज्य कर्मचारियों के लिए निर्धारित अंशदान पेंशन योजना-
विस्तृत शीर्ष	02-राज्य सरकार / सेवायोजक का अंशदान-टियर-1
	8 3 4 2 0 0 1 1 7 0 1 0 2

क्रम संख्या	परिभाषित अंशदान पेंशन योजना इन्डेक्स नंबर	नाम/पदनाम	मूल वेतन	महंगाई वेतन	महंगाई भत्ता	योग	कर्मचारी का अंशदान		अभ्युक्ति		
							वर्तमान	एरियर			
								माह/वर्ष		घनराशि	
1	2	3	4	5	6	7	8	9	10	11	

कालम-4 में की गयी मूल वेतन की प्रविष्टि सेवापुस्तिका तथा वेतन विल से सत्यापित है।

आहरण अधिकारी के हस्ताक्षर
पदनाम सहित

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अनुलग्नक 4



उत्तर प्रदेश सरकार
अंशदायी पेंशन पास-बुक

नाम _____

परिभाषित अंशदान पेंशन इन्डेक्स नम्बर _____

वित्त (सामान्य) अनुभाग-3 के कार्यालय-ज्ञाप संख्या-सा-3-1051/दस-2008-301(9) 2008
दिनांक 14-08-2008 द्वारा निर्धारित।

[Handwritten Signature]

अभिदाता का नाम

महत्वपूर्ण ब्यौरे

पेंशन निदेशक, उत्तर प्रदेश लखनऊ द्वारा
आवंटित इन्डेक्स नम्बर

पास-बुक जारी करने वाले
अधिकारी के हस्ताक्षर

नाम

पदनाम

मुहर

पास-बुक जारी किये जाने का दिनांक

अभिदाता का निजी विवरण

1 नाम

2 पितृ का नाम

3 जन्मतिथि

4 (क) स्थाई पता

(ख) अस्थायी पता

5 उत्तर प्रदेश शासन के अधीन सेवा में प्रवेश करने का दिनांक

6 परिभाषित अर्थात् पेंशन योजना में अभिदान पारंग होने का दिनांक

अभिदाता के हस्ताक्षर
का मूना (जारी करने
वाले प्राधिकारी के समक्ष
लिये जायेगा)

8 पास-बुक जारी करने वाले उस अधिकारी के हस्ताक्षर तथा मुहर जो
अभिदाता के हस्ताक्षर को प्रमाणित करें।

हस्ताक्षर-

दिनांक-

मुहर-

9 सरकारी सेवा छोड़ने का दिनांक

10 सेवा छोड़ने का कारण (त्याग-पत्र / सेवा से हटाया जाना / अभिवृत्त
(superannuation) / मृत्यु आदि)

Handwritten signature

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क्रम संख्या.	अवधि		प्रद जिस पर कार्य किया	कार्यालय का नाम	प्रमाणित करने वाले कार्यालयाध्यक्ष को दिनांकित हस्ताक्षर और मुहर
	कम से	कम तक			
1	2	3	4	5	6
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

परिवार का विस्तृत विवरण

क्र. संख्या	नाम	राज्य	जन्मतिथि	अभिद्वारा के हस्ताक्षर	व्यक्तिगतता के हस्ताक्षर
1	2	3	4	5	6
1					
2					
3					
4					
5					
6					
7					
8					
9					

Form No. 1 (Continued)

Handwritten signature

वित्तीय वर्ष

(घांशिक रुपये में)

1	2	3	4	5	व्याज दर					
					6	7	8	9	10	11
अप्रैल										
मई										
जून										
जुलाई										
अगस्त										
सितम्बर										
अक्टूबर										
नवम्बर										
दिसम्बर										
जनवरी										
फरवरी										
मार्च										
योग										
** योग										

वार्षिक लेखा बन्दी के धरि

- क- प्रारम्भिक शेष जोड़िए
- ख- (1) वर्ष में नियमित जमा
- (2) प्रारम्भिक शेष एवं नियमित जमा पर व्याज
- (3) वर्ष में अवशेष जमा
- (4) अवशेष जमा पर व्याज
- (5) योग (1 से 4 तक)
- महायोग (क-ख) (5)

नियमित लेखा बन्दी के अन्तर्गत अवशेष जमा अवशेष बचत एवं अवशेष बचत भंडों में अन्तर्गत की जाती है। अन्तर्गत विवरण अन्तर्गत अवशेष जमा बचत अन्तर्गत की अन्तर्गत अन्तर्गत किया जायेगा।
 1000000-20000 37 100 100-19-5-2008-1953-10,000-10000-100000-100000

सत्यापन
 द्वारा सत्यापन किया गया।
 द्वारा प्रति हस्ताक्षरित।
 आहरण एवं वितरण अधिकारी की मुहर।
 को किया गया।
 अनिदाता के हस्ताक्षर
 अनिदाता के हस्ताक्षर

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IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 12

IN

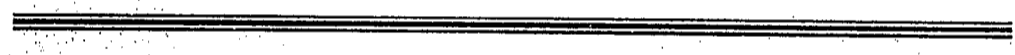
CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.
.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.
..... RESPONDENTS.



AA

SUPREME COURT OF INDIA (F.B.)

ALL INDIA JUDGES ASSOCIATION
V/S

UNION OF INDIA AND ORS

Date of Decision: 13 November 1991

Citation: 1991 LawSuit(SC) 707

Hon'ble Judges: A M Ahmadi, P B Sawant, Ranganath MisraEq. Citations: 1992 (1) SCC 119, 1992 AIR(SC) 165, 1991 (2) Scale 969, 1991 AIR(SCW) 2869, 1991 (4) JT 285, 1992 (1) KerLT 103, 1991 (Supp2) SCR 206, 1993 (1) LLJ 723, 1992 (1) SLR 60, 1991 (3) SCJ 558, 1992 (1) UJ 155, 1992 SCC(L&S) 9, 1991 (2) UPLBEC 1387, 1991 (2) CurLR 927

Case Type: Writ Petition (Civil)

Case No: 1022 of 1989

Subject: Constitution

Head Note:

Constitution of India - Art 32, 234, 235 - application by All India Judges Association for reliefs through directions for setting up of All India Judicial Service and for bringing about uniform conditions of service for members of subordinate judiciary throughout country - directions issued by Supreme Court - observance of Supreme Court on qualities required in a Judge - direction to set up All India Judicial Service issued.

Acts Referred:

Constitution Of India Art 50, Art 312, Art 234, Art 233(2), Art 32, Art 235, Art 236, Art 233

Reference Cases:

Cases Cited in (+): 63

Cases Referred in (+): 4

Judgement Text:-

Ranganath Misra, J

[1] This application under Article 32 of the Constitution is by the All India Judges' Association and its working President for reliefs through directions for setting up of an All India Judicial Service and for bringing about uniform conditions of service for members of the subordinate judiciary throughout the country.

[2] Rule having been granted, notice was issued to the Union of India and all the States and Union Territories. Most of them have responded by making returns to the Rule. A few of the States have taken the stand that they would accept whatever this Court ultimately decides while others have placed their view points and yet some others have objected to the reliefs claimed.

[3] Mr. Sriramulu, Chairman of the All India Judges' Association personally appeared at the hearing. Mr. Raju Ramchandran on our request appeared to support the petition as amicus curiae. At the hearing the Standing Counsel for the several States and Union Territories have also been heard.

[4] The plea for setting up of an All India Judicial Service was not seriously pressed and reliefs on the following heads were claimed:

1. Uniformity in the Judicial cadres in the different States and Union Territories;
2. An appropriate enhanced uniform age of retirement for the Judicial Officers throughout the country;
3. Uniform pay scales as far as possible to be fixed;
4. Residential accommodation to be provided to every Judicial Officer.
5. Transport facility to be made available and conveyance allowance provided.
6. Adequate perks by way of Library Allowance, Residential Office Allowance, and Sumptuary Allowance to be provided.
7. Provision for inservice training to be made.

[5] Administration of justice and organisation of courts was a provincial subject under the Government of India Act, 1935. The Constitution adopted the same scheme by providing in Entry 3 of List II of the Seventh Schedule the subject of administration of justice, constitution and organisation of all courts excepting the Supreme Court and the High Courts as a State subject. It was only under the 42nd Amendment in 1977 that Entry 3 from List II was deleted and the subject as such was taken as Entry 11 A in the Concurrent List. This had become necessary on account of the recommendation of the Law Commission that an All India Judicial Service should be set up.

[6] Prior to independence, the District Judge used to be invariably a Member of the Indian Civil Service and his position in the district was superior to that of the District Magistrate. This position continued until the Indian Civil Service came to be abolished around 1946-47. This long association of the Civil Service with the judicial manning had led to service conditions of both to be tied up. Ceremonial justice at that time was handled by Magistrates who belonged to the Executive.

[7] Under the Constitution, the concept of Rule of Law came to be accepted and developed. Article 50 prescribed the guideline of separating ' the judiciary from the executive in the public services of the State. This position is the outcome of recognition of the position that the judiciary is a class separate from the executive.

[8] The control over the subordinate judiciary has been vested in the High Court and the administrative control has been construed to be complete and exclusive. Yet, in certain aspects, and particularly in regard to service conditions, the distinction has not been extended. That is why very often when any specific aspect relating to conditions of service is taken up or benefits for judicial service considered, comparative basis between the two is adopted for review. It is high time that this

aspect is appreciated and the administrative authorities remain alive to it.

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[9] We shall first deal with the plea for setting up of an All India Judicial Service. The Law Commission of India in its 14th Report in the year 1958 said:

'If we are to improve the personnel of the subordinate judiciary, we must first take measures to extend or widen our field of selection so that we can draw from it really capable persons. A radical measure suggested to us was to recruit the judicial service entirely by a competitive test or examination. It was suggested that the higher judiciary could be drawn from such competitive tests at the all-India level and the lower judiciary can be recruited by similar tests held at State level. Those eligible for these tests would be graduates who have taken a law degree and the requirement of practice at the Bar should be done away with.

Such a scheme, it was urged, would result in bringing into the subordinate judiciary capable young men who now prefer to obtain immediate remunerative employment in the executive branch of Government and in private commercial firms. The scheme, it was pointed out, would bring to the higher subordinate judiciary the best talent available in the country as a whole, whereas the lower subordinate judiciary would be drawn from the best talent available in the State.'

The Commission proceeded to further state:

'Recruitment to the higher judiciary at the all-India level in the manner suggested would be a powerful unifying influence and serve to counteract the existing growing regional tendencies. In this connection, attention may be drawn to the observations made by the States Reorganisation Commission in regard to the creation of the All India Services as a major compelling necessity for the nation. The Commission observed: 'The raison d'etre of creating All India Services, individually or in groups, is that officers on whom the brunt of responsibility of administration will inevitably fall, may develop a wide and all-India outlook. The present emphasis on regional languages in the Universities will inevitably lead to the growth of parochial attitude, which will only be corrected by a system of training which emphasises the all-India point of view'.....It has not been very easy for us to balance these considerations, but we are definitely of the view that proportion of the higher judiciary should be recruited by competitive examination at the all-India level so as to attract the best of our young graduates to the judicial service. This measure will enlarge the field of selection and bring into the higher judicial service a leaven of brilliant young men who will set a higher tone and level to the subordinate judiciary as a whole. The personnel so recruited will be subjected to an intensive training. The rest of the higher judiciary should, in our view, be recruited in part directly from senior members of the Bar, and partly by promotion from the lower subordinate judiciary.'

Dealing with the same subject from a different angle, the Commission proceeded to say:

'The great advantage that the Indian civilian had, was the intensive and

varied course of training which he had to undergo. At the time of his first entry into service, his training was confined to matters pertaining to the revenue and criminal administration alone, but when he was taken over to the judicial side, generally an equally intensive training in civil law was given to him for a period of not less than eighteen months. There can be no doubt that a similar intensive judicial training given to a judicial officer who possesses a law degree can be of the greatest value..... Indeed, it can be claimed that a planned and systematic training such as is contemplated by us for the judicial officer selected for the Indian Judicial Service may be more effective than the uncertain and spasmodic training which may be received during the course of a few years practice at the Bar. These and the other considerations referred to earlier have led us to the conclusion that in the interests of the efficiency of the subordinate judiciary, it is necessary that an All India Service called the Indian Judicial Service should be established. This will need action being taken in the manner provided by Article 312 of the Constitution.'

The Law Commission has reiterated this view in subsequent reports. It took nearly 20 years for the Government to take follow up action on the basis of the recommendation and that led to the amendment of the legislative entries as already referred to.

[10] This proposal of the Law Commission and the follow up Governmental action led to consultation and dialogue in the Conference of Chief Justices of the High Courts but many of the High Courts were of the view that setting up of an All India Judicial Service would affect then constitutional scheme of control of the High Courts over the subordinate judiciary and in particular Article 235 of the Constitution. Article 233 makes provision for appointment of District Judges and requires that appointment to such posts has to be made by the Governor of the State in consultation with the appropriate High Court. Article 234 provides for recruitment of persons other than District Judges to judicial service by prescribing that appointments shall be made by the Governor of the State in accordance with the Rules made by him in that behalf after consulting the State Public Service Commission and the High Court exercising the jurisdiction in relation to such State. The post of District Judge has ordinarily been equated with the senior scale status in the All India Services. It was perhaps not contemplated by the Law Commission that on appointment members of the proposed All India Judicial Service were to hold the post of District Judge. Like all other All India Services the initial recruitment could be to a lower rank equal to civil judge and after serving in such post for a reasonable time appointment to the post of District Judge could be made. Since the Law Commission itself was of the view that a percentage should be filled up by direct recruitment from the Bar, the scheme envisaged by the Law Commission would not require amendment of Article 233. It is to be examined whether any alterations in Article 234 would be necessary or recruitment to All India Service could be made by appropriate amendment of the State Rules contemplated under that Article.

[11] Control over the subordinate courts under the constitutional mechanism is vested in the High Court. Under Article 235, the provision is that the control over District Courts and courts subordinate thereto vests in the High Court. The main objection against implementation of the recommendation of the Law Commission relating to the setting up of the All India Judicial Service was founded upon the basis that control contemplated under Article 235 of the Constitution would be affected if an All India Judicial Service on the pattern of All India Services Act, 1951,

is created. We are of the view that the Law Commission's recommendation should not have been dropped lightly. There is considerable force and merit in the view expressed by the Law Commission. An All India Judicial Service essentially for manning the higher services in the subordinate judiciary is very much necessary. The reasons advanced by the Law Commission for recommending the setting up of an All India Judicial Service appeal to us.

[12] Since the setting up of such a service might require amendment of the relevant Articles of the Constitution and might even require alteration of the Service Rules operating in the different States and Union Territories, we do not intend to give any particular direction on this score particularly when the point was not seriously pressed but we would commend to the Union of India to undertake appropriate exercise quickly so that the feasibility of implementation of the recommendations of the Law Commission may be examined expeditiously and implemented as early as possible. It is in the interest of the health of the judiciary throughout the country that this should be done.

II

[13] The Law Commission in the 14th Report also referred to the various designations provided for judicial officers working in the different States and Union Territories. It observed:

In view of the more or less uniform functions performed by the judicial officers so variously designated, it would, we think, be advisable to aim at a uniformity of designation. There is, however, a fundamental difference in the general scheme of distribution of judicial business between the lower grade of officers (munsifs) on the one hand, and the higher grade of officers (subordinate judges) on the other. The first has limited pecuniary jurisdiction while the second, generally speaking, has unlimited pecuniary jurisdiction. We would, therefore, suggest that the State Judicial Service - Class II should consist of civil judges who should be designated as civil judges of the senior and junior divisions. Officers corresponding to munsifs would be designated as civil judges (junior division) and those corresponding to subordinate judges would be designated as civil judges (senior division).

[14] If reference is made to Article 236 of the Constitution, it would be noticed that the expression 'District Judge' has been defined to include Judge of a City Civil Court, Additional District Judge, Joint District Judge, Assistant District Judge, Chief Judge of a Small Causes Court, Chief Presidency Magistrate, Additional Chief Presidency Magistrate, Sessions Judge, Additional Sessions Judge and Assistant Sessions Judge. This definition in Article 236 covers the higher section of the State Judicial Service both in the civil and criminal sides. The definition is only inclusive and in implementing the recommendations of the Law Commission to simplify the designations by saying that the hierarchy of subordinate judicial officers would be District Judge or Additional District Judge, below him Civil Judge (Senior Division) and below him Civil Judge (junior division) does not go against the constitutional scheme nor does it require any amendment of the Constitution. If there be any laws operating in the States, perhaps the same may have to be appropriately modified or altered if the uniformity recommended by the Law Commission has to work out.

[15] We are inclined to adopt the view of the Law Commission. On the civil side, the State Judicial Service, therefore, should be classified as District or Additional District Judge, Civil Judge (senior division) and Civil Judge (junior division). On the criminal

side, there should be a Sessions Judge or Additional Sessions Judge and below him there should be the Chief Judicial Magistrate and Magistrates provided for in the Code of Criminal Procedure. Appropriate adjustments, if any, may be made of existing posts by indicating their equivalence with any of these categories. The process of bringing about such uniformity would require some time and perhaps some monitoring. We direct that the Ministry of Law and Justice of the Union Government would carry on the monitoring activity and all the States and Union Territories would follow the pattern indicated above by March 31, 1993.

III

[16] One of the issues debated at the hearing related to the age of retirement. The Constitution has fixed the age of retirement of Judges in the High Courts and the Supreme Court at 62 and 65 years respectively. There is no constitutional prescription of the age of retirement of the members of the subordinate judiciary and in India that is controlled by the relevant rules obtaining in the different States and Union Territories and it is 58 years at present excepting in the State of Kerala where the age of superannuation is 55 years for all State Government employees including the members of the State Judicial Service.

[17] It is the claim of the petitioners that the age of retirement of the officers of the subordinate judiciary should be fixed at 60 years inasmuch as the basic qualification for recruitment to the service requires every officer to have in the minimum a bachelors degree in law which is acquirable after becoming a graduate. Thus, while for normal civil service a graduate is eligible, for recruitment to the judicial service a minimum further period of three years becomes necessary to acquire the basic qualification. In many of the States and the Union Territories, for recruitment to the post in the judicial service a basic period of experience at the Bar is a pre-requisite. Thus, while for the civil service the age of recruitment varies between 25 and 28 years, for judicial service at the basic level most of the States permit entry upto the age of 32. In some of the States where direct recruitment of judicial officers for an inbetween stage is permitted, the age of entry is even upto 35 years. Article 233(2) of the Constitution provides:

'A person not already in service of the Union or of the State shall only be eligible to be appointed a District Judge if he has been for not less than seven years an advocate or a pleader and is recommended by the High Court for appointment.'

[18] Keeping this constitutional requirement in view in respect of direct recruitment for District Judge, entrance is permitted upto the age of 45 years in many States. Thus at the point of entry into service there is a marked distinction between civil service and the judicial service.

[19] Notwithstanding these special features the history of the service would show that no distinction has been maintained in regard to the age of retirement between officers of the civil service and the officers of the judicial service and over the years the same rule has been applied to both. This Court in Moti Ram Deka, etc. v. The General Manager, North East Frontier Railway, Maligaon, Pandu, etc. 1964 5 SCR 683 pointed out:

'in regard to the age of superannuation, it may be said prima facie that rules of superannuation which are prescribed in respect of public service in all modern States are based on considerations of life expectation, mental capacity of the civil servants having regard to the climatic conditions under

which they work, and the nature of the work they do. They are not fixed on any ad hoc basis and do not involve the exercise of any discretion. They apply uniformity to all public servants falling under the category in respect of which they are framed.....'

Nature of work is thus one of the considerations relevant to fixing the age of retirement.

[20] There is a marked distinction between the nature of work which executive officers and judicial officers are called upon to discharge. The work of the judicial officers is usually sedentary while that of the executive officers involves a lot of physical movement. This is particularly so in the lower cadres of both the services. In view of this feature physical fitness is more important for an executive officer than in case of a judicial officer while in case of judicial officers, there is thus necessarily more of a mental activity than physical. Experience is an indispensable factor and subject to the basic physical fitness with growing age experience grows.

[21] As already indicated, retirement age for High Court Judges is 62 years. A sizable portion of the manning in the High Court is done by elevating District Judges and those who are elevated continue upto the age of 62 years like directly elevated members of the Bar to the High Court.

[22] There are certain services in the States where retirement is fixed at the age of 60 years taking into account the special type of work the officers are called upon to perform. For instance, throughout the country teachers of universities are allowed to serve upto 60 years of age. Employees under some of the corporations also go upto the age of 60. Scientific Research Officers are also allowed in many cases the benefit of 60 year age of retirement.

[23] Mr. Poti for the State of Kerala raised serious objection to raising the age of retirement of judicial officers to a common level of 58 years by contending that this would lead to unrest in the other services of the State and everyone would press for the age of retirement being enhanced to 58. In fact, Kerala had once experimented with the enhanced age for all and has reverted back to the age of 55. The main ground raised by Mr. Poti to resist the proposal of enhancement is that in the State of Kerala the level of literacy is high and unemployment is acute. If the age of retirement is enhanced the scope of the unemployed to get employment would be adversely affected. We are not impressed by the submission of Mr. Poti on this score. The total number of judicial officers of every category in the State may not exceed 3,000 or so. This certainly is not such a big number that might create unemployment problem in the event of the age of superannuation being brought to the all India level of 58 or even enhanced to a higher limit.

[24] The Law Commission in its 14th Report dealt with this aspect at page 213 of the report and said:

'There is yet another reason why the question of the age of retirement of the subordinate judiciary should be treated differently from that in other State Services. As noticed earlier a judicial officer enters service at a comparatively higher age than a recruit to the executive or administrative services. It would, therefore, be proper that the retirement age of a judicial officer should be relatively higher than that of an executive officer, so as to enable him to serve for the full number of years if he retains his fitness and capacity of work till he reaches such higher age.'

We, therefore, recommend that the retirement age of the subordinate judiciary in all States should be raised to 58 years. Such a measure will tend to raise the tone and morale of the judicial service as a whole. It will also be consistent with our recommendation to raise the age of retirement of High Court Judges to 65 years.'

[25] The recommendation that superannuation should be fixed at 58 for judicial officers was made at a time when in public services retirement was prescribed at the age of 55. Considering the enhancement of the longevity of human life and taking all other relevant considerations into account, all the States and all the Union Territories have now enhanced the age of retirement to 58 years excepting, as already pointed out, in the case of the State of Kerala. We are of the view that on the logic which was adopted by the Law Commission and for the reasons which we have indicated the age of retirement of judicial officers should be 60 years. We accordingly direct that appropriate alterations shall be made in the Rules obtaining in the States and Union Territories in respect of judicial service so as to fix the age of retirement at 60 years with effect from December 31, 1992. We have given a long period so that appropriate amendments may be made in the meantime.

IV

[26] We shall now deal with the claim for appropriate pay scales and on, as nearly as possible, uniform basis. The 14th Report of the Law Commission dealt with this matter at page 163 of the report and said:

'It is the matter of scales of pay and remuneration, the judiciary compares unfavourably with the executive branches of the Government. It is true that, generally speaking, the scales of pay of the judicial officers and the corresponding executive officers are identical in many of the States. However, it has to be remembered that the executive officers are, by and large, recruited at a much younger age than the judicial officers. The entrant to the judicial service is required to be a graduate in law and in most of the States it is also necessary that he should have practised for a certain number of years at the Bar. On the other hand, for recruitment to the executive branches of Government service, a degree in arts or science is, generally speaking, sufficient. In the result, a person entering the judicial service does so when he is about 26 or 27 years of age and at a time when his contemporaries who have entered the executive service of the Government have already acquired a certain seniority in the service and have come to draw a higher salary. It will thus be seen that a person joining the judicial service starts with a lower remuneration than what he would have received if he had entered the executive service for a few years earlier. It has also to be noted that owing to the lesser proportion of superior posts in the judicial service promotions come less quickly to the judicial officers, and a person who has entered the service as a munsif, assuming that he is fit and fully qualified, takes much longer time to become a district judge than would an equally competent deputy collector to reach the position of a collector. Again the judicial officer, having started at a later age, has a shorter span of service than the executive officer and this affects his pension and other retirement benefits.'

[27] We had called for the prevailing pay scales of the different judicial cadres in the States and the Union Territories and the same have been made available to us. We found that there is wide variance in the pay structure prevailing in the various States and Union Territories and for the same nature of work performed by the

judicial officers they are remunerated differently. It is difficult for us on the data now placed to get into the exercise of fixing the appropriate pay scales. We suffer a handicap in the absence of full details necessary for fixing the appropriate pay scales on comparative basis. Besides, the matter requires some amount of expertise which we do not have. Again, we are apprehensive that if we enter into the matter and say something in a final way, it is possible that in some States benefits which are now available may be taken away or adversely affect some officers. For these reasons, we do not propose to finally examine the propriety of the existing pay scales nor do we direct any pay scales to be fixed.

[28] A Pay Commission for the Central Government employees was appointed about 8 years back and on the basis of its Report the revised benefits have been given effect to from January 1, 1986. Following that pattern, most of the States have either given the Central scales or appointed their own commissions or committees and given the revised benefits to their officers. It appears that with an interval of 10 years or so such a commission is being appointed and pay scales are being reviewed. Such an exercise is likely to be undertaken within less than three or four years. We are of the view that the claim on this score can be better handled when the pay commissions or committees in the States are set up to review the position. We direct that as and when such commissions or committees are set up in the States and Union Territories hereafter, they separately examine and review the pay structure of judicial officers keeping in view all relevant aspects.

V

[29] Under this head, however, we would like to deal with the claim for various allowances. Unlike the administrative officer, the judicial officer is obliged to work for long hours at home. When he reserves a judgment he has usually to prepare the same at his residence. For that purpose, he has to read the records as also the judicial precedents cited by counsel for the adversaries. Even otherwise with a view to keeping himself up-to-date about the legal position he has to read judgments of his own High Court, other High Courts and of the Supreme Court. He has also to read legal journals. The judicial officer very often has no provision of an office at his residence. Unless a reasonable allowance is provided for maintaining an office, it becomes very difficult for him to undertake the various aspects of the exercise referred to above. We are of the view that a residential office allowance should be admissible to every judicial officer. The same for the civil judge (junior division) and the civil judge (senior division) be fixed at the rate of Rs. 250 per month and for officers of the higher category the monthly allowance should be Rs.300.

[30] Law books, Law reports and legal journals are indispensable to a judicial officer. They are in fact his tools and in case a junior officer has to discharge his duties satisfactorily he has to get acquainted with these. His ability to perform his duty to a considerable extent depends upon his reading habit and devoting a sizable working time to reading all this literature. Reading habit is indispensable to a judicial officer and possession of a small library of one's own helps generation of the proper reading habit. Law books and Law journals have in particular become very costly these days. One standard Law journal for the decisions of the High Court, another for the decisions of this Court and one or two standard Law journals on the average would cost about Rs.200 a month.

[31] There is no existing system of providing Law books and journals to the officers of the lower judiciary. Many of the judicial officers in the lower ranks have their working places away from the district headquarters where the seat of the district judge is located. There is perhaps at every district headquarter a small library but

the number of books is small and more than one copy of many of the books would not be available. Therefore, whether it is at the district headquarter or in areas away therefrom, effective library facility is not available. We are of the view that a uniform pattern of small library should be provided to every judicial officer. We accordingly direct that such a library should be made available by 30.6.1992 to every judicial officer and the District Judge should have provision made in his budget for the provision of the said residential library for every judicial officer under his control. The High Court should monitor this aspect effectively so that without loss of time, a handy library may be at the disposal of every judicial officer.

[32] The district judge is the principal judicial officer of the district. Ordinarily every revenue district has a district judge and his seat is located at the headquarter. In heavy stations, the district judge has a team of additional district judges to assist him. There would also be a number of judicial officers of lower category working at the headquarters. It is the obligation of the district judge to operate as the captain of the team both under his direct supervision at the headquarters and in respect of the officers located in different areas within his district. Of late, lower or subordinate courts are being established in the outlying and rural interior. It is the obligation of the district judge to inspect the outlying courts, maintain the proper judicial tempo and temper of functioning in his district and be responsible for the efficient running of the system.

[33] In many of the States the prevailing practice is that the district judge takes a monthly meeting with the collector and district magistrate and the superintendent of police. He also meets the members of the Bar. Now and then he meets his judicial officers - those at the headquarters as also the others who are in the interior. It is desirable that the district judge devotes some time as frequently as possible and at least once a week to meet the judicial officers beyond the working hours, discusses working problems of his officers and forms his own opinion about how the work is being done. A weekly assessment of such performance generates even temper of judicial activity and upholds the tempo being maintained at the appropriate level. There is not yet any definite system of judicial training in most of the States and Union Territories. A judicial officer with his first posting or until he acquires adequate experience requires guidance. It should ultimately be the obligation of the district judge to provide the same. We are of the view that to the post of district judge a monthly allowance of Rs. 300 by way of sumptuary allowance should be available to enable him to extend small courtesies at such meetings. The chief judicial magistrate does some of these activities in respect of the magistrates handling criminal work. In our opinion he should be entitled to a sum of Rs. 200 per month by way of sumptuary allowance. We are aware of the fact that under the Conditions of Service Act of High Court Judges, a sumptuary allowance of Rs.300 is payable to them every month. Now that we have directed that Rs. 300 should be fixed for the district judges, we command that the sumptuary allowance fixed for the High Court Judges may be enhanced suitably. These allowances shall be payable from 1.4.1992. We would like to add that this allowance is intended for utilisation to the full extent for entertaining judicial officers in connection with performance of duty and would not be considered as a perk for being included in the hands of the recipient as his income.

VI

[34] Provision of an official residence for every judicial officer should be made mandatory. A judicial officer to work in a manner expected of him has to free himself from undue obligations of others, particularly owners of buildings within his jurisdiction who ordinarily may have litigations before him. This is mostly the case in

rural areas where outstation judicial courts are located. We are aware of cases where a rural court is located in the building belonging to a lawyer or a client. Even the residential accommodation of the judicial officer belongs to people of that category. Such a situation often gives occasion to personal embarrassment to the judicial officer and it has to be avoided.

[35] Expenditure on residential accommodation in a family budget is not ordinarily to exceed 15 per cent of the monthly income; otherwise it becomes difficult for the person concerned to make his two ends meet. A judicial officer who is not provided residential accommodation is obliged to go in for rented accommodation. In view of the prevailing rate of rent, the smallest accommodation that can be taken may often cost 75 per cent to 100 per cent of the monthly salary, a situation which cannot be countenanced by any logic. It is absolutely necessary that appropriate conditions should be provided for the judicial officer and he should have reasonable mental peace in order that he may perform his duties satisfactorily. Rendering justice is a difficult job. It is actually a divine act. Unless the judicial officer has a reasonably worry free mental condition, it would be difficult to expect unsoiled justice from his hands.

[36] Very often building projects are undertaken for providing residential accommodation to public officers but the requirement of the judicial officer is not taken into account for one reason or the other. Control of the State purse is in the hands of the executive. As appropriate share of construction expenses is not being provided towards accommodation of judicial officers; they do not have any quota in the building projects. As a result of this over the years at several places throughout the country residential accommodation for judicial officers has turned out to be scanty. Many judicial officers dread postings in Metropolitan towns as residential accommodation is not available and the rental would be exorbitant in respect of private accommodation. The cost of living also becomes heavy.

[37] We take judicial notice of the fact that the Planning Commission of the Central Government is considering acceptance of the subordinate judiciary as a plan subject. Providing adequate residential accommodation should be considered as a priority. Until adequate governmental accommodation is available, it should be the obligation of the State at the instance of the High Court to provide requisitioned accommodation for every judicial officer according to his entitlement and recovery of not more than twelve and a half per cent of salary of the officer towards rent should be made and the balance should be met by the State Exchequer. We would emphasise the need of provision of a separate and exclusive office room as an indispensable component of every such official residence and the accommodation should take into account this feature. As a long term measure, Government accommodation should be constructed to meet the need of the judicial officers at their respective stations. This should be a matter for the Planning Commission to review and the State Governments to cooperate and undertake construction activity. The Governments of the States and the Union Territories would take some time to implement this part of the direction. In case for some reason, the Planning Commission does not come forward to take up the matter before January, 1992, the Chief Justice of every High Court should set up a committee with him as a Chairman where two senior Judges of the Court and the Secretaries of Finance, Law and Works should be members and annual planning of construction of residence should be made. We accordingly fix the outer limit of December 31, 1992 when this part of the direction would become fully operative.

[38] We shall now deal with the claim for transport. In most of the States the district judge has been provided a motor car and in some of the States the chief judicial magistrate is also provided with such transport, be it a car or a jeep. There are still some States like Rajasthan, Haryana and Madhya Pradesh where provision of a car for every district Judge has not yet been made. We direct that every district judge should be provided with a car by March 31, 1992, and it shall be the obligation of the other States where such facility has not been provided to ensure the same within the time limit.

[39] The chief judicial magistrate is a touring officer apart from doing trial work as a magistrate. Mandate of the Code of Criminal Procedure requires him to undertake some touring. The quality of criminal justice administration would very much depend upon the mobility of the chief judicial magistrate. We, therefore, direct that in such States and Union Territories where provision of independent transport for the chief judicial magistrate has not been made, the same should be done by September 30, 1992. We are further of the view that in stations with more than four judicial officers a common transport should be provided for the purpose of taking them from the residence to the court and back and meeting their other official purposes and such vehicle should be placed under the control of the seniormost officer in the pool. The arrangement should be that for every five officers, there should be a vehicle. Provision for this aspect should be made by March 31, 1993. This direction has become necessary as judicial officers should not be forced to travel along with litigants and lawyers. In many sensitive cases, records are carried by them. Often judgments to be pronounced are also taken by them. In some disturbed areas, instances of harassment to judicial officers taking advantage of their using common transport have come to light. We direct that every State and Union Territory would file a compliance report in the Registry of this Court in respect of these three aspects within one month from the expiry of the outer limit indicated for each of them.

[40] There are several outlying courts where the number of officers would not be more than five. We do not intend to provide any independent transport for them but such officers who ask for loan for purchase of a two wheeler automobile should immediately be provided the same. Appropriate funds should be made available for such purpose. A pool car should have 60 litres of petrol per month and a judicial officer owning a scooter would be entitled to an allowance of Rs.200 per month.

[41] We are alive to the fact that our directions involve a burden on the State Exchequer. Perhaps some justification as to why these expenses should not be grudged must now be indicated. Professor Pannick in his book entitled 'Judges' has observed:

'Judges do not have an easy job. They repeatedly do what the rest of us seek to avoid; make decisions.'

He further added:

'Judges are mere mortals but they are asked to perform a function that is utterly divine.'

Professor Harold Laski once wrote to Justice Oliver Holmes that 'he wished that people could be persuaded to realise that judges are human beings; it would be a real help to jurisprudence.'

[42] The Trial Judge is the kingpin in the hierarchical system of administration of

Justice. He directly comes in contact with the litigant during the proceedings in Court. On him lies the responsibility of building up of the case appropriately and on his understanding of the matter the cause of justice is first answered. The personality, knowledge, judicial restraint, capacity to maintain the dignity are the additional aspects which go into making the court's functioning successful.

[43] Krishna Iyer, J. described the scene very graphically thus:

'Law is a means to an end and justice is that end. But in actuality, Law and Justice are distant neighbours; sometimes even strange hostiles. If law shoots down justice, the people shoot down law and lawlessness paralyses development, disrupts order and retards progress. This is the current scene.'

It calls for serious introspection.

[44] The Law Commission in its 14th Report said:

'If the public is to give profound respect to the judges the judges should by their conduct try and observe it; not by word or deed should they give cause for the people that they do not deserve the pedestal on which we expect the public to place them. It appears to us that not only for the performance of his duties but outside the court as well a Judge has to maintain an aloofness amounting almost to self imposed isolation.'

The Commission quoted Sir Winston Churchill who had said:

'A form of life and conduct far more severe and restricted than that of ordinary people is required from judges and though unwritten has been most strictly observed. They are at once privileged and restricted; they have to present a continuous aspect of dignity and conduct.'

[45] These prescriptions for a Judicial Officer, therefore, result in a restricted life. Austerity is a quality to be practised by every Judge - personally as also in his public functioning. This necessarily gives rise to a situation where the Judge must have patience, perseverance and painstaking habits. In order that a Judge may be able to put in these aspects into his public functioning it is absolutely necessary that the Judge enjoys freedom from personal worries. A reasonable salary, appropriate allowances and manageable living conditions are, therefore, required to be provided.

[46] For quite a few years the conditions of service of Judges of the superior Courts and those of the public officers in the Executive side had been put at par excepting such provisions as were contained in the Government of India Act, 1935 or under the Constitution. For the first time it was accepted that separate Conditions of Service should be provided and Conditions of Service Acts for the High Court and Supreme Court Judges were separately enacted in 1954. Those statutes and the Schedules therein even now contain provisions to the effect that matters for which provisions have not been made by the statutes are to continue to be the same as provided for the officers in the Executive wing as named. In a democratic polity the role of the judiciary is indispensable. The efficient functioning of the Rule of Law under the aegis of which our democratic society can thrive requires an efficient, strong and enlightened judiciary. And to have it that way the Nation has to pay the price. There was a time when a Judge enjoyed a high status in society. Very often a successful Member of the Bar earning a high income favourably responded to the invitation of the Chief Justice to accept Judgeship. That no more is the position. The sense of

professional obligation has died down for reasons more than one; but perhaps the most eloquent one is loss of social status of the Judge. The effect of this position in respect of the higher judiciary has its impact on the subordinate judiciary too. Half a century back a Judicial Officer even of the lowest category enjoyed great social status. He was looked upon with a sense of reverence. He led a life in tune with the recommendations of the Law Commission in its 14th Report. He had the training of limiting his wants and managed to live a contented life by making his two ends meet with limited resources of small salary. That philosophy of life has vanished or is fast vanishing. A great social change has overtaken today's society. Life has become competitive; demands of life have increased; and aptitudes have changed. Therefore, today a judicial officer always look at life in a comparative way with administrative officers of his age. Professional income at the Bar has tremendously swelled up. Very often counsel's fee per day equals to the salary of a judicial officer for a full month or even a longer period. This great disparity affects peace and equilibrium in the judicial operation.

[47] As early as 1958 the Law Commission said:

'As we shall point out, later the problem has since grown in dimension because there is unmistakable testimony that the standards of the judicial officers recruited from the Bar and other sources have during recent years fallen in a substantial degree for various reasons. This has been almost the unique view expressed by the witnesses before us. It is thus obvious that no scheme of review of judicial administration will be effective or worthwhile unless the basic problem of providing a trained and capable judicial personnel is satisfactorily solved.'

[48] This was adequate and timely notice to the Government and its people. Instead of attending to the problem then, 33 long years have been allowed to roll by and what was then said as a growing dimension has grown to devalue the system. Its resurrection has, therefore, become more costly.

[49] It is perhaps useful to recall here the prophetic warning sounded by Robert Ingersoll:

'A government founded on anything except liberty and justice cannot stand. All the wrecks on either side of the stream of time, all the wrecks of the great cities, and all the nations that have passed away - all are a warning that no nation founded upon injustice can stand. From the sand enshrouded Egypt, from the marble wilderness of Athens, and from every fallen or crumbling stone of the once mighty Rome, comes a wail as it were, the cry that no nation founded on injustice can permanently stand.'

[50] Society, therefore, must understand the problem. Solution to the problem would depend upon realisation of the fact that the more capable people at the Bar are not willing to accept offers of judicial appointments. The plea that the other wings in the States would demand improvement in their scales of pay is not a relevant feature at all when the problem is viewed from this angle. We hope and trust that society would generate the appropriate understanding of the matter and no Government would come forward to take the stand that if the pay scales and perks of the Judicial Officers are improved similar demands would come from other wings of Government.

[51] Even in the existing system there are some posts which carry special pay that is on account of the fact that there is more of basic equipment demanded and the

nature of work is different and judicial service satisfies both and, therefore, Government can always prescribe a higher pay scale for Judicial Officers.

[52] In 1986 there was a Conference of the Chief Justices of the High Courts, Chief Ministers and the Law Ministers of the States called by the then learned Chief Justice of India and the Ministry of Law and Justice. The then Chief Justice of India and the Law Minister of the Central Government tried their best to make the State Governments and the Union Territories understand the basic problem. While some improvements came as a result of the Conference for the higher judiciary, the claim of the Subordinate judiciary remained unattended.

[53] We would like to point out that that dispensation of justice is an inevitable feature in any civilised society. Maintenance of law and order require the presence of an efficient system of administration of criminal justice. Under the Civil Code, Court fee is realised under the Court Fee Act. For some time demand to abolish it has been made but the States have abandoned the idea on account of the demand by the States of compensation from the Centre in case of abolition of Court fee. Court fee is not a tax and is a fee as has been held by a Constitution Bench of this Court in Secretary, Government of Madras, Home Department and another v. Zenith Lamps and Electrical Ltd., 1973 AIR(SC) 724. In Paragraph 29 of this judgment Sikri, CJ speaking for this Court pointed out:

'It seems to us that the separate mention of 'fees taken in court' in the Entries referred to above has no other significance than that they logically come under Entries dealing with administration of Justice and courts. The draftsman has followed the scheme designed in the Court Fees Act, 1870 of dealing with fees taken in court at one place. If it was the intention to distinguish them from fees in List II Entry 66, surely some indication would have been given by the language employed. If these words had not been separately mentioned in List I, Entry 77 and List II.....

It seems plain that 'fees taken in court' are not taxes, for if it were so, the word 'taxes' would have been used or some other indication given. It seems to us that this conclusion is strengthened by two considerations. First, taxes that can be levied by the Union are mentioned in List I from Entry 82; in List II taxes that can be imposed start from Entry 45. Secondly, the very use of the words 'not including fees taken in any court' in Entry 96 List I, and Entry 66 List II, shows that they would otherwise have fallen within these Entries. It follows that 'fees taken in court' cannot be equated to 'Taxes'. If this is so, is there any essential difference between fees taken in court and other fees? We are unable to appreciate why the word 'fees', bears a different meaning in Entry 77, List I and Entry 96 List I or Entry 3 List II and Entry 66 List II. All these relevant cases on the nature of 'fees' were reviewed in Indian Mica and Micanite Industries Ltd. v. The State of Bihar, 1971 AIR(SC) 1182, by Hegde J. and he observed:

'From the above discussion, it is clear that before any levy can be upheld as a fee, it must be shown that the levy has reasonable relationship with the services rendered by the Government. In other words, the levy must be proved to be a quid pro quo for the services rendered. But in these matters it will be impossible to have an exact relationship. The relationship expected is one of a general character and not as of arithmetical exactitude.'

[54] It is not our intention to raise a dispute on this aspect. We adverted to these authorities and the views of this Court to bring support for the view that what is

collected as Court fee at least be spent on the administration of Justice instead of being utilised as a source of general revenue of the States. Undoubtedly the income from Court fees is more than the expenditure on the administration of Justice. This is conspicuously noticeable from the figures available in the publication in the Ministry of Law and Justice.

[55] What we have said above should be adequate justification for making provision with a view to making judicial functioning viable.

[56] We would like to recall a part of the funeral oration on Mr. Justice Story delivered some 150 years back by Daniel Webster:-

'Justice, Sir, is the greatest interest of man on earth. It is the ligament which holds civilised beings and civilised nations together. Wherever her temple stands, and so long as it is duly honoured, there is a foundation for social security, general happiness and the improvement and progress of our race. And whoever labours on this edifice with usefulness and distinction, whoever clears its foundations, strengthens its pillars, adorns its entablatures, or contributes to raise its august dome still higher in the skies, connects himself in name and frame and character with that which is and must be as durable as the frame of human society.'

To those who control the purse what Webster said should provide the guideline.

VIII

[57] One of the claims advanced before us was for provision of inservice training for judicial officers. This we consider as a must. In fact, the Law Commission in one of its recent reports has advised that inservice institutes should be immediately set up. About a year back the Union Government had proposed the setting up of an All India Inservice Institute but nothing more has been done about it. In some of the States like Uttar Pradesh and Andhra Pradesh, such inservice institutes are functioning. We are of the view that inservice institutes are indispensable for the upkeep of the efficiency of judicial service. We direct that an All India Institute of Inservice Training for higher officers of the judiciary including the district judges and a State level institute for training of the other members of the subordinate judiciary within each of the States and Union Territories or one common institute for more than one State or Union Territory should be set up within one year from now and at any rate not later than December 31, 1992. This has to be organised by respective High Courts.

[58] Before we part, we must indicate with all the emphasis that we can muster that the system has to be saved as for a civilised society an enlightened independent judiciary is totally indispensable. The High Courts must take greater interest in the proper functioning of the subordinate judiciary. Inspection should not be a matter of casual attention. The Constitution has vested the control of the subordinate judiciary under Article 235 in the High Court as a whole and not its Chief Justice alone. Every Judge should, therefore, take adequate interest in the institution which is placed under the control of the High Court. We may point out that what Lord Atkins said in *Debi Prasad Sharma and others v. The King Emperor*, . And it has been approved by a Constitution Bench in Baradakanta Misra v. The Registrar of Orissa High Court and Another, 1974 2 SCR 282. It should be remembered by all the Judges of the High Court, viz., that the administrative control of the subordinate courts of the State vests not in the Chief Justice alone

but in the Court over which the Chief Justice presides.

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[59] Burger, CJ of the American Supreme Court once said:

'A sense of confidence in the Courts is essential to maintain the fabric of ordered liberty for a free people and it is for the Subordinate Judiciary by its action and the High Court by its appropriate control to ensure it.'

It is useful to remember what President Lincoln often said:

'If you once forfeit the confidence of your fellow citizens you can never regain their respect and esteem.'

[60] It is time we mention about society's expectation from the Judicial Officers. A judge ought to be wise enough to know that he is fallible and, therefore, even ready to learn and be courageous enough to acknowledge his errors.

[61] The conduct of every judicial officer should be above reproach. He should be conscientious, studious, thorough, courteous, patient, punctual, just, impartial, fearless of public clamor, regardless of public praise, and indifferent to private, political or partisan influences; he should administer justice according to law, and deal with his appointment as a public trust; he should not allow other affairs or his private interests to interfere with the prompt and proper performance of his judicial duties, nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity.

[62] We would like to part with the matter by recalling a statement of Edmund Burke:

'All persons possessing a portion of power ought to strongly and awfully impressed with an idea that they act in trust, and that they are to account for their conduct in that trust to the one great Master, Author and Founder of Society.'

[63] We would like to briefly indicate the directions we have given in the judgment:

(i) An All India Judicial Service should be set up and the Union of India should take appropriate steps in this regard.

(ii) Steps should be taken to bring about uniformity in designation of officers both in civil and the criminal side by 31.3.1993.

(iii) Retirement age of judicial officers be raised to 60 years and appropriate steps are to be taken by 31.12.1992.

(iv) As and when the Pay Commissions/Committees are set up in the States and Union Territories; the question of appropriate pay scales of judicial officers be specifically referred and considered.

(v) A working library at the residence of every judicial officer has to be provided by 30.6.1992. Provision for sumptuary allowance as stated has to be made.

(vi) Residential accommodation to every judicial officer has to be provided and until State accommodation is available, Government should provide

requisitioned accommodation for them in the manner indicated by 31.12.1992. In providing residential accommodation, availability of an office room should be kept in view.

(vii) Every District Judge and Chief Judicial Magistrate should have a State vehicle. Judicial officers in sets of 5 should have a pool vehicle and others would be entitled to suitable loans to acquire two wheeler automobiles within different time limits as specified.

(viii) Inservice Institute should be set up within one year at the Central and State or Union Territory level.

IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 13

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.
.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.
..... RESPONDENTS.

[Handwritten signature]

SUPREME COURT OF INDIA (F.B.)**ALL INDIA JUDGES ASSOCIATION
V/S
UNION OF INDIA****Date of Decision: 24 August 1993****Citation: 1993 LawSuit(SC) 634****Hon'ble Judges: M N Venkatachaliah, A M Ahmadi, P B Sawant****Eq. Citations: 1993 (4) SCC 288, 1993 AIR(SC) 2493, 1993 (3) Scale 502, 1993 AIR(SCW) 3195, 1993 (4) JT 618, 1993 (2) KerLT 581, 1993 (Supp1) SCR 749, 1993 (2) LLJ 776, 1993 (67) FLR 996, 1993 (4) SCT 248, 1993 LabIC 2321, 1993 (6) SLR 37, 1993 (3) SCJ 222, 1993 (2) KerLJ 592, 1994 SCC(L&S) 148, 1994 (1) LLN 337, 1993 (2) CurLR 770, 1993 BBCJ(SC) 227, 1993 (25) ATC 818****Case Type: Review Petition; Writ Petition; Interim Application; Special Leave Petition (Civil); Writ Petition (Ci****Case No: 249 of 1992, 9, 319-21, 423, 592-93, 249 of 1992, 753 of 1992; 1022 of 1989; 2, 4; 14505 of 1992; 71 of 1993****Subject: Constitution****Head Note:**

Appointment -- Appointment of judicial officers, requiring minimum three years legal practice -- Where the selection is made by the Public Service Commissioner, the representative of the High Court shall be one of the members of the selection committee and the opinion given by him shall not be disregarded except for strong and cogent reason.

Regarding the procedure adopted for recruitment judicial officers at the lowest rung, in some states recruitment is done by the High Court and in other by Public Service Commission, Even where the selection is made by the Public Service Commission, there is a diversity of practice in that in some states the representative of the High Court mostly a sitting judge of the High Court while in other state the representative of the High Court is not even invited for interviewing the candidates when it may happen that none of those who interviewed the candidates are not qualified in law and in some other states, the opinion of the representative of the High Court is not given a special weight to ensure uniform practice in selecting the judicial official, direction issued that in all cases, where selection of judicial officers is made by Public Service Commission, the representative of the High Court shall be one of the members of the Selection Committee and the opinion given by him with regard to the suitability shall not be disregarded unless there are strong and cogent reason for not accepting the opinion, which reasons must be recorded in writing. These directions with prescription of minimum legal practice of three years as an essential qualification for appointment as judicial officers and obligation to invite the representative of the High Court to participate in the selection process and to accord his advise dominating are calculated to ensure recruitment of competent independent and

honest judicial officer and to strength the administration of justice.

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Recruitment -- Minimum three years as a lawyer made essential qualifications for judge recruitment of judges at lowest rung -- Such requirement is not uniform in all the States- and in view of the uniformity in hierarchy and designation as well as the service conditions, it is necessary that all States should prescribe uniform qualifications and adopt uniform procedure in recruiting the judicial officer at the lowest rung in the hierarchy.

The experience as a lawyer is essential for appointment of a judge to enable the judge to discharge his duty and function efficiently and with confidence and circumspection. Many States have hence prescribed a minimum of three years practice as a lawyer as an essential qualification for appointment as a judicial officer. In this connection it may be pointed out that under Article 233(2) of the Constitution, no person is eligible to be appointed a District Judge unless she/he has been a advocate or pleader for not less than 7 years while Articles 217(2)(b) and 124(3)(b) require atleast 10 years practice as an advocate of a High Court for the appointment of the person to the post of judge of the High Court and the judge of Supreme Court respectively. The directions issued that all the States shall take immediate steps to prescribe 3 years practice as a lawyer as one of the essential qualifications for recruitment as judicial officer at the lowest rung

Retirement -- Age of retirement -- Directions for enhancement of retirement age to 60 years -- The benefit of enhanced age, will not be available automatically and suitability for such benefit would be assessed by Committee of Judges of the High Court -- The assessment of retirement age must be done before attainment of age of 58 years even in cases where earlier superannuation age was less than 58 years.

Thrust of general provision is that the power to prescribe service conditions is vested in the executive and the legislature. The service conditions are a matter of policy and have to be prescribed by taking into consideration the comparative utility of service. It is thus an exclusive function of the executive and the legislature and the Scheme of devolution of powers envisaged by the Constitution has been deviated from to the extent the Supreme Court has prescribed. There is nothing distinguishable about the judicial work and if the directions given are followed the other services may demand the similar service conditions. Enhancement of superannuation age to 60 years coupled with provision for compulsory retirement the age of 58 years does introduce a change in the service conditions of existing personnel. In such cases, the concerned officer should intimate in writing their desire to retire at the age of 58 years well in advance and in any case, before they attain the age of 57 years. Directions thus issued that the legal practice of 3 years should be made one of essential qualifications for recruitment to judicial posts and wherever the recruitment to judicial officer made through Public Service Commission, a representation of the High Court should be associated with the selection process. The Judicial Officers who have already crossed the age of 58 years will not be subjected to the review for compulsory retirement and will continue in service upto the extended superannuation age of 60 years.

Judicial service -- Members of other service cannot be put at par with member of judiciary. (Constitution of India, Articles 233, 234 and 310).

* Constitution of India, Articles 233 and 234 -- Appointment -- Judicial service -- In all cases, where the selection of the judicial officers is made by the Public Service Commission, the representative of the High Court shall be one of the members of the Selection Committee -- Opinion given by him with regard to the suitability of the candidate shall not be disregarded unless there are strong and cogent reasons for not accepting the opinion, and reasons must be recorded in writing.

Service Law -- Superannuation -- Enhancement of retirement age of members of judicial service to 60 years -- Held -- Not automatically available -- Suitability for retention in service upto extended age has to be assessed by the Committee of Judges of the High Courts. (Constitution of India, Articles 233 and 234).

Acts Referred:

Constitution Of India Art 50, Art 16, Art 312, Art 234, Art 226, Art 32, Art 235, Art 309, Art 14, Art 236, Art 233, Art 137

Final Decision: Petition disposed

Advocates: Ramulu, N S Saini, M J Vijaya, Vandhana Rao, V Bhaskar Rao, Niranjana Singh, A Subhashini, B K Prasad, A K Srivastava, M Virappa, Nilima Shangia

Reference Cases:

Cases Cited in (+): 187

Cases Referred in (+): 2

Judgement Text:-

P B Sawant, J

[1] These review petitions have been filed by the Union of India and various States raising general objections as well as objections to the specific directions given by this Court vide our judgment dated 13th November, 1991* to improve the service conditions of the members of the subordinate judiciary in the country. The general objections which are common in all the petitions may be summarised as follows :

* Reported in AIR 1992 SC 165.

(a) As per Arts. 233 and 234 of the Constitution, the appointment to the posts of District Judges as well as to the posts other than those of the District Judges under the Judicial Service of the State are made by the Governor of the State. The power to regulate their conditions of service belongs to the executive subject to the legislative control. It is entirely in the purview of the respective State legislature, Government to determine the conditions of service and as such, this power given to the State Legislature and the State Government is whittled down or curtailed by issuance of the specific directions in this regard by this Court.

(b) In S. L. Sachdev v. Union of India, AIR 1981 SC 411, para 13, this Court has laid down that the Court cannot interfere with or change the administrative policy of the Government unless it violates some provisions of the Constitution such as Art. 14 which requires that even an administrative authority must act fairly and treat its employees equally. No such ground was raised in the writ petition.

(c) The respective State Subordinate Judicial Services have service

conditions that have been gradually developed and evolved over long years along with the service conditions of other Government services in the States/ Union Territories. Any change in the service conditions of the Subordinate Judiciary in isolation is bound to generate some demands from other services and it may be difficult for the State to resist such demands.

(d) The question of uniformity in service conditions is a question of policy pertaining to the respective State Governments which alone are competent to decide on the said issue and such decisions on the issue have various implications and ramifications which have to be determined by the respective State Governments by taking into account its financial limitations.

(e) The directions given by this Court involve a very heavy financial outlay and the State Governments with varying degrees of resources cannot implement the directions without considering and taking into account their own financial resources. Hence it is not possible to bring about uniformity in service

(f) The State Governments have constituted from time to time, State Pay Commissions for examining and scales to the members of the Subordinate Judicial Service in view of the variations in conditions from place to place and from State to State both qualitatively and quantitatively. Hence the feasibility of referring the question of appropriate pay-scales of judicial officers to the State Pay Commissions deserves careful consideration. It may be possible to strive towards uniformity of pay-scales over a period of time with the co-operation of all the States.

(g) A mandatory direction enjoining upon the State to allocate resources to a specific activity would greatly impair the competence of the executive and the legislature to decide relative priorities in respect of the allocation of available resources on developmental and non-developmental activities. Any direction by the Government which involves spending sums out of the Consolidated Fund of the State/ Union Territory, would amount to a direction to the State legislature/ Parliament for carrying out necessary legislation for relevant appropriation. Such a direction cannot be given by the judiciary to the legislature.

(h) In terms of Art. 309 of the Constitution, matters concerning appointment, promotion, terms of conditions of service of the Subordinate Judiciary are to be decided by the State Government/Union Territory Administration subject to such laws as may be passed by the legislature/Parliament. The implementation of the directions given by this Court is likely to result in an impingement on the constitutional functions and powers of the executive and the legislature.

(i) In the interest of adhering to the constitutional scheme of the division of powers, the directions given by the Court may be converted to recommendations prompting State legislature/governments and the Parliament/ Union Government to study them carefully and to introduce the requisite changes on their own in gradual steps.

(j) The function of the higher judiciary is limited to examining whether the

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means adopted by the State legislature/ government are constitutionally valid : Synthetics and Chemicals Ltd. v. State of U. P., AIR 1990 SC 1927.

[2] To the specific directions given by this Court, the objections are as follows :

(a) To the direction for increasing the retirement age up to 60 years, the objection is that the late entry in the Service is not peculiar to judicial service. There are a number of services like medical, engineering, teaching where entry into Government service is made at a late stage and hence any deviation on the ground of late entry may have implications for other services also. It is contended that in the services where entry is at a late stage the interests of the Government servants are protected by allowing a specified number of years to be added to the qualifying service for the purposes of determining the pension.

(b) It is contended that the judiciary alone is not doing the sedentary work. There are services like Central Secretariat Service which also perform the sedentary work and, therefore, the sedentary nature of work may not be a valid consideration for laying down a longer retirement age. It is argued that in arriving at the retirement age, the Government takes into account various factors like the optimum utilisation of the experience and the need to provide employment to the younger generation. If the age of retirement of the members of the judiciary is changed on the ground of the late entry and the sedentary nature of the work, the other civil services may also move the Court for such a direction.

If the age of retirement is increased there would be an increase in indirect cost as well, since the pension and the gratuity of the officer would also go up and the amount involved by way of emoluments etc. would also be higher.

(c) The direction to provide residential accommodation, the vehicle and the transport facility, the library facility at the residence, the uniformity in designations and the setting up of the training facilities would call for a substantial investment in the infrastructure. It is difficult to quantify the financial outlay. By the early 1989, there were nearly 10000 judicial officers all over the country. The accommodation is not available to many of them at present, and at least more than 5000 residential houses may have to be constructed all over the country involving a large capital investment in the region of Rs. 150-250 crores. So is the case, with providing training facilities at the Central and the State/ Regional levels which will require considerable financial outlay.

[3] To put it shortly, the thrust of the general objections is that the power to prescribe service conditions is vested in the executive and the legislature. The service conditions are a matter of policy and have to be prescribed by taking into consideration the comparative utility of the service, the nature and the quality of the work, the overall availability of the resources, the priorities for allocation of funds etc. It is thus an exclusive function of the executive and the legislature, and the scheme of the devolution of the power envisaged by the Constitution has been deviated from to the extent this Court has by the directions in question prescribed the conditions of service. It has thus impinged upon the field exclusively assigned by the Constitution to the executive and the legislature. There is further nothing distinguishable about the judicial work, and if the directions given by this Court are

followed, the other services may demand similar service conditions. That would place a very heavy financial burden on the public exchequer. It is also contended that the financial resources of all the States are not equal and some of the States would be unable to bear the financial burden that is bound to result from the implementation of the directions. What is more, the conditions of work and of employment of the judicial officers differ from State to State. Hence, uniform conditions of service and particularly of pay-scales and of the retirement age are not warranted.

As regards the specific directions, the increase in the retirement age is opposed on the ground that there are different conditions of general employment in different States. It will have repercussions on the other services and also the finances. The implementation of the other directions is resisted mainly on the ground of the financial burden that would be imposed by their implementation.

[4] At the outset, it is necessary to note that at the time of the hearing of the Writ Petition, positive representation was given to the Union of India and all the States and the Union Territories by issuing notices to them. They were represented through their counsel. Some of them, viz., the States of Orissa, Madhya Pradesh, Rajasthan, Bihar, Haryana, Arunachal Pradesh, Gujarat, Himachal Pradesh, Jammu and Kashmir, Mizoram, Tripura and Goa did not file their counters and took the stand that they would abide by whatever is ultimately decided by the Court. The Union of India filed a counter stating that the issues involved fell within the dominion of the States. Some of those which filed counters, viz., the States of Andhra Pradesh, Maharashtra, Uttar Pradesh, West Bengal, Punjab, Karnataka, Assam, Manipur, Meghalaya, Nagaland and Sikkim placed their point of view while others objected to any directions being given. The objection to the enhancement of the superannuation age was mainly on the ground that the superannuation age of the judges fixed in their States was on par with that fixed for the members of the other services. Similarly, the Judges' demand for rent-free accommodation was objected to also on the ground that the rent-free accommodation was not given to the members of the other services and that the house rent allowance given was sufficient to meet the needs of the Judges. The demand for conveyance to the District Judges was, however, not seriously objected to by any of the States.

It is after considering the counters filed and after hearing the learned counsel for all the parties, that this Court had pronounced its judgment and given the directions in question. The very same contentions, which are made the grounds of the present Review Petition were advanced at that time and have been dealt with in the judgment under review. Hence the Review Petition *stricto sensu* is not maintainable and is liable to be dismissed summarily.

It is not necessary to repeat here what has been stated in the judgment under review while dealing with the same contentions raised there. We cannot, however, help observing that the failure to realize the distinction between the judicial service and the other services is at the bottom of the hostility displayed by the review petitioners to the directions given in the judgment. The judicial service is not service in the sense of 'employment'. The judges are not employees.

As members of the judiciary, they exercise the sovereign judicial power of the State. They are holders of public offices in the same way as the

members of the council of ministers and the members of the legislature. When it is said that in a democracy such as ours, the executive, the legislature and the judiciary constitute the three pillars of the State, what is intended to be conveyed is that the three essential functions of the State are entrusted to the three organs of the State and each one of them in turn represents the authority of the State. However, those who exercise the State-power are the ministers, the legislatures and the judges, and not the members of their staff who implement or assist in implementing their decisions. The council of ministers or the political executive is different from the secretarial staff or the administrative executive which carries out the decisions of the political executive. Similarly, the legislators are different from the legislative staff. So also the Judges from the judicial staff. The parity is between the political executive, the legislators and the Judges and not between the Judges and the administrative executive. In some democracies like the U.S.A., members of some State judiciaries are elected as much as the members of the legislature and the heads of the State. The Judges, at whatever level they may be, represent the State and its authority unlike the administrative executive or the members of the other services. The members of the other services, therefore, cannot be placed on par with the members of the judiciary, either constitutionally or functionally.

This distinction between the Judges and the members of the other services has to be constantly kept in mind for yet another important reason. Judicial independence cannot be secured by making mere solemn proclamations about it. It has to be secured both in substance and in practice. It is trite to say that those who are in want cannot be free. Self-reliance is the foundation of independence. The society has a stake in ensuring the independence of the judiciary, and no price is too heavy to secure it. To keep the judges in want of the essential accoutrements and thus to impede them in the proper discharge of their duties is to impair and whittle away justice itself.

[5] So much for the contention of the review petitioners that the directions given by this Court would lead to the demand from the members of the other services for similar service conditions. It is high time that all concerned appreciated that for the reasons pointed out above there cannot be any link between the service conditions of the judges and those of the members of the other services. It is true that under Art. 309 of the Constitution, the recruitment and conditions of service of the members of the subordinate judiciary are to be regulated by the Acts of the appropriate legislature and pending such legislation, the President and the Governor or their nominees, as the case may be, are empowered to make rules regulating their recruitment and the conditions of service. It is also true that after the Council of States makes the necessary declaration under Art. 312, it is the Parliament which is empowered to create an All India Judicial Service which will include posts not inferior to the post of District Judge as defined under Art. 236. However, this does not mean that while determining the service conditions of the members of the judiciary, a distinction should not be made between them and the members of the other Services or that the service conditions of the members of all the Services should be the same. As it is, even among the other Services, a distinction is drawn in the matter of their service conditions. This Court has in the judgment under review, pointed out that the linkage between the service conditions of the judiciary and that of the administrative executive was an historical accident. The erstwhile rulers constituted, only one service, viz., the Indian Civil Service for recruiting candidates for the Judicial as well as the Administrative

Service and it is from among the successful candidates in the examination held for such recruitment, that some were sent to the administrative side while others to the judicial side. Initially, there was also no clear demarcation between the judicial and executive services and the same officers used to perform judicial and executive functions. Since the then Government had failed to make the distinction between the two services right from the stage of the recruitment, its logical consequences in terms of the service conditions could not be avoided. With the inauguration of the Constitution and the separation of the State power distributed among the three branches, the continuation of the linkage has become anachronistic and is inconsistent with the constitutional provisions. As pointed out earlier, the parity in status is no longer between the judiciary and the administrative executive but between the judiciary and the political executive. Under the Constitution, the judiciary is above the administrative executive and any attempt to place it on par with the administrative executive has to be discouraged. The failure to grasp this simple truth is responsible for the contention that the service conditions of the judiciary must be comparable to those of the administrative executive and any amelioration in the service conditions of the former must necessarily lead to the comparable improvement in the service conditions of the latter

[6] This leaves us with the contention of the review petitioners that by the directions in question, this Court has encroached upon the powers of the executive and the legislature under Art. 309 to prescribe the service conditions for the members of the Judicial Service. In view of the separation of the powers under the Constitution, and the need to maintain the independence of the judiciary to protect and promote democracy and the rule of law, it would have been ideal if the most dominant power of the executive and the legislature over the judiciary, viz., that of determining its service conditions had been subjected to some desirable checks and balances. This is so even if ultimately, the service conditions of the judiciary have to be incorporated in and declared by the legislative enactments. But the mere fact that Art. 309 gives power to the executive and the legislature to prescribe the service conditions of the judiciary does not mean that the judiciary should have no say in the matter. It would be against the spirit of the Constitution to deny any rule to the judiciary in that behalf, for theoretically it would not be impossible for the executive or the legislature to turn and twist the tail of the judiciary by using the said power. Such a consequence would be against one of the seminal mandates of the Constitution, namely, to maintain the independence of the judiciary.

It is for this reason again that the present practice of entrusting the work of recommending the service conditions of the members of the subordinate judiciary to the same Pay Commissions which recommend the service conditions of the other services requires reconsideration. The service conditions of the judicial officers should be laid down and reviewed from time to time by an independent Commission exclusively constituted for the purpose, and the composition of such commission should reflect adequate representation on behalf of the judiciary.

However, it cannot be contended that pending such essential reforms, the overdue demands of the judiciary can be overlooked. As early as in 1958, the Law Commission of India in its 14th report on the System of Judicial Administration in this country made certain recommendations to improve the system. The Commission lamented that "though we have been pouring money into a number of activities, the administration of justice has not seemed to be of enough importance to deserve more financial assistance. On the contrary, in a number of States not only had the administration of

justice been starved so as to affect its efficiency, but it has also been made to yield revenue to the State." The report made recommendations in respect of various aspects of the service conditions of the judicial officers and also emphasised that there was no connection between the service conditions of the judiciary and those of the other services. The report further pointed out the salient features of the distinct work of the Judges and emphasised the need among others, to increase the salaries and the superannuation age of the Judges as well as to improve the other facilities available to them including the provision for official residential accommodation.

These recommendations were made to improve the system of justice and thereby to improve the content and quality of justice administered by the Courts. The recommendations were made in the year 1958. Over the years the circumstances which impelled the said recommendations have undergone a metamorphosis. Instead of improving, they have deteriorated making it necessary to update and better them to meet the needs of the present times.

Although the report made the recommendations in question to further the implementation of the Constitutional mandate to make proper justice available to the people, the mandate has been consistently ignored both by the executive and the legislature by neglecting to improve the service conditions. By giving the directions in question, this Court has only called upon the executive and the legislature to implement their imperative duties. The Courts do issue directions to the authorities to perform their obligatory duties whenever there is a failure on their part to discharge them. The power to issue such mandates in proper cases belongs to the Courts. As has been pointed out in the judgment under review, this Court was impelled to issue the said directions firstly because the executive and the legislature had failed in their obligations in that behalf. Secondly, the judiciary in this country is a unified institution judicially though not administratively. Hence uniform designations and hierarchy, with uniform service conditions are unavoidable, necessary consequences. The further directions given, therefore, should not be looked upon as an encroachment on the powers of the executive and the legislature to determine the service conditions of the judiciary. They are directions to perform the long overdue obligatory duties.

The contention that the directions of this Court supplant and bypass the constitutionally permissible modes for change in the law, we think, wears thin if the true nature and character of the directions are realised. The directions are essentially for the evolvement of an appropriate national policy by the Government in regard to the judiciary's condition. The directions issued are mere aids and incidental to and supplemental of the main direction and as a transitional measure till a comprehensive national policy is evolved. These directions, to the extent they go, are both reasonable and necessary.

The contention with regard to the financial burden likely to be imposed by the directions in question is equally misconceived. Firstly, the Courts do from time to time hand down decisions which have financial implications and the Government is obligated to loosen its purse recurrently pursuant to such decisions. Secondly, when the duties are obligatory, no grievance can be heard that they cast financial burden. Thirdly, compared to the other

plan and non-plan expenditure, we find that the financial burden caused on account of the said directions is negligible. We should have thought that such plea was not raised to resist the discharge of the mandatory duties. The contention that the resources of all the States are not uniform has also to be rejected for the same reasons. The directions prescribe, the minimum necessary service conditions and facilities for the proper administration of justice. We believe that the quality of justice administered and the calibre of the persons appointed to administer it are not of different grades in different States. Such contentions are ill-suited to the issues involved in the present case.

[7] Coming now to the specific directions given in the judgment under review-

(i) All India Judicial Service : The objection of the review petitioners to the direction to set up the All India Judicial Service is that it would eliminate chances and scope for prescribing service conditions of the judicial officers in conformity with the local needs, which is the intention of the Constitution. The second objection is that the service conditions of the judicial officers should be identical to those of the members of the other services in the same State and not to those of the judicial officers of the other States. The last objection is that the matter has to be considered by the Union of India in consultation with the other States and it pertains to the executive policy which cannot be dictated by this Court.

These objections ignore the fact that while giving the said direction, this Court has only.

reiterated the view expressed by the Law Commission in its 14th report and in paragraph 12 of the judgment has specifically observed that "We do not intend to give any particular direction on this score particularly when the point was not seriously pressed. But, we would commend to the Union of India to undertake appropriate exercise quickly so that the feasibility of implementation of the recommendations of the Law Commission may be examined expeditiously and implemented as early as possible. It is in the interest of the health of the judiciary throughout the country that this should be done." This being the case, it is for the Union of India if it is so advised to take the initiative in the matter in the light of the discussion and recommendations of the Law Commission where all the objections which are now taken in the review petition have been fully dealt with by the Commission. If and when the Union of India takes such an initiative, the procedure for the formation of the All India Service as provided in Art. 312 of the Constitution will have to be followed. The objections now taken would be of no relevance if the Council of States by resolution supported by no less than two-thirds of its members present and voting declares that such a service should be created, it being necessary and expedient in the national interest to do so. In that case, the Parliament, will have to provide for the creation of such service. The law creating the service will also regulate the recruitment and the service conditions of the persons appointed to the service. The service however, will provide for the post not inferior to that of the District Judge as defined under Art. 236. Hence, the judges holding posts below that of the District Judge would not be members of such All India Service and the service conditions of the said judges will continue to be determined as before, by the State executive and the legislature. For the reasons pointed out earlier, even the service conditions of such judges will

have to be different from those of the members of the other services, and to achieve the uniformity in the service conditions, there will have to be a parity in the service conditions of such judges in all the States. Much of the misconceptions underlying the demand for review on this point, would, however, stand dispelled if the essentially recommendatory nature of the directions is realised and appreciated.

(ii) Uniform Hierarchy and Designations: There is no serious objection raised by the review petitioners to have uniform hierarchy and give uniform designations to the judicial offices in the different States and the Union Territories and to confer on them uniform jurisdiction as directed by this Court. Hence it is presumed that the said suggestion has been accepted by them. If this is so, then unless it is contended that the nature and the quantum of work performed by the judicial officers of the different States varies, it is not understood how the other directions which are given by this Court to achieve uniformity in the service conditions can be seriously resisted. As pointed out earlier, even the ground that the financial capacities of the different States/ Union Territories vary is not available since the directions conceive the minimum essential facilities. It is a settled proposition of law that the minimum service conditions will have to be ensured irrespective of the capacity to fund them. The law should apply proprio vigore in the case of the minimum service conditions of the judiciary.

It has, however, become imperative, in this connection, to take notice of the fact that the qualifications prescribed and the procedure adopted for recruitment of the judges at the lowest rung are not uniform in all the States. In view of the uniformity in the hierarchy and designations as well as the service conditions that we have suggested, it is necessary that all the States should prescribe uniform qualifications and adopt uniform procedure in recruiting the judicial officer; at the lowest rung in the hierarchy. In most of the States, the minimum qualifications for being eligible to the post of the Civil Judge-cum-Magistrate First Class/ Magistrate First Class/Munsiff Magistrate is minimum three years' practice as a lawyer in addition to the degree in law. In some States, however, the requirement of practice is altogether dispensed with and Judicial Officers are recruited with only a degree of law to their credit. The recruitment of raw graduates as judicial officers without any training or background of lawyering has not proved to be a successful experiment. Considering the fact that from the first day of his assuming office, the judge has to decide, among others, questions of life, liberty, property and reputation of the litigants, to induct graduates fresh from the Universities to occupy seats of such vital powers is neither prudent nor desirable. Neither knowledge derived from books nor pre-service training can be an adequate substitute for the firsthand experience of the working of the court-system and the administration of justice begotten through legal practice. The practice involves much more than mere advocacy. A lawyer has to interact with several components of the administration of justice. Unless the judicial officer is familiar with the working of the said components, his education and equipment as a Judge is likely to remain incomplete. The experience as a lawyer is, therefore, essential to enable the judge to discharge his duties and functions efficiently and with confidence and circumspection. Many States have hence prescribed a minimum of three years' practice as a lawyer as an essential qualification for appointment as a judicial officer at the lowest

rung. It is, hence, necessary that all the States prescribe the said minimum practice as lawyer as a necessary qualification for recruitment to the lowest rung in the judiciary. In this connection, it may be pointed out that under Art. 233(2) of the Constitution, no person is eligible to be appointed a District Judge unless he has been an advocate or a pleader for no less than seven years while Arts. 217 (2)(b) and 124(3)(b) require at least ten years' practice as an advocate of a High Court for the appointment of a person to the posts of the Judge of the High Court and the Judge of the Supreme Court, respectively. We, therefore, direct that all States shall take immediate steps to prescribe three years' practice as a lawyer as one of the essential qualifications for recruitment as the judicial officer at the lowest rung.

As regards the procedure adopted for recruiting judicial officers at the lowest rung, in some States, the recruitment is done by the High Courts whereas in others, it is done by the Public Service Commission. Even where the recruitment is done by the Public Service Commission, there is a diversity of practice in that in some States, a representative of the High Court who is mostly a sitting Judge of the Court sits in the Committee as one of its members to interview the candidates. In other States, the representative of the High Court is not even invited for interviewing the candidates. In the latter class of cases, it may happen and in fact, it does very often happen that none of those who interview the candidates are even qualified in law. Again in some States, the opinion of the representative of the High Court when he participates in the selection process, is not given a special weight while in others, it is accorded predominant consideration. The decision of this Court in *D. R. Chaudhary, Member v. Ashok Kumar Yadav* (1985) 4 SCC 417 : (AIR 1987 SC 454) has already stated the correct position of law on the subject both with regard to the obligation to invite the High Court's representative to participate in the selection process and the weightage to be given to the opinion of such representative with regard to the suitability of the candidates. We may do no better than reproduce here the relevant part of that decision (para 31 of AIR):

"We would also like to point out that in some of the States, and the State of Haryana is one of them, the practice followed is to invite a retired Judge of the High Court as an expert when selections for recruitment to the judicial Service of the State are being made and the advice given by such retired High Court Judge who participates in the viva voce test as an expert is sometimes ignored by the Chairman and members of the Public Service Commission. This practice is in our opinion undesirable and does not commend itself to us. When selections for the Judicial Service of the State are being made, it is necessary to exercise the utmost care to see that competent and able persons possessing a high degree of rectitude and integrity are selected, because if we do not have good, competent and honest Judges, the democratic polity of the State itself will be in serious peril. It is, therefore, essential that when selections to the Judicial Service are being made, a sitting Judge of the High Court to be nominated by the Chief Justice of the State should be invited to participate in the interview as an expert and since such sitting judge comes as an expert who, by reason of the fact that he is a sitting High Court Judge, knows the quality and character of the candidates appearing for the interview, the advice given by him should ordinarily be accepted, unless there are strong and cogent reasons for not accepting such advice and such strong and cogent reasons

must be recorded in writing by the Chairman and members of the Public Service Commission. We are giving this direction to the Public Service Commission in every State because we are anxious that the finest talent should be recruited in the Judicial Service and that can be secured only by having a real expert whose advice constitutes a determinative factor in the selection process".

To the above observations, we may add that the separation of the judiciary from the executive, as ordained by Art. 50 of the Constitution, also requires that even the judicial appointments at the lowest rung are made in consultation with the High Court. If the judicial stream is polluted at its very inception, the independence of judiciary will remain in jeopardy, for ever.

To ensure uniform practice in selecting judicial officers, therefore, we direct that in all cases, where the selection of the judicial officers is made by the Public Service Commission, the representative of the High Court shall be one of the members of the Selection Committee and the opinion given by him with regard to the suitability of the candidate shall not be disregarded unless there are strong and cogent reasons for not accepting the opinion, which reasons must be recorded in writing.

It should be remembered that both the directions given above, viz., prescription of minimum legal practice of three years as an essential qualification to be eligible for being appointed as a judicial officer and the obligation to invite the representative of the High Court to participate in the selection process and to accord his advice dominating weight are calculated to ensure recruitment of competent, independent and honest judicial officers and thus to strengthen the administration of justice and the confidence of public in it. The States should, therefore, take immediate steps to comply with the said directions by amending the relevant Rules.

(iii) Superannuation Age : The objection to the direction for enhancement of the superannuation age of all the subordinate judicial officers up to 60 years, is firstly on the ground that the determination of the superannuation age is a matter of policy of the executive and hence the said direction is in violation of the basic structure of the Constitution which envisages separation of powers between the three organs of the State. The further objection is that the distinction made between the members of the judicial service and those of the other services on the ground of the late entry into the service and the sedentary nature of the work of the former is an error on the face of the record. It is contended that members of the other services like the College Teachers, Doctors, Engineers, have also to spend longer period in acquiring qualifications required for appointment to their respective services and almost all officers around the age of superannuation reach the highest level and usually carry on sedentary duties.

This argument misses the point that the longer period required for acquiring the necessary academic qualifications is only one of the grounds on which the enhancement of the superannuation age is directed. Even after the acquisition of the relevant academic qualifications, a minimum practice at the Bar is in most of the States, a pre-requisite for recruitment to the post of the judge even at the lowest level. There is no such waiting period for the candidates of the other services after the acquisition of the academic qualifications. Thus the judicial officer enters the service at a

relatively higher age than the member of the other services. Secondly, as observed by the Law Commission in its 14th report, the judicial service stands by itself in the matter of the age of retirement by reason of the great importance of a long experience and a mature mind in the judicial office. The recognition of such importance has led most countries to prescribe a much higher age for the retirement of judicial personnel as compared with that of the personnel in other services. In England, the judicial service is governed by special rules both in regard to the emoluments and the age of retirement. While the civil servants retire at the age of 60 years, the County Court judges and Metropolitan Magistrates retire at 72. In our country also the tenure and other terms and conditions of service of the Supreme Court and the High Court Judges stand out from those relating to the administrative service. Lastly, we cannot shut our eyes to the reality that on account of the sizeable earnings at the Bar, many times out of proportion to the skill and the labour put in, the competent lawyers are reluctant to accept the judicial posts. There is thus a dearth of proper talent available to man the judicial service. It is, therefore, for the health of the administration of justice that attractive service conditions including a higher retirement age, is prescribed for the members of the judiciary. For the same reason, it is necessary that whatever trained talent is available is utilised for as long a period as is feasible.

There is also no similarity in the nature of the sedentary work done by the Judge and the members of the other services. The sedentary work is mainly of two types - mechanical and creative. Each case coming before the Judge has its own peculiarities requiring application of the fresh mind and skill. The Judge has constantly to be a creative artist. His work, therefore, requires constant thinking and display of talent. The exertions involved in the duties of the Judge cannot be compared with the duties of other services. Thus, looked at from any angle, there is need to increase the superannuation age of the Judges, as compared to that of the members of the other services. This is apart from the fact that as has been repeatedly pointed out earlier, it is fallacious to compare the judicial service with other services for any purpose, since the judicial service by its very nature stands on a different footing and should be treated as such.

What is further, while directing the enhancement of the superannuation age to 60 years, this Court had taken into consideration the fact that the age of retirement in different States varied from 55 to 60 years. Secondly, the age of retirement for the High Court Judges was in the meanwhile increased from 60 to 62 years. The age of retirement of the Supreme Court Judges is 65 years. If the nature and the magnitude of work done by the judicial officers all over the country is the same and if further the members of the higher judiciary, who have to discharge more onerous workload, do it efficiently even at the still higher age, there is no reason why in view of the shortage of the proper talent, the age of retirement of the members of the subordinate judiciary should not be increased to 60 years. The said retirement age is prevalent in some of the States for some of the judicial posts. The only reason why the age of superannuation of the judicial officer is at present kept at 55 or 58 is the misconceived requirement of the parity of service conditions between those of the judicial officers and the members of the other services. That consideration, as pointed out earlier, being both irrelevant and erroneous must fail.

The alleged financial burden that would be thrown on the State-exchequer on account of the enhancement of the superannuation age as a result of the payment of the maximum salary in the pay scale to the officers for a further period of 2 or 5 years as the case may be, and on account of the higher outlay on their retiral benefits is negligible considering the enormous advantage that the administration of justice and the society at large would derive from the enhancement in the age of retirement. The additional financial outlays have also to be weighed against those occasioned by the training of the new recruits, comparatively lower and slower rate of disposal of cases, higher rate of incorrect decisions and the consequent more number of appeals etc. Further, a simple arithmetical exercise would show that there is in fact little extra financial outlay involved. For, as against the payment of the maximum salary for another 2 or 5 years as the case may be, we have to calculate, for that period, the salary of the new recruit and the pension of the incumbent. The further contention that it would affect the employment conditions in different States is equally misconceived since all over India there are not more than about 10,000 judicial posts and most of the judicial officers after their retirement come to be appointed to the quasi judicial or administrative tribunals. Thus, we see no merit in any of the objections to the enhancement of the retiring age.

There is, however, one aspect we should emphasise here. To what extent the direction contained in the main judgment under review shall stand modified. The benefit of the increase of the retirement age to 60 years shall not be available automatically to all judicial officers irrespective of their past record of service and evidence of their continued utility to the judicial system. The benefit will be available to those who, in the opinion of the respective High Courts, have a potential for continued, useful service. It is not intended as a windfall for the indolent, the infirm and those of doubtful integrity, reputation and utility. The potential for continued utility shall be assessed and evaluated by appropriate Committees of Judges of the respective High Courts constituted and headed by the Chief Justices of the High Courts and the evaluation shall be made on the basis of the judicial officers' past record of service, character rolls, quality of judgments and other relevant matters.

The High Court should undertake and complete the exercise in case of officers about to attain the age of 58 years well within time by following the procedure for compulsory retirement as laid down in the respective Service Rules applicable to the judicial officers. Those who will not be found fit and eligible by this standard should not be given the benefit of the higher retirement age and should be compulsorily retired at the age of 58 by following the said procedure for compulsory retirement. The exercise should be undertaken before the attainment of the age of 58 years even in cases where earlier the age of superannuation was less than 58 years. It is necessary to make it clear that this assessment is for the purpose of finding out the suitability of the concerned officers for the entitlement of the benefit of the increased age of superannuation from 58 years to 60 years. It is in addition to the assessment to be undertaken for compulsory retirement and the compulsory retirement at the earlier stage/s under the respective Service Rules.

The enhancement of the superannuation age to 60 years coupled with the provision for compulsory retirement at the age of 58 years does introduce a

change in the service condition of the existing personnel. There may be judicial officers who are not desirous of availing of the benefit of the enhanced superannuation age with the condition of compulsory retirement and may like to opt for retirement at the age of 58 years. In such cases, the concerned officers should intimate in writing their desire to retire at the age of 58 years well in advance and in any case before they attain the age of 57 years. Those who do not do so will be deemed to have exercised their option to continue in service till they attain 60 years of age subject to the liability of being retired compulsorily at the age of 58 years according to the procedure for compulsory retirement laid down in the Service Rules.

Those who have already crossed the age of 57 years and those who will cross the age of 58 years soon after the date of this decision, will exercise their option within one month from the date of this decision. If they do not do so, they will be deemed to have opted for continuing in service till the age of 60 years. In that case, they will also be subjected to the review for compulsory retirement, if any, notwithstanding the fact that there was not enough time to undertake such review before they attained the age of 58 years. However in their case, the review should be undertaken within two months from the date of the expiry of the period given to them above for exercising their option and if found unfit, they should be retired compulsorily according to the procedure for compulsory retirement under the Rules.

Since those who have already crossed the age of 58 years have had no benefit of exercising their option to retire earlier and the point of time at which their assessment could be undertaken for compulsory retirement, if any, has also passed, it is not considered proper to subject them to the review for compulsory retirement at this stage. They may, therefore, be given the benefit of the enhanced superannuation age of 60 years without subjecting them for such review.

(iv) Uniform Pay Scales : In the first instance, it is necessary to recapitulate here the observations made and the directions given in the judgment under review on the question of the uniform pay scales. The Court had found from the data before it that there was a wide variance in the pay structure prevailing in the various States and Union, Territories, and for the same nature of work performed, the judicial officers were remunerated differently. However, the Court found that it was difficult to get into the exercise of fixing appropriate pay scales in the absence of full details. In the absence of such data, there was a likelihood of affecting special benefits which the judicial officers may be getting in some States. The Court, therefore, declined to direct fixation of any pay scales. Instead, the Court directed the Pay Commissions or the Committees to be set up in the States and the Union Territories to separately examine and review the pay structure of judicial officers keeping in view the relevant aspects some of which have been adverted to in the 14th Report of the Law Commission. The relevant passage from the said report which has been quoted in the judgment highlights that the entry in the judicial service is late compared to the entry into the executive service and the promotions in the judicial service come less quickly. Both these factors affect the judicial officers' pension and other retirement benefits compared to those of the members of the executive service.

We have already discussed the need to make a distinction between the political and the administrative executive and to appreciate that parity in status can only be between judges and the political executive and not between judges and the administrative executive. Hence the earlier approach of comparison between the service conditions of the judges and those of the administrative executive has to be abandoned and the service conditions of the judges which are wrongly linked to those of the administrative executive have to be revised to meet the special needs of the judicial service. Further, since the work of the judicial officers throughout the country is of the same nature, the service conditions have to be uniform. We have also emphasised earlier the necessity of entrusting the work of prescribing the service conditions for the judicial officers to a separate Pay Commission exclusively set up for the purpose. Hence We reiterate the importance of such separate commission and also of the desirability of prescribing uniform pay scales to the judges all over the country. Since such pay scales will be the minimum deserved by the judicial officers, the argument that some of the States may not be able to bear the financial burden is irrelevant. The uniform service conditions as and when laid down would not, of course, affect any special or extra benefits which some States may be bestowing upon their judicial officers.

(v) Allowances : By the judgment under review, this Court had directed two separate allowances to be given, viz., Residential office-cum-library allowance to all the subordinate judges, and sumptuary allowance to district Judges and chief judicial magistrates.

The reasons which prompted this court to direct the grant of residence-cum-library allowance to every judicial officer was that it was found that there was no provision for a judges' library in most of the Courts of the subordinate judicial officers. As a result, they have either to depend upon the library maintained by the Bar, if any, or to go without the assistance of the books. At many places, particularly, at the taluk/tehsil level, there is not even an adequate Bar library available. It is difficult to understand the attitude of the State Governments towards the provision of the facility of law books and journals to the judges when the judges whose duty consists of interpreting the law and applying it to the facts before them. It is like asking the artisans to work without their tools. The law books, not to speak of the other books, are the essential tools of the judges. The minimum that is expected of the State is to provide every court with the up-to-date texts of and commentaries on the relevant statutes and the law journals which report decisions of the High Courts and the Supreme Court, for the exclusive use of the judges. Since the Governments consistently failed to provide this primary facility to the Courts, it became necessary for this court to direct the payment of Rs. 250/- per month to Civil Judge (Junior Division) and Civil Judge (Senior Division) and Rs. 300/- per month to officers of the higher category as residential office-cum-library allowance. We have been unable to understand the objection to the grant of the said allowance. The duty of the State towards the administration of justice is not discharged by appointing judges who are also rarely appointed in time and in requisite number. But that is a different aspect. To enable the judges to perform their duties properly and efficiently, they must also be provided with all the facilities. For want of even the minimum facilities such as the law books and journals, the cause of justice is bound to suffer.

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The only alternative to the grant of the allowance in question is for the Governments themselves to undertake to supply to every court the necessary books and journals. If more than one Court is located at the same place, one set of such books and journals, depending upon the number of Courts, may be sufficient. The books and journals to be supplied to the Courts may be determined in consultation with the respective High Courts. The books and journals will then remain in the concerned Courts instead of travelling with the judges. We would in fact commend to the respective Governments this alternative course in place of the allowance in question to the individual judges.

The direction to give sumptuary allowance, to the District Judge in his capacity as the principal judicial officer of the concerned district and to the Chief Judicial Magistrates at the rate of Rs. 300/- and Rs. 200/- per month respectively was in consideration of the fact that they had to hold monthly meetings with the Collector, District Magistrate and Superintendent of Police etc., and also to meet the judicial officers, working under them as well as the members of the Bar, occasionally. In such meetings, they are expected to extend small courtesies. It is now represented that whenever official meetings are held, there is a provision which enables the District Judge as well as the Chief Judicial Magistrate to spend from the amounts at the disposal of the Court. In view of this, we rescind the said directions. However, we make it clear that the sumptuary allowance, if already paid to the District Judges and the Chief Judicial Magistrates, should not be recovered from them.

(vi) Provision for residential accommodation : In the directions given, this Court has emphasised that the judicial officers cannot be left without proper accommodation for any length of time. Secondly, the accommodation available to the judicial officer must be adequate and consist also of a separate and exclusive office-cum-study room as an indispensable component of such residence. Thirdly, it was pointed out that in the absence of official residences, the judicial officers are required to pay exorbitant rent out of proportion to their salaries. Lastly, it was emphasised that in the pool of the Government accommodation which is available in any town, the judiciary gets the last priority. The Governments have not so far shown any keen awareness of the problems faced by the judges for want of accommodation and of the manner in which it affects the discharge of their duties. It is for these reasons that it was suggested that the Government should give top priority to the provision of residential accommodation to the judges and construct enough houses with the requisite facilities.

It is difficult to understand the objections raised by the review petitioners to the said direction. The attitude adopted by the petitioners itself bears out that the Governments are not at all keen on providing proper residential accommodation to the members of the judiciary and justifies the necessity to give the said direction. On the admission of the review petitioners, there is at present a shortage of about 5000 houses. This means that about 50 per cent of the judicial officers are facing trials and tribulations for want of proper accommodation at rentals within their means. The estimated expense of Rs. 150 to 200 crores for constructing the said houses which is to be incurred by all the States and the Union Territories is according to us not forbidding even assuming that the estimate is (sic).

We now understand that the judiciary has been included as a plan subject by the Planning Commission. If this is so, the construction of adequate number of houses with the necessary facilities should be given the top priority being the most primary requirement of the judges at any place. The provision of house rent allowance is not an answer much less a substitute for the adequate housing facility. In the judgment under review, it has been specifically emphasised that the provision of a separate and exclusive office room is an indispensable component of the official accommodation allotted to the judicial officer. In order to ensure that the quarters constructed for the judicial officers are of proper dimension and with adequate number of rooms, their future construction should be made in consultation with and under the supervision of the respective High Court and the High Court should take adequate interest in their construction.

It may be noted in this connection that the direction is not to provide rent-free housing accommodation but accommodation at a rental not exceeding 12-1/2 per cent of the salary of the occupant. We, therefore, reiterate the said direction and reject the objections of the petitioners.

(vii) The provision of conveyance, loans for conveyance and conveyance allowance: It has been pointed out in the judgment under review that in most of the States the District Judge has been provided with a motor car and in some of the States the Chief Judicial Magistrate is also provided with transport whether car or jeep. It is only in some States that the car is not provided for every District Judge. The need for such car both to the District Judge and the Chief Judicial Magistrate is also pointed out in the judgment. Both of them have to undertake touring in their District to supervise the work of the Judges and Magistrates working under them. They are not expected to undertake the touring either by public transport or by transport borrowed from the Government departments which is on many occasions not available when needed. What is further, the reliance on the Government departments for transport itself makes them supplicant which from the point of view of the judicial independence is undesirable. Further, the conveyance provided to them is meant to be used strictly for official purpose. Since for reasons more than one, there is a need to minimise the contacts between the judges and the public and particularly to avoid their being exposed to physical risks at the hands of the dissatisfied litigants, their travelling by the same public conveyance by which the litigants and their witnesses travel, has to be avoided. Hence, the direction given is also for a pool vehicle for other judicial officers in sets of 5 and failing that for a loan on suitable terms to enable the judges to acquire at least two wheeler automobiles. In this context, the direction to construct official residences for Judges at one place becomes more relevant. The judges can then travel by the same vehicle from and to the Court. The provision of the conveyance allowance is no substitute for an independent conveyance. As has been rightly pointed out "It is impossible for a Judge to discharge his functions properly if he knows that during the day he will sit on the Bench with a prisoner in the dock before him and later in the evening he may have to sit side by side with the same prisoner in the public transport." In the circumstances, the necessity to distance the Judges from the public needs no emphasis. Amidst the growing cult of violence today, it has become imperative. Fortunately, we do not find much opposition to this direction and we learn that most of the States have by now carried out the same.

However, a doubt has been expressed as to whether all District Judges posted at one place such as the judges of the City Civil and Sessions Courts are each entitled to an independent vehicle. It is, therefore, necessary to make it clear that the direction given in the judgment under review is for providing vehicle to the Principal District Judge at the district headquarters including the metropolitan towns. The provision for an independent vehicle to such principal officer is linked with the inspection work which he has to carry out. Hence, whether it is at the district headquarters or in the metropolitan town, it is only the principal District Judge or the Principal Judge as the case may be, who would be entitled to such independent conveyance. All other District Judges whether at the district headquarters or in the metropolitan town would only be entitled to the pool vehicle on the basis of one vehicle for 5 Judges for their conveyance from their residences to Court and back.

Where for some reason, the judges other than the District Judge cannot be provided with a pool vehicle or where they desire loan for purchasing two wheeler automobiles, there is no reason why they should not be given such loans on suitable terms and also the conveyance allowance.

We are further informed that where the motor-vehicles are provided to District Judges/ Principal Judges of the City Civil Courts/Chief Judicial Magistrates and the pool vehicles to others, they are not provided with petrol in some States. This is an incomplete compliance with our direction. We, therefore, also direct that in all such cases, the State Governments should make arrangements to provide free adequate quantity of petrol for the said vehicles subject to the maximum of 100 litres per month depending upon the distance from the court to the residence in respect of the pool vehicles and the vehicles provided for the Principal Judges of City Civil Courts and the size of the district and the distances of the courts to be inspected by the District Judges and the Chief Judicial Magistrates in respect of the cars provided to them. The State Governments should fix the quantum of petrol to be provided in consultation with the respective High Courts.

(viii) In-service training : Subsequent to the hearing of the main petitions, the Union Government has announced the establishment of a National Judicial Academy for comprehensive training of judicial personnel. A Committee under the chairmanship of the Chief Justice of India has been constituted. The National Judicial Academy when constituted, we hope, will take over in a comprehensive way all aspects of the training of judicial officers at all stages. In this view of the matter, we delete the directions issued to the States for the establishment of Training Institutes and make it optional for the States to have such Training Institutes either independently or jointly with other States, if they find it necessary.

[8] Having dealt with the objections of the review petitioners to the directions in general as well as to the specific directions, it would be appropriate to remind all concerned of the distinct nature of the duties that a judge is called upon to discharge, the society's expectations of the conduct of the judge, the life style of the judge, the occupational hazards to which he is exposed and of the need to keep judges above their essential wants. We can do no better than to quote in this behalf, relevant excerpts from David Pannick's book "Judges", after omitting those which

have already been referred to earlier. Although the observations made there are in the context of English judges, they are equally, if not more, applicable to the judges in this country:

"The reasons which judges must give to justify their decisions can be gnawed over at their leisure by the teams of lawyers trained (and generously paid) to extract for the purpose of an appeal, every morsel of error.....The judge has the burden of resolving, day after day and week after week, a long succession of issues, each one of which occupies the professor-critic for months and even years of specialized study'."

"The English judge has no clerks or assistants to research or write his judgments. The barristers who argue the case before him will 'vary much in their ability'. Sometimes they help but often they may be a hindrance to the just determination of the issues"

"The judge has burdensome responsibilities to discharge. He has power over the lives and livelihood of all those litigants who enter his court....His decisions may well affect the interests of individuals and groups who are not present or represented in court. If he is not careful, the judge may precipitate a civil war.....or he may accelerate a revolution.....He may accidentally cause a peaceful but fundamental change in the political complexion of the country."

"Judges today face tribulations, as well as trials, not contemplated by their predecessors.....Parliament has recognised the pressures of the job by providing that before the Lord Chancellor recommends anyone to the Queen for appointment to the Circuit Bench, the Lord Chancellor 'shall take steps to satisfy himself that the person's health is satisfactory'.....This seems essential in the light of the reminiscences of Lord Roskill as to the mental strain which the job can imposeLord Roskill added that, in his experience, 'the work load is intolerable : seven days a week, 14 hours a day"

"Only in England could the vocation of the judge be described as 'something like a priesthood' or 'analogous to the Royal Family', requiring practitioners to 'seclude themselves' in various ways"

"In England we expect the judge to adopt a respectable lifestyle, free from any hint of the unusual, let alone the deviant."

"In 1950 a Member of Parliament recommended an even greater degree of judicial isolation..... So effective is the isolation of our judiciary that the personalities and characteristics of our judges are unknown to laymen"

"The English judge ensures in a quiet but effective manner that his pay accords with his status. He avoids the public display of militancy..... Judge rank Coffin of the US Court of Appeals complained in 1985 about the inadequacy of 'compensation' for judges. In the previous few years, he lamented, judicial salaries had become so insufficient that only the mediocre or the wealthy would henceforth be willing to take judicial appointments. Perhaps disappointing pay levels help to explain why a clinical psychologist was helping judges in Massachusetts to cope with stress.....He also provided counselling to enable the retired judge 'to

"He (judge) is a symbol of that strange mixture of reality and illusion, democracy and privilege, humbug and decency, the subtle network of compromises, by which the nation keeps itself in its familiar shape."

"The qualities desired of a judge can be simply stated : 'that if he be a good one and that he be thought to be so'. Such credentials are not easily acquired. The judge needs to have 'the strength to put an end to injustice' and 'the faculties that are demanded of the historian and the philosopher and the prophet'."

"It is unlikely that men and women will ever cease to wound, cheat, and damage each other. There will always be a need for judges to resolve their disputes in an orderly manner. As people grow ever less willing to accept unreservedly the demands of authority, the judiciary, like other public institutions, will be subjected to a growing amount of critical analysis. The way in which 'Judge and Co.' is run is a matter of public interest and will increasingly become a matter of public debate."

[9] It will also be relevant to quote what the Law Commission in its 14th report had to say in connection with the work of the judicial officers - "The great responsibility of the work which a judicial officer is called upon to discharge needs no emphasis.....Judicial integrity is of the greatest importance and to expect persons discharging responsible functions to live on low salaries not commensurate with their office and responsibility is unrealistic and ignores present day living conditions. Elsewhere, we have also dealt with the difficulties which judicial officers, as a class, have to face in the matter of securing residential accommodation and how, in some parts of the country, a very high percentage of their salary has to be spent towards house rent alone. Considering these facts and circumstances, we are of the view that the scales of pay should be substantially higher than it is at present in order to enable an officer to maintain a proper standard of living and avoid obligations, which may be embarrassing to him in the discharge of his duties"

[10] To sum up, we hold as follows.

(a) The legal practice of three years should be made one of the essential qualifications for recruitment to the judicial posts at the lowest rung in the judicial hierarchy.

Further, wherever the recruitment of the judicial officers at the lowest rung is made through the Public Service Commission, a representative of the High Court should be associated with the selection process and his advice should prevail unless there are strong and cogent reasons for not accepting it, which reasons should be recorded in writing.

The rules for recruitment of the judicial officers should be amended forthwith to incorporate the above directions.

(b) The direction with regard to the enhancement of the superannuation age is modified as follows :

While the superannuation age of every subordinate judicial officer shall stand extended up to 60 years, the respective High Courts should, as stated

above, assess and evaluate the record of the judicial officer for his continued utility well within time before he attains the age of 58 years by following the procedure for the compulsory retirement under the Service rules applicable to him and give him the benefit of the extended superannuation age from 58 to 60 years only if he is found fit and eligible to continue in service. In case he is not found fit and eligible, he should be compulsorily retired on his attaining the age of 58 years.

The assessment in question should be done before the attainment of the age of 58 years even in cases where the earlier superannuation age was less than 58 years.

The assessment directed here is for evaluating the eligibility to continue in service beyond 58 years of age and is in addition to and independent of the assessment for compulsory retirement that may have to be undertaken under the relevant service rules, at the earlier stage/s.

Since the service conditions with regard to superannuation age of the existing judicial officers is hereby changed, those judicial officers who are not desirous of availing of the benefit of the enhanced superannuation age with the condition for compulsory retirement at the age of 58 years have the option to retire at the age of 58 years. They should exercise this option in writing before they attain the age of 57 years. Those who do not exercise the said option before they attain the age of 57 years would be deemed to have opted for continuing in service till the enhanced superannuation age of 60 years with the liability to compulsory retirement at the age of 58 years.

Those who have crossed the age of 57 years and those who cross the age of 58 years soon after the date of this decision will exercise their option within one month from the date of this decision. If they do not do so, they will be deemed to have opted for continuing in service till the age of 60 years. In that case, they will also be subjected to the review for compulsory retirement, if any, notwithstanding the fact that there was not enough time to undertake such review before they attained the age of 58 years. However in their case, the review should be undertaken within two months from the date of the expiry of the period given to them above for exercising their option, and if found unfit, they should be retired compulsorily according to the procedure for compulsory retirement under the Rules.

Those judicial officers who have already crossed the age of 58 years will not be subjected to the review for compulsory retirement and will continue in service up to the extended superannuation age of 60 years since they have had no opportunity to exercise their option and no review for compulsory retirement could be undertaken in their case before they reached the age of 58 years.

(c) The directions for granting sumptuary allowance to the District Judges and Chief Judicial Magistrates stands withdrawn for the reasons given earlier.

(d) The direction with regard to the grant of residence-cum-library allowance will cease to operate when the respective State Governments/Union Territory Administrations start providing the courts, as

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directed above, with the necessary, law books and journals in consultation with the respective High Courts.

(e) The direction with regard to the conveyance to be provided to the District Judges and that with regard to the establishment of the training institutes for the judges have been clarified by us in paragraphs 7 (vii) and (viii) respectively. It is the Principal District Judge at each district headquarters or the metropolitan town as the case may be, who will be entitled to an independent vehicle. This will equally apply to the Chief Judicial Magistrate and the Chief Metropolitan Magistrate. The rest of the judges and magistrates will be entitled to pool-vehicles - one for every five judges for transport from residence to Court and back - and when needed, to loans for two wheeler automobiles and conveyance allowance. The State Governments/ Union Territory Administrations are directed to provide adequate quantity of free petrol for the vehicles not exceeding 100 litres per month in consultation with the High Court.

(f) In view of the establishment of the National Judicial Academy, it is optional for the States to have their independent or joint training judicial institutes.

(g) The rest of the directions given in the judgment under review are maintained.

(h) In view of the pendency of these review petitions,

(i) the time to comply with the directions for bringing about uniformity in hierarchy, designations and jurisdictions of judicial officers on both civil and criminal sides is extended up to 31st March, 1994;

(ii) the time to comply with the directions to provide law books and law journals to all courts is extended up to 31st December, 1993 failing which the library allowance should be paid to every judicial officer with effect from 1st January, 1994 if it is not paid already;

(iii) the time to provide suitable residential accommodation, requisitioned or Government, to every judicial officer is extended up to 31st March, 1994;

(iv) the time to comply with the rest of the directions is maintained as it was directed by the judgment under review.

[11] The review petitions are disposed of accordingly. I.A., Nos. 2 and 3 which are for intervention and I.A. No. 4 for impleadment are dismissed. No order as to costs.

S.L.P. (C) No.. 14505 of 1992

[12] In view of our above decision in the review petitions, this S.L.P. is dismissed. I.A. 1 of 1992 which is for exemption from filing certified copy of the impugned judgment is allowed and I.A. No. 2 of 1992 which is for interim stay of the impugned order is dismissed.

Writ Petition No. 71 of 1993.

[13] By the judgment of this Court reported in (1992) 1 SCC 119 : (1991 AIR SCW 2869),

it was directed that the State Governments should take appropriate steps to raise the retirement age of judicial officers by 31st December, 1992. It meant that those who were to retire on or before 31st December, 1992 would not get the benefit of the enhanced age of retirement. In the present case, the writ petitioner was admittedly to retire on 31st December, 1992 according to the super-annuation age prevalent till that time, viz., 58 years. He would not, therefore, be entitled to the benefit of the enhanced retirement age which is to come into force from 1st January, 1993. The writ petition is accordingly, dismissed I.A. No. 1 of 1993 which is for ad interim relief will also stand dismissed.

Any clarification that may be required in respect of any matter arising out of this decision will be sought only from this Court and from no other Court. Further, the proceedings, if any, for implementation of the directions given in this judgment shall be filed.

only in this Court and no other Court shall entertain them.

Order accordingly.

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IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 14

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.
.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.
..... RESPONDENTS.

[Handwritten signature]

SUPREME COURT OF INDIA (F.B.)
ALL INDIA JUDGES ASSOCIATION
V/S
UNION OF INDIA

Date of Decision: 21 March 2002

Citation: 2002 LawSuit(SC) 382

Hon'ble Judges: B N Kirpal, G B Pattanaik, V N Khare

Eq. Citations: 2002 (4) SCC 247, 2002 AIR(SC) 1752, 2002 (3) Scale 291, 2002 AIR(SCW) 1706, 2002 (3) Supreme 180, 2002 (3) JT 503, 2002 (3) GLR 2017, 2002 (5) BCR 242, 2002 (3) KarLJ 26, 2002 (3) Cg LJ 361, 2002 (2) AWC 1422, 2002 (2) PLJR 210, 2002 (47) AILR 395, 2002 (93) FLR 628, 2002 (2) SCT 735, 2002 (3) ALD 39, 2002 LABIC 1473, 2002 (3) SLR 271, 2002 (2) SCJ 598, 2002 (2) BLJR 1144, 2002 (2) JCR 248, 2002 SCC(L&S) 508, 2002 (2) LLN 781, 2002 (2) UPLBEC 480, 2002 (2) JLJR 90, 2002 (2) SLJ 480, 2002 (5) SRJ 246, 2002 (2) CurLR 612, 2002 (1) DNJ 265, 2002 (3) SLT 4, 2002 (1) GHJ 851, 2002 (3) ESC 25, 2002 (22) OCR 652, 2002 (1) BilasLJ 170

Case Type: Writ Petition (C)

Case No: 1022 of 1989

Subject: Constitution

Head Note:

Constitution of India, 1950

Judiciary -- Backlog of cases -- Directions given to increase the strength of Judges on the ratio of 50 Judges for 10 lac people -- Directions also given as regard to method of recruitment. Held: An independent and efficient judicial system is one of the basic structures of our Constitution. If sufficient number of Judges are not appointed, justice would not be available to the people, thereby undermining the basic structure. It is well known that justice delayed is justice denied. Time and again the inadequacy in the number of Judges has adversely been commented upon. Not only have the Law Commission and the Standing Committee of Parliament made observations in this regard, but even the Head of the Judiciary, namely, the Chief Justice of India has had more occasions than once to make observations in regard thereto. Under the circumstances, we feel it is our constitutional obligation to ensure that the backlog of the cases is decreased and efforts are made to increase the disposal of cases. Apart from the steps which may be necessary for increasing the efficiency of the judicial officers, we are of the opinion that time has now come for protecting one of the pillars of the Constitution, namely, the judicial system, by directing increase, in the first instance, in the Judge strength from the existing ratio of 10.5 or 13 per 10 lacs people to 50 Judges for 10 lac people. We are conscious of the fact that overnight these vacancies cannot be filled. In order to have additional Judges, not only will the posts have to be created but infrastructure required in the form of additional Court rooms, buildings, staff, etc., would also have to be made available. We are also aware of the fact that a large number of vacancies as of today from amongst the sanctioned strength remain to be filled. We, therefore, first direct that the

existing vacancies in the subordinate Courts at all levels should be filled, if possible latest by 31st March, 2002, in all the States. The increase in the Judge strength to 50 Judges per 10 lac people should be effected and implemented with the filling up of the posts by the Union Ministry of Law, but this process should be completed and the increased vacancies and posts filled within a period of five years from today. Perhaps increasing the Judge strength by 10 per 10 lac people every year could be one of the methods which may be adopted thereby completing the first stage within five years before embarking on further increase if necessary.

Subordinate judiciary -- Service conditions of -- Shetty Commission -- Fifty Central Pay Commission -- Recommendations of -- District Judge -- Pay scale at entry level -- Parity with IAS officers -- Super time scale -- Held, the recommendation made by Shetty Commission just and reasonable.

Held: It is clear, and it is also mentioned in the Shetty Commission Report, that the said Commission has taken into consideration the recommendations of the Fifth Central Pay Commission while determining the pay scales for the judicial officers. In our opinion, the pay scales recommended by the Shetty Commission are just and reasonable. Considering the years of service put in by the judicial officers at different stages, the parity in the scales of pay recommended by the Shetty Commission for the judicial officers with the scales of pay of IAS officers is not, by and large, disturbed. In fact, the scales of pay recommended by the Shetty Commission appear to us to be somewhat lower, on the average, than the scales of pay recommended by an IAS officer if we take into consideration, as we must do, the number of years a judicial officer has put in service. We are, therefore, of the opinion that the pay scales recommended by the Shetty Commission should be accepted. We wish to emphasize that even though in the earlier judgments, it has rightly been said that there should be no equation or parity between the judicial service and the Executive Service, nevertheless even on the basis that there should not be great distortion in the pay scales of the judicial officers vis a vis the Executive, we find the recommendations made by the Shetty Commission as just, fair and reasonable.

Acts Referred:

Constitution Of India Art 234, Art 39A, Art 233

Advocates: Harish N Salve, Kirit N Raval, Mukul Rohatgi, F C Nariman, Ramulu, Mahendra Anand, V N Ganpule, T I Vishwanatha Iyer, Tapash Ray, F S Nariman, K Amareswari, S Ganesh, R K Jain, Yogeshwar Prasad, K Sukumaran, Subhash C Sharma, A T M Sampath, V Balaji, Chaturvedi, Kamakshi S Mehlwal, B B Singh, Sunita R Singh, A Subba Rao, P Parameswaran, A N Jayaram, Ashok K Srivastava, Asha G Nair, Krishna Sarma, V K Sidharthan, Ashok Bhan, Sunita Sharma, D S Mahra, Varuna Bhandari, Gugnani, M M Banerjee, Geetanjali Mohan, Prakash Shrivastava, D N Coburdhan, Pinky Anand, Geera Luthra, A Subhashini, Hemantika Wahi, Anu Sawhney, Puja Sharma, Rajan Narain, J P Dhanda, Raj Rani Dhanda, Naresh K Sharma, M M Banerjee, Prem Prakash, Rajesh Pathik, Ashok Mathur, Anis Suhawardhy, Ehraz Zafar, Ramesh Babu, Sanjay R Hegde, Satya Mitra, Ranjan Mukherjee, S S Shinde, S V Deshpande, Nobin Singh, M Gireesh Kumar, B S Banthia, Satish K Agnihotri, K N Madhusoodhanan, G Sivabalamurugan, Rajeev Sharma, R S Suri, Jayshree Anand, V G Pragasam, Ranji Thomas, K V Bharathi Upadhyaya, Javed M Rao, A Mariarputham, Aruna Mathur, Anurag D Mathur, Gopal Singh, Rahul Singh, Revathy Raghavan, Rachana Srivastava, T N Singh, S Sukumaran, Divya Nair, Dipak Bhattacharjee, Prabir Choudhary, Seema Sharma, C L Kapila, Dilip Sinha, J R Das, R Mahavilatha, Anjani Aiyagari, Sanjay Parikh, Abinash K Mishra, R R Chandrachud, Rajesh K Sharma, Shalu Sharma, Goodwill Indeevar, U A Rama.

Prashant Bezboruah, Rakesh Khanna, Reetesh Singh, Surya Kant, Joseph Pookkatt, Prashant Kumar, Rachna Gupta, Himinder Lal, D V Deepak, Radha Shyam Jena, Jitendra Mohan Sharma, Pramod Swarup, Ajit Pudussery, B Parthasarathy, T T Kunhikannan, M Veerappa, Anip Sachthey, Rakesh K Sharma, T L Garg, L K Pandey, S K Bhattacharya, B D Sharma, R N Keshwani, Cuntur Prabhakar, R Sathish, N Sudhakaran, S Janani, C N Sreekumar, K P Nagaraja, Aruneshwar Gupta, S R Setia, J S Attri, Vimal Chandra S Dave, K Ram Kumar, G Prakash, K K Rai, Gopal Balwant Sathe, Praveen Swarup, Subramonium Prasad, K S Chauhan, Prashant Bhushan

Reference Cases:

Cases Cited In (+): 147

Cases Referred in (+): 3

Judgement Text:-

B N Kirpal, J

[1] This Writ Petition pertains to the working conditions of the members of the Subordinate Judiciary throughout the country. This is the third round before this Court.

[2] In a decision reported in 1992 (1) SCC 119 entitled All India Judges Association v. Union of India & Ors., directions were given by this Court in regard to the working conditions and some benefits which should be given to the members of the Subordinate Judiciary. The directions were as follows :

63. We would now briefly indicate the directions we have given in the judgment.

(i) An All India Judicial Service should be set up and the Union of India should take appropriate steps in this regard.

(ii) Steps should be taken to bring about uniformity in designations of officers both in civil and the criminal side by March 31, 1993.

(iii) Retirement age of judicial officers be raised to 60 years and appropriate steps are to be taken by December 31, 1992.

(iv) As and when the Pay Commissions/Committees are set up in the States and Union Territories, the question of appropriate pay-scales of judicial officers be specifically referred and considered.

(v) A working library at the residence of every judicial officer has to be provided by June 30, 1992. Provision for sumptuary allowance as stated has to be made.

(vi) Residential accommodation to every judicial officer has to be provided and until State accommodation is available, Government should provide requisitioned accommodation for them in the manner indicated by December 31, 1992. In providing residential accommodation, availability of an office room should be kept in view.

(vii) Every District Judge and Chief Judicial Magistrate should have a State vehicle, judicial officers in sets of five should have a pool vehicle and others

would be entitled to suitable loans to acquire two-wheeler automobiles within different time-limits as specified. Request-139 210

(viii) In-service Institute should be set up within one year at the Central and State or Union Territory level.

[3] A number of directions which were given have been implemented. The Union of India, however, filed a review petition seeking certain modifications/ clarifications. This review petition was disposed of by the judgment reported in 1993 (4) SCC 288 entitled All India Judges Association & Ors. v. Union of India & Ors. The relevant findings in the said decision are as follow :

(i) Each of the general and special objections of Union of India and States/ U.T.s was dealt with and rejected. The distinction between judicial and other services specifically emphasized.

(ii) The service conditions of judicial officers should be laid down and reviewed from time to time by an independent Commission exclusively constituted for the purpose, and the composition of such Commission should reflect adequate representation on behalf of the judiciary.

(iii) By giving the directions in question, this Court has only called upon the executive and the legislature to implement their imperative duties. The Courts do issue directions to the authorities to perform their obligatory duties whenever there is a failure on their part to discharge them. The further directions given, therefore, should not be looked upon as an encroachment on the powers of the executive and the legislature to determine the service conditions of the judiciary. They are directions to perform the long overdue obligatory duties.

...The directions are essentially for the evolvement of an appropriate national policy by the Government in regard to the judiciary's conditions. The directions issued are mere aids and incidental to and supplemental of the main direction and intended as a transactional measure till a comprehensive national policy is evolved. (Emphasis supplied)

(iv) The question of financial burden likely to be imposed is misconceived and should not be raised to discharge mandatory duties.

16. The contention with regard to the financial burden likely to be imposed by the directions in question, is equally, misconceived. Firstly, the Courts do from time to time hand down decisions which have financial implications and the Government is obligated to loosen its purse recurrently pursuant to such decisions. Secondly, when the duties are obligatory, no grievance can be heard that they cast financial burden. Thirdly, compared to the other plan and non-plan expenditure, we find that the financial burden caused on account of the said directions is negligible. We should have thought that such plea was not raised to resist the discharge of the mandatory duties.

The contention that the resources of all the States are not uniform has also to be rejected for the same reasons. The directions prescribed the minimum necessary service conditions and facilities for the proper administration of justice. We believe that the quality of justice administered and the calibre of the persons appointed to administer it are not of different grades in

different States. Such contentions are ill-suited to the issues involved in the present case. Request 139 211

(v) The directions given in the main judgement dated 13-11-1991 were maintained except as regards the following :

(a) Para 52(a), page 314.

The legal practice of 3 years should be made one of the essential qualifications for recruitment to the judicial posts at the lowest rung in the judicial hierarchy.

Further, wherever the recruitment of the judicial officers at the lowest rung is made through the Public Service Commission, a representative of the High Court should be associated with the selection process and his advice should prevail unless there are strong and cogent reasons for not accepting it, which reasons should be recorded in writing.

The rules for recruitment of the judicial officers should be amended forthwith to incorporate the above directions.

(b) Para 52(b), page 315

The direction with regard to the enhancement of the superannuation age is modified as follows :

While the superannuation age to every subordinate judicial officer shall stand extended upto 60 years, the respective High Courts should, as stated above, assess and evaluate record of the judicial officer for his continued utility well within time before he attains the age of 58 years by following the procedure for the compulsory retirement under the Service Rules applicable to him and given him the benefit of the extended superannuation age from 58 to 60 years only if he is found fit and eligible to continue in service in case he is not found fit and eligible, he should be compulsorily retired on his attaining the age of 58 years.

The assessment in question should be done before the attainment of the age of 58 years even in cases where the earlier superannuation age of 58 years even in cases where the earlier superannuation age was less than 58 years.

(c) Para 52(c), page 313

The direction for granting sumptuary allowance to the District Judges and Chief Judicial Magistrates stands withdrawn for the reasons given earlier.

(d) Para 52(d), page 316

The direction with regard to the grant of residence-cum-library allowance will cease to operate when the respective State Government/Union Territory Administration start providing the Courts, as directed above, with the necessary law books and journals in consultation with the respective High Courts.

(e) Para 52(e), page 316

The direction with regard to the conveyance to be provided to the District Judges and that with regard to the establishment of the training institutes for the Judges have been clarified by us in Paragraphs 45(vii) and 49(viii) respectively. It is the Principal District Judge at each district headquarter or the metropolitan town as the case may be, who will be entitled to an independent vehicle. This will equally apply to the Chief Judicial Magistrate and the Chief Metropolitan Magistrate. The rest of the Judges and Magistrate will be entitled to pool vehicles-one for every five Judges for transport from residence to Court and back and when needed, loans for two-wheeler automobiles and conveyance allowance. The State Governments/Union Territory Administrations are directed to provide adequate quantity of free petrol for the vehicles, not exceeding 100 litres per month, in consultation with the High Court.

(f) Para 52(f), page 316

In view of the establishment of the National Judicial Academy, it is optional for the States to have their independent or joint training judicial institutes.

(g) Para 52(h), page 316

[4] In view of the time taken to dispose of the Review Petitions, following orders were passed :

(i) the time to comply with the direction for bringing about infinity in hierarchy, designations and jurisdictions of judicial officers on both civil and criminal sides is extended upto March 31, 1994.

(ii) the time to comply with the directions to provide law books and law journals to all Courts is extended upto December 31, 1993 failing which the library allowance should be paid to every judicial officer with effect from January 1, 1994, if it is not paid already.

(iii) the time to provide suitable residential accommodation, requisitioned or Government, to every judicial officer is extended up to March 31, 1994;

(iv) the time to comply with the rest of the directions is maintained as it was directed by the judgment under review.

(vi) Regarding uniform pay-scales the Review Judgment emphasised the followed :

36. We have already discussed the need to make a distinction between the political and the administrative executive and to appreciate that parity in status can only be between Judges and the political executive and not between Judges and the administrative executive. Hence, the earlier approach of comparison between the service conditions of the Judges and those of the administrative executive has to be abandoned and the service conditions of the Judges which are wrongly linked to those of the administrative executive have to be revised to meet the special needs of the

judicial service. Further, since the work of the judicial officers throughout the country is of the same nature, the service conditions have to be uniform. We have also emphasised earlier necessity of entrusting the work of prescribing the service conditions for the judicial officers to a separate Pay Commission exclusively set up for the purpose. Hence, we reiterate the importance of such separate Commission and also of the desirability of prescribing uniform pay-scales to the Judges all over the country. Since such pay-scales will be the minimum deserved by the judicial officers, the argument that some of the States may not be able to bear the financial burden is relevant. The uniform service conditions as and when laid down would not of course, affect any special or extra benefits which some States may be bestowing upon their judicial officers.

[5] The question with regard to the pay-scales in respect of the members of the Judicial Service was first referred to the Fifth Central Pay Commission. Subsequently, by an amendment made on 24th October, 1996, the reference to the Fifth Central Pay Commission with regard to the fixation of the pay-scales of the Judicial Officers was deleted. We may here note that the Fifth Central Pay Commission submitted its report on 30th January, 1997 which was accepted by the Government on 30th September, 1997. It became applicable with retrospective effect, that is to say, with effect from 1st January, 1996. This is relevant when considering the question as to with effect from which date the Report of the Shetty Commission is to become effective.

[6] On 21st March, 1996, pursuant to the directions issued by this Court in the review judgment, the Government of India by a Resolution constituted the First National Judicial Pay Commission under the Chairmanship of Mr. Justice K. J. Shetty. As per the said Resolution, the following were the terms of reference :

- (a) To evolve the principles which should govern the structure of pay and other emoluments of Judicial officers belonging to the Subordinate Judiciary all over the country.
- (b) To examine the present structure of emoluments and conditions of service of judicial officers in the States/U.T.s. taking into account the total packet of benefit available to them and make suitable recommendations having regard, among other relevant factors, to the existing relativities in the pay structure between the officers belonging to subordinate judicial service visa-vis other civil servants.
- (c) To examine and recommend in respect of minimum qualifications, age of recruitment, method of recruitment, etc., for judicial officers. In this context, the relevant provisions of the Constitution and directions of the Supreme Court in All India Judges Association case and other cases may be kept in view.
- (d) To examine the work methods and work environment as also the variety of allowances and benefits in kind that are available to judicial officers in addition to pay and to suggest rationalization and simplification thereof with a view to promoting efficiency in Judicial Administration, optimising the size of the Judiciary etc.

[7] As the Fifth Central Pay Commission Report had been accepted but no relief was available to the members of the Judicial Subordinate Service, a question arose that

pending the recommendation of the Shetty Commission whether any interim orders can be passed giving some relief. Accordingly, on 16th December, 1997, another term of reference was added according to which the Commission was empowered to consider and grant such interim relief as it may consider just and proper to all categories of judicial officers of all the States/Union Territories. It was made clear that the interim relief, if recommended, was to be adjusted against and included in the package which may become admissible to the judicial officers on the final recommendations of the Commission.

[8] By a preliminary Report dated 31st January, 1998, some interim relief was granted by Justice Shetty Commission. It is not necessary for our purpose to refer to the relief so granted, except to note that wherever the relief has been granted the same was subject to adjustment on the acceptance, with or without modification, of the final report of Justice Shetty Commission. The interim report has been fully implemented by the Union of India in respect of Union Territories and by the States.

[9] After thorough deliberations, Justice Shetty Commission submitted its Report on 11th November, 1999. By order dated 14th December 1999, the State Governments and the Union Territories were directed to send their responses to the Union of India, so that it could correlate the responses and indicate its own stand on the recommendations of the Commission.

[10] The recommendations of the Shetty Commission were in respect of the following topics :

(1) The High Courts were required to frame the rules specifying particular age of retirement and it was also recommended that the procedure prescribed for writing the confidential reports by the self-assessment process was better and more transparent and should be adopted by the High Courts for judicial officers.

(2) The Commission recommended appropriate nomenclatures to be given to the judicial officers. The recommendation was that they should be called Civil Judge in place of Civil Judge (Junior Division) and Senior Civil Judge in place of Civil Judge (Senior Division).

(3) It further gave recommendation with regard to equation of posts of the Chief Metropolitan Magistrate and Chief Judicial Magistrate. While it recommended that the Chief Judicial Magistrate should be in the cadre of Civil Judge (Senior Division), in respect of Chief Metropolitan Magistrate, it recommended that it should be placed in the cadre of District Judge.

According to the learned Amicus Curiae, the Chief Metropolitan Magistrate and Chief Judicial Magistrate must be in the same cadre equivalent to Civil Judge (Senior Division) and that it should be at par with each other. We shall deal with this aspect slightly later.

(4) Recommendations were made with regard to recruitment to the cadre of Civil Judge (Junior Division)-Cum-Magistrate, First Class as well as recruitment to the post of Civil Judge (Senior Division). The recommendation in this regard was that the posts of Civil Judge (Senior Division) should only be filled by promotion.

(5) The Commission also made recommendation with regard to appointment to the post of District Judge which includes the Additional

District Judge in the Higher Judicial Service. It pointed out some problems which had arisen as a result of direct recruitment to the post of District Judges, the problem really being with regard to the inter se seniority amongst them.

(6) The Commission also recommended that service Judges who were between 35 and 45 years of age should be made eligible for direct recruitment to the Higher Judicial Service which consists of the posts of District Judges and Additional District Judges and for this purpose, if necessary, there should be an amendment to Art. 233(2) of the Constitution of India.

(7) With regard to inter se Seniority between direct recruits and promotees, the Commission recommended that the promotees be given weightage of one year for every five years of Judicial Service rendered by them subject to a maximum of three years.

(8) The Report also recommended steps being taken for judicial education and training.

(9) With regard to pay-scales, the Shetty Commission set out the principles governing the pay structure of the Subordinate Judiciary. It referred to the All India Judges Association case (supra) wherein it had been observed that the parity in status should be between the political Executive, the Legislature and the Judges and not between the Judges and the Administrative Executive.

After taking into consideration the recommendations which had been made by the Fifth Central Pay Commission and the pivotal role of the Subordinate Judiciary and the essential characteristics of a judicial officer, the Shetty Commission evolved a Master Pay Scale. It came to the conclusion that the number of pay-scales should be equal to the number of clearly identifiable levels of responsibility. Scope for promotional avenues must also be taken into consideration recommended the following scales of pay.

(i)	Civil Judges (Jr. Divn.)	Rs. 9000-250-10750-300-13150-350-14550/-
(ii)	Civil Judges (Jr. Divn.) (I Stage ACP Scale)	Rs. 10750-300-13150-350-14900/-
(iii)	Civil Judges (Sr. Divn.) (II Stage ACP Scale for Civil Judge (Jr. Divn.)	Rs. 12850-300-13150-350-15950-400-17550/-
(iv)	Civil Judge (Sr. Divn.) (I Stage ACP Scale)	Rs. 14200-350-15950-400-18350/-
(v)	District Judges Entry Level	Rs. 16750-400-19150-450-20500/-
(vi)	District Judges (Selection Grade)	Rs. 18750-400-19150-450-21850-500-22580/-

In arriving at the aforesaid pay-scales, the Commission noted that while fixing the maximum of the Master Pay Scale it had been constrained by the vertical cap of the salaries of the High Court Judges. In other words, the District Judges could not get more salary than a High Court Judge whose salary was statutorily fixed. It, however, recommended that as and when the salary of a High Court Judge is raised, then the salary of the judicial officers should also be increased by maintaining the ratio which it had recommended. According to the Commission, the pay-scales recommended by it should be deemed to come into force with effect from 1st January, 1996, but the monetary benefit was to be payable with effect from 1st July, 1996. Other allowances, which the Commission had recommended, were to be given effect to from 1st November, 1999. Taking into consideration that there were at present 12771 posts on regular pay-scales, the estimated impact of the introduction of the new pay-scales was stated to be of the order of Rs. 95.71 crores for one year.

(10) The Commission recommended that administration of justice in the States should be the joint responsibility of the Centre and the States. It noted that the expenditure on the judiciary in India in terms of Gross National Product was relatively low, it was not more than 0.2%. The main recommendation of the Shetty Commission was that the Central Government must in every State, share half of the annual expenditure on subordinate Courts and quarters for judicial officers. This was to be without prejudice to the rights and privileges of the north-eastern States and the State of Sikkim wherein about 90-92% of the expenditure of the States was to be made by the Central Government under the provisions for special category of States.

(11) The Commission also recommended Assured Career Progression Scheme and functional scales. Recommendations were also made with regard to dearness allowance, allowances for electricity and water charges, home orderly allowances, newspaper allowances, city compensatory allowance, robe allowance, conveyance allowance, sumptuary allowance, hill allowance and further recommended provisions with regard to medical facilities, leave travel concession, special pay, concurrent charge allowance, encashment of leave and leave salary, composite transfer grant allowance, housing and house rent allowance, telephone facilities and advances of loans to the judicial officers.

(12) The Report also made recommendation to the effect that there should be an increase in the retirement age of the judicial officers from 60 to 62 years and recommendation were also made with regard to retirement benefits.

(13) One more recommendation which was made for retired judicial officers was that cash payment of Rs. 1,250/- per month should be given as domestic help allowance to enable the retired judicial officer to engage a servant.

(14) Another recommendation which was made was for the establish of an All India Judicial Service.

[11] Pursuant to the order which was passed by this Court requiring the response of the various States to be given to the Union of India, it was noted in this Courts order of 27th August, 2001 that six States, namely, those of West Bengal, Assam, Karnataka, Manipur, Kerala and Mizoram had accepted the recommendations of the Shetty Commission and had agreed to implement the same subject to the Union of India bearing 50 per cent of the expenditure as envisaged in the Report. The States of Bihar and Jharkhand had also conveyed that they were accepting the Shetty Commission Report subject to the Union of India bearing 50 per cent of the expenditure and the Report being further modified and scaled down. Affidavits have also been filed by the States of Andhra Pradesh and Haryana with regard to the scales of pay accepted by them.

[12] From the various affidavits which have been filed and the responses given to the Union of India, we find that none of the States has accepted the recommendation of the Shetty Commission with regard to the pay-scales in toto.

[13] Pursuant to an order dated 27th August, 2001, an affidavit has also been filed by Shri Kamal Pande, Secretary, Government of India, Department of Justice detailing the decisions taken by the Central Government with regard to the judicial officers in the Union Territories. According to this affidavit, with regard to the Union Territory of Delhi the pay-scales which have been accepted by the Union of India are as follows :

Civil Judges (Jr. Division)	Rs. 8000-275-13500/-
Civil Judge (Senior Time Scale)	Rs. 10650-325-15850/-
Senior Civil Judge	Rs. 12750-375-16500/-
District Judge (Entry Level)	Rs. 15100-400-18300/-
District Judge (Selection grade)	Rs. 18400-500-22400/-

[14] We have heard the learned Amicus Curiae as well as learned Solicitor-General and the Advocate General for the State of Karnataka and other learned Counsel. We will first deal with some of the contentions issues on which arguments have been addressed and also deal with the recommendations of the Shetty Commission which, in our opinion, need modification or cannot be accepted as such.

[15] The most important point in these proceedings appears to us to be as to whether the recommendation of the Shetty Commission laying down different scales of pay should be accepted or not, it is to be borne in mind that pursuant to the judgment in the review case, (1993 (4) SCC 288) the Central Government had accepted the recommendation and had constituted the Shetty Commission. Correspondingly, it had deleted from the terms of reference of the Fifth Central Pay Commission the consideration in respect of the pay-scales of the judicial officers. Therefore, it can safely be concluded that the Central Government had agreed to set up a Pay Commission specifically for judicial officers and normally the recommendations made in that behalf should be accepted unless for some specific and valid reason a departure was required to be made. We may here bear in mind that the Fifth Central Pay Commission Report which was submitted has been largely accepted by the Government of India with little or no modification. It was, therefore, rightly urged by Shri F. S. Nariman that there must be good and compelling reasons for the States and the Central Government in not accepting recommendations of the Shetty Commission.

[16] From the facts narrated hereinabove, it is clear that at least eight of the States have accepted the recommendations of the Shetty Commission provided the Central Government bears 50 per cent of the expense. This means that in principle there is acceptance of the pay-scales as determined by the Shetty Commission.

[17] The Central Government, however, has evolved its own pay-scales with regard to the Subordinate and the Higher Judicial Service in the Union Territories, including the Union Territory of Delhi. The pay-scales which have now been approved by the Government of India had been formulated on the basis that there should be a parity between the Executive and the Judiciary. Mr. Nariman rightly contended that this basis is contrary to the decision of this Court in the All India Judges Association case (supra) as well as in the review judgment. It was stated in no uncertain terms that the Judiciary could not be equated with the Executive and it must have its own pay structure.

[18] Even if we were to examine the two scales of pay, one for the I.A.S. Officers after the Fifth Central Pay Commission Report and the scales of pay recommended for the Judicial Service, we find that there is a fundamental error which has been committed by the Union of India. The scales of pay approved for the I.A.S. Officers are as follows:

Junior Scale	Rs. 8000-275-13500/-	
Senior Scale :		
(i)	Time Scale	Rs. 10650-325-15850/-
(ii)	Jr. Admn. Grade	Rs. 12750-375-16500/-
(iii)	Selection Grade	Rs. 15100-400-18300/-
(iv)	Super Time Scale	Rs. 18400-500-22400/-
(v)	Above ST Scale	Rs. 22400-545-24500/-
	Secretary to Govt. of India	Rs. 26000/- (fixed)
	Cabinet Secretary	Rs. 30000/- (fixed)

[19] What the Union of India has done is that it equated the District Judge at the entry level with the Selection Grade for the I.A.S. Officers. The pay-scale approved is Rs. 15100-400-18300/-. We, however, find that an I.A.S. Officer enters the Selection Grade after having put in approximately 14 years of service. On the other hand, a Civil Judge would normally enter the level of the District Judge, and is appointed first as an Additional District Judge, after having put in 18 to 20 years of service. As far as the I.A.S. Officers are concerned, after 17 years of service, an I.A.S. Officer would normally enter the Super Time Scale of Rs. 18400-500-22400/-. If the number of years which are put in service, is a measure to be adopted in determining as to what should be the pay-scales, we find that the Government of India has erred in equating the District Judge at the entry level with the scale of pay of a Selection Grade I.A.S. Officer. The proper equation should have been between the District Judge at the entry level with a Super Time Scale of an I.A.S. Officer. It is on that basis that the scale of pay should have been determined upwards and downwards.

[20] The Shetty Commission has trifurcated the scales of pay as far as the District Judges are concerned. It has recommended scales of pay of a District Judge at the entry level at Rs. 16750-20500/-. District Judge (Selection Grade) at Rs.

18750-22850/- and District Judge (Super Time Scale) at Rs. 22850-24850/-. As we have already noted, a judicial officer would enter the District Judge (Entry Level) after having put in 18-20 years of service. The scale of pay of Rs. 16750-20500/- recommended by the Shetty Commission is lower than the Super Time Scale for an I.A.S. Officer of Rs. 18400-22400/-, when such an officer enters the Super Time Scale after 17 years of service. A Judicial Officer enters the Selection Grade of a District Judge after having put in 21 to 25 years of service. The pay-scale recommended by the Shetty Commission is Rs. 18750-22850/-. This is less than the scale above S.T. Scale recommended for an I.A.S. Officer which is of Rs. 22400-24500/- even though an I.A.S. Officer enters that scale after having put in 2 years of service which is at par with the number of years put in by a judicial officer on his entry into Selection Grade. It is only the District Judge (Super Time Scale) as recommended by the Shetty Commission which is comparable with the last scale of an I.A.S. Officer.

[21] From the aforesaid, it is clear, and it is so mentioned in the Shetty Commission Report, that the said Commission has taken into consideration the recommendations of the Fifth Central Pay Commission while determining the pay-scales for the Judicial Officers. In our opinion, the pay-scales recommended by the Shetty Commission are just and reasonable. Considering the years of service put in by the Judicial Officers at different stages, the parity in the scales of pay recommended by the Shetty Commission for the Judge officers with the scales of pay of I.A.S. Officers is not, by and large, disturbed. In fact, the scales of pay recommended by the Shetty Commission appear to us to be somewhat lower, on the average, than the scales of pay recommended for an I.A.S. Officer if we take into consideration, as we must do, the number of years a Judicial Officer has put in service. We are therefore, of the opinion that the pay-scales recommended by the Shetty Commission should be accepted. We wish to emphasise that even though in the earlier judgments, it has rightly been said that there should be no equation or parity between the Judicial Service and the Executive Service, nevertheless even on the basis that there should not be great distortion in the pay-scales of the Judicial Officers vis-a-vis the Executive, we find the recommendations made by the Shetty Commission as just, fair and reasonable.

[22] The next question which arose for consideration is whether the Shetty Commission was justified in recommending that 50 per cent of the expense should be borne by the Central Government. It has been contended by the learned Advocate General for the State of Karnataka as well as on behalf of the other States that the judicial officers working in the States deal not only with the State laws but also with the federal laws. They therefore, submitted that in fairness of things, the Central Government should bear half of the expense of the Judiciary.

[23] The learned Solicitor-General, however, submitted that the recommendation of the Shetty Commission that the Union of India should bear 50 percent of the total expense was inconsistent with the Constitutional set-up. Had there been an All India Judicial Service, then the Union of India may have been under an obligation to bear the expense, but as the State Governments had not agreed to the establishment of the All India Judicial Service and no legislation had been passed under Entry 11A of List III by the Parliament, therefore, it will not be correct to direct the Central Government to bear 50 per cent of the expense on the judicial system. The learned Solicitor-General submitted that the obligation to meet the expenses of the Judicial Service, except for the Supreme Court and the Courts in the Union Territories, was on the State Governments. He contended that when allocation of funds between the Centre and the States takes place the expenses which the States are required to meet in connection with the administration of justice is a factor which is taken into consideration. The provision for devolution of funds from the

Union to the States is either by assignment of taxes or distribution of taxes or by grants-in-aid. As and when the need arises, either the Finance Commission or the Union of India allocates more funds to the States.

It has not been disputed that at present the entire expense on the administration of justice in the States is incurred by the respective States. It is their responsibility and they discharge the same. Logically, if there is to be any increase in the expenditure on Judiciary, then it would be for the States to mobilise the resources in such a way whereby they can meet expenditure on Judiciary for discharging their constitutional obligations. Merely because there is an increase in the financial burden as a result of the Shetty Commission Report being accepted, can be no ground for fastening liability on the Union of India when none exists at present. Accordingly, disagreeing on this point with Justice Shetty Commission recommendations, we direct that the entire expenditure on account of the recommendations of the Justice Shetty Commission as accepted be borne by the respective States. It is for the States to increase the Court fee or to approach the Finance Commission or the Union of India for more allocation of funds. They can also mobilise their resources in order to meet the financial obligation. If such a need arises and the State approach the Finance Commission or the Union of India for allocation of more funds, we have no doubt that such a request shall be favourably considered.

[24] Mr. F. S. Nariman has drawn our attention to yet another important aspect with regard to dispensation of justice, namely, the huge backlog of undecided cases. One of the reasons which has been indicated even in the 120th Law Commission Report was the inadequate strength of Judges compared to the population of the country. Even the Standing Committee of Parliament headed by Shri Pranab Mukherjee in its 85th Report, submitted in February, 2002, to Parliament, has recommended that there should be an increase in the number of Judges. The said Committee has noted the judge-population ratio in different countries and has adversely commented on the judge-population ratio of 10:5 Judges per 10 lakh people in India. The Report recommends the acceptance, in the first instance, of increasing the judge strength to 50 Judges per 10 lakh people as was recommended by the 120th Law Commission Report.

[25] An independent and efficient judicial system is one of the basic structures of our Constitution. If sufficient number of Judges are not appointed, justice would not be available to the people, thereby undermining the basic structure. It is well known that justice delayed is justice denied. Time and again, the inadequacy in the number of Judges has adversely been commented upon. Not only have the Law Commission and the Standing Committee of Parliament made observations in this regard, but even the Head of the Judiciary, namely, the Chief Justice of India has had more occasions than once to make observations in regard thereto. Under the circumstances, we feel, it is our constitutional obligation to ensure that the backlog of the cases is decreased and efforts are made to increase the disposal of cases. Apart from the steps which may be necessary for increasing the efficiency of the judicial officers, we are of the opinion that time has now come for protecting one of the pillars of the Constitution namely, the judicial system, by directing increase, in the first instance, in the Judge strength from the existing ratio of 10.5 or 13 per 10 lakhs people to 50 Judges for 10 lakh people. We are conscious of the fact that overnight these vacancies cannot be filled. In order to have additional Judges, not only will the posts have to be created but infrastructure required in the form of additional Courtrooms, buildings, staff, etc., would also have to be made available. We are also aware of the fact that a large number of vacancies as of today from

amongst the sanctioned strength remain to be filled. We, therefore, first direct that the existing vacancies in the Subordinate Courts at all levels should be filled, if possible latest by 31st March, 2003, in all the States. The increase in the Judge strength to 50 Judges per 10 lakh people should be effected and implemented with the filling up of the posts in a phased manner to be determined and directed by the Union Ministry of Law, but this process should be completed and the increased vacancies and posts filled within a period of five years from today. Perhaps increasing the Judge strength by 10 per 10 lakh people every year could be one of the methods which may be adopted thereby completing the first stage within five years before embarking on further increase if necessary.

[26] The Shetty Commission had recommended that there should be an increase in retirement age from 60 to 62 years. In our opinion, this cannot be done for the simple reason that the age of retirement of a High Court Judge is constitutionally fixed at 62 years. It will not be appropriate, seeing the Constitutional framework with regard to the Judiciary, to have an identical age of retirement between the members of the Subordinate Judicial Service and a High Court. As of today, the age of retirement of a Supreme Court Judge is 65 years of a High Court Judge it is 62 years and logically the age of retirement of a Judicial officer is 60 years. This different is appropriate and has to be maintained. However, as there is a backlog of vacancies which has to be filled and as the Judge strength has to be increased, as directed by us, it would be appropriate for the States in consultation with the High Court to amend the service rules and to provide for re-employment of the retiring judicial officers till the age of 62 years if there are vacancies in the cadre of the District Judge. We direct this to be done as early as possible.

[27] Another question which falls for consideration is the method of recruitment to the posts in the cadre of Higher Judicial Service i.e. District Judges and Additional District Judges. At the present moment, there are two sources for recruitment to the Higher Judicial Service, namely, by promotion from amongst the members of the Subordinate Judicial Service and by direct recruitment. The Subordinate Judiciary is the foundation of the edifice of the judicial system. It is, therefore, imperative, like any other foundation, that it should become as strong as possible. The weight on the judicial system essentially rests on the Subordinate Judiciary. While we have accepted the recommendation of the Shetty Commission which will result in the increase in the pay-scales of the Subordinate Judiciary, it is at the same time necessary that the judicial officers, hard-working as they are, become more efficient. It is imperative that they keep abreast of knowledge of law and the latest pronouncements, and it is for this that reason that the Shetty Commission has recommended the establishment of a Judicial Academy which is very necessary. At the same time, we are of the opinion that there has to be certain minimum standards, objectively adjudged, for officers who are to enter the Higher Judicial Service as Additional District Judges and District Judges. While we agree with the Shetty Commission that the recruitment to the Higher Judicial Service i.e., the District Judge Cadre from amongst the Advocates should be 25 per cent and the process of recruitment is to be by a competitive examination, both written and viva voce, we are of the opinion that there should be an objective method of testing the suitability of the Subordinate Judicial officers for promotion to the Higher Judicial Service. Furthermore, there should also be an incentive amongst the relatively junior and other officers to improve and to compete with each other so as to excel and get quicker promotion. In this way, we expect that the calibre of the members of the Higher Judicial Service will further improve. In order to achieve this, while the ratio of 75 per cent appointment by promotion and 25 per cent by direct recruitment to the Higher Judicial Service is maintained, we are, however, of the opinion that there should be two methods as far as appointment by promotion is

concerned : 50 per cent of the total posts in the Higher Judicial Service must be filled by promotion on the basis of principle of merit-cum-seniority. For this purpose, the High Courts should devise and evolve a test in order to ascertain and examine the legal knowledge of those candidates and to assess their continued efficiency with adequate knowledge of case-law. The remaining 25 per cent of the posts in the Service shall be filled by promotion strictly on the basis of merit through the limited departmental competitive examination for which the qualifying service as a Civil Judge (Senior Division) should be not less than five years. The High Courts will have to frame a rule in this regard.

[28] As a result of the aforesaid, to recapitulate, we direct that recruitment to the Higher Judicial Service i.e., the cadre of District Judges will be :

(1)(a) 50 per cent by promotion from amongst the Civil Judges (Senior Division) on the basis of principle of merit-cum-seniority and passing a suitability test;

(b) 25 per cent by promotion strictly on the basis of merit though limited competitive examination of Civil Judges (Senior Division) having not less than five years qualifying service; and

(c) 25 per cent of the posts shall be filled by direct recruitment from amongst the eligible Advocates on the basis of the written and viva voce test conducted by respective High Courts.

(2) Appropriate rules shall be framed as above by the High Courts as early as possible.

[29] Experience has shown that there has been a constant discontentment amongst the members of the Higher Judicial Service in regard to their seniority in service. For over three decades, large number of cases have been instituted in order to decide the relative seniority from the officers recruited from the two different sources, namely, promotees and direct recruits. As a result of the decision today, there will, in a way, be three ways of recruitment of Higher Judicial Service. The quota for promotion which we have prescribed is 50 per cent by following the principle merit-cum-seniority, 25 per cent strictly on merit by limited department competitive examination and 25 per cent by direct recruitment. Experience has also shown that the least amount of litigation in the country, where quota system in recruitment exists, insofar as seniority is concerned is where a roster system is followed. For example, there is, as per the Rules of the Central Government, a 40-point roster which has been prescribed which deals with the quotas for Scheduled Castes and Scheduled Tribes. Hardly, if ever, there has been a litigation amongst the members of the service after their recruitment as per the quotas, the seniority is fixed by the roster points and irrespective of the fact as to when a person is recruited. When roster point is followed, there is no question of any dispute arising. The 40-point roster has been considered and approved by this Court in R. K. Sabharwal & Ors. v. State of Punjab, reported in 1995 (2) SCC 745. One of the methods of avoiding any litigation and bringing about certainty in this regard is by specifying quotas in relation to post and not in relation to the vacancies. This is the basic principle on the basis of which the 40-point roster works. We direct the Higher Courts to suitably amend and promulgate Seniority Rules on the basis of the roster principle as approved by this Court in R. K. Sabharwal's case (supra) as early as possible. We hope that as a result thereof there would be no further dispute in the fixation of seniority. It is obvious that this system can only apply prospectively

except where under the relevant Rules seniority is to be determined on the basis of quota and rotational system. The existing relative seniority of the members of the Higher Judicial Service has to be protected but the roster has to be evolved for the future. Appropriate rules and methods will be adopted by the High Courts and approved by the States, wherever necessary of 31st March, 2003.

[30] We disapprove the recommendation of giving any weightage to the Subordinate Judicial Service in their promotion to the Higher Judicial Service in determining seniority vis-a-vis direct recruits and the promotees. The roster system will ensure fair play to all while improving efficiency in the service.

[31] As we have already mentioned, the Shetty Commission had recommended that Chief Metropolitan Magistrates should be in the cadre of District Judges. In our opinion, this is neither proper nor practical. The appeals from orders passed by the Chief Metropolitan Magistrates under the provisions of the Code of Criminal Procedure are required to be heard by the Additional Sessions Judge or the Sessions Judge. If both the Additional Sessions Judge and the Chief Metropolitan Magistrate belong to the same cadre, it will be paradoxical that any appeal from one officer in the cadre should go to another officer in the same cadre. If they belong to the same cadre, as recommended by the Shetty Commission, then it would be possible that the junior officer would be acting as an Additional Sessions Judge while a senior may be holding the post of Chief Metropolitan Magistrate. It cannot be that against the orders passed by the senior officer, it is the junior officer who hears the appeal. There is no reason given by the Shetty Commission as to why the post of the Chief Metropolitan Magistrate be manned by the District Judge, especially when as the posts of the Chief Magistrates are concerned, whose duties are at par with that of the Chief Metropolitan Magistrate, the Shetty Commission has recommended, and in our opinion rightly, that they should be filled from amongst Civil Judges (Senior Division). Considering the nature and duties of the Chief Magistrates and the Metropolitan Magistrates, the only difference being their location, the posts of Chief Judicial Magistrate and Chief Metropolitan Magistrates have to be equated and they have to be placed in the cadre of Civil Judge (Senior Division). We order, accordingly.

[32] In the All India Judges case, 1993 (4) SCC 288 at 314, this Court has observed that in order to enter the Judicial Service, an applicant must be an Advocate of at least three years standing. Rules were amended accordingly. With the passage of time, experience has shown that the best talent which is available is not attracted to the Judicial Service. A bright young law graduate after 3 years of practice finds the Judicial Service not attractive enough. It has been recommended by the Shetty Commission after taking into consideration the views expressed before it by various authorities, that the need for an applicant to have been an Advocate for at least 3 years should be done away with. After taking all the circumstances into consideration, we accept this recommendation of the Shetty Commission and the argument of the learned amicus curiae that it should be no longer mandatory for an applicant desirous of entering the judicial service to be an Advocate of at least three years standing. We, accordingly, in the light of experience gained after the judgment in All India Judges case, (supra) direct to the High Courts and to the State Governments to amend their rules so as to enable a fresh law graduate who may not even have put in even three years of practice, to be eligible to compete and enter the Judicial Service. We, however, recommend that a fresh recruit into the Judicial Service should be imparted with training of not less than one year, preferably two years.

a suggestion was mooted to the effect that in order that a Judicial officer

does not feel that he is stagnated there should be a change in the nomenclature with the change of the pay-scale. A suggestion has been mooted by Shri F. S. Nariman, the learned amicus curiae that the nomenclature in each cadre should be as follows :

A.	Civil Judge (Junior Division Cadre) at entry level :
1.	Civil Judge
2.	Civil Judge, Grade-II
3.	Civil Judge, Grade-III

B.	Civil Judge (Junior Division Cadre) at entry level :
1.	Senior Civil Judge
2.	Upper Senior Judge
3.	Superior Senior Judge

34. These are only suggestions which are made and it will be more appropriate for each State, taking into consideration the local requirements, to adopt appropriate nomenclatures. It would be appropriate to mention at this stage that in the some States, the entry point to the Judicial Service was at the level of a Munsif or a Subordinate Judge. Those are nomenclatures which are also to be considered but what is important is that in respect of each scale, the nomenclature should be different. In this way, a Judicial officer will get a feeling that he has made progress in his judicial career with his nomenclature or designation changing with an upward movement within the service.

35. One of the recommendations of the Shetty Commission is in relation to the grant of the house-rent allowance. The recommendation is that official accommodation should be made available to the members of the Judicial Service who should pay 12.5% of the salary as rent. The Commission further recommends that in addition to the allotment of the said premises, the Judicial officer should also get house-rent allowance. In our opinion, this double benefit is uncalled for. It is most desirable and imperative that free Government accommodation should be made available to the Judicial Officers. Taking into consideration, the fact that the accommodation which is made available to the Judges of the Supreme Court as well as the High Courts is free of charge, we direct that official accommodation which is allotted to the Judicial Officers should likewise be free of charge but no house-rent allowance will be payable on such an allotment being made. If, however, the Government for any reason is unable to make allotment or make available official accommodation, then in that event the Judicial officer would be entitled to get house-rent allowance similar to that which has been as existing or as directed by the Shetty Commission whichever is higher. However, it is made clear that once a Government or official accommodation is allotted to an officer and in pursuance thereof he occupies such an accommodation, he would not be entitled to draw house-rent allowance.

36. There are a number of other allowances which have been referred to by the Shetty Commission, some of which have not been accepted by the

Central Government. For example, allowance of Rs. 2,500/- to be paid to enable the engagement of a servant by a judicial officer. We do not think such a suggestion made by the Shetty Commission to be appropriate and the Central Government has rightly not accepted the same. Another suggestion which has been made by the Shetty Commission is that 50 per cent of the electricity and water charges of the residences of the Judicial officers should be reimbursed by the Government. There is merit in this suggestion subject to a cap being placed so that the 50 per cent expense does not become very exorbitant. This allowance should be paid, inasmuch as Judicial officers do and are required to work at their residence in discharge of their judicial duties. Therefore, it will not be inappropriate that 50 percent of the electricity and water charges should be borne by the State Government.

37. Subject to the various modifications in this Judgment, all other recommendations of the Shetty Commission are accepted.

38. We are aware that it will become necessary for service and other rules to be amended so as to implement this judgment. Firstly with regard to the pay-scales, the Shetty Commission has approved the pay-scales with effect from 1st January, 1996 but has directed the same to be paid with effect from 1st July, 1996. The pay-scales as so approved by us are with effect from 1st July, 1996. However, it will take some time for the States to make necessary financial arrangements for the implementation of the revised pay-scales. The Judicial Officers shall be paid the salary in the revised pay-scales as approved by this Court with effect from 1st July, 2002. The arrears of salary between 1st July, 1996 to 30th June, 2002, will either be paid in cash or the States may make the payment by crediting the same in the Provident Fund Account of the respective judicial officers. Furthermore, the payment by credit or otherwise should be spread over between the years 1st July, 1996 to 30th June, 2002 so as to minimise the income-tax liability which may be payable thereon. In calculating the arrears, the Government will, of course, take into account the interim relief which had been granted and drawn by the judicial officers. The amount to be credited in the Provident Fund Account would also be after deducting the income tax payable.

39. The States as well as the Union of India shall submit their compliance report by 30th September, 2002. Case be listed thereafter for further orders.

40. Any clarification that may be required in respect of any matter arising out of this decision will be sought only from this Court. The proceedings, if any, for implementation of the directions given in this judgment shall be filed only in this Court and no other Court shall entertain them.

41. Before concluding, we record our high appreciation for the assistance rendered by the learned amicus curiae Shri F. S. Nariman, Shri Subhash Sharma, Shri C. S. Ramulu, Shri A.T.M. Sampath and all other learned Counsel.

Order accordingly.

IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 15

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.
.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.
..... RESPONDENTS.

[Handwritten signature]

SUPREME COURT OF INDIA (F.B.)

ALL INDIA JUDGES ASSOCIATION

V/S

UNION OF INDIA

Date of Decision: 08 April 2004

Citation: 2004 LawSuit(SC) 1641

Hon'ble Judges: V N Khare, S Rajendra Babu, R C Lahoti

Eq. Citations: 2004 (12) SCC 444, 2004 (6) Scale 268

Case Type: Interim Application

Case No: 103, 105, 109, 110, 112, 122 of 1989

Head Note:

Service Laws - implementation of recommendations of Justice Shetty Commission - affidavits of compliance as regards revised pay scales and arrears of salary with order dated 15.10.2003 - compliance position examined State by State and appropriate directions issued in respect thereof - model for payment of pension to retired judicial officers in State of Kerala as contained in order of 4.2.2004 issued by Government of Kerala adopted as model to be adopted by other States.

Final Decision: Application dismissed

Important Para: 2, 3, 5, 6

Judgement Text:-

[1] We find that the affidavits of compliance as regards revised pay scales and arrears of salary from 1-7-1996 in pursuance of this Court's order dated 15-10-2003 have been filed by the States of Uttar Pradesh, Himachal Pradesh, Maharashtra, Tripura, Orissa and West Bengal.

[2] As regards the State of Madhya Pradesh, the affidavit discloses that arrears are being paid not w.e.f. 1-7-1996 but from 1-7-2002 which is the date of the Judgement by this Court. In our view, the decision taken by the State of Madhya Pradesh is contrary to the Judgement of this Court. We, therefore, direct the State of Madhya Pradesh to pay the arrears to the judicial officers w.e.f. 1-7-1996 and file an affidavit to that effect within a period of one month. Likewise, the State of Bihar shall also file an affidavit.

[3] As regards the States of Goa, Tamil Nadu, Rajasthan, Orissa and Gujarat, although formal orders have been passed in regard to the payment of arrears w.e.f. 1-7-1996 but they have not filed the requisite affidavit. Learned counsel appearing for the State of Orissa states that the State has filed the affidavit reporting compliance. Office to verify. Learned counsel appearing for other States pray for and are allowed four weeks' time to file an affidavit to that effect.

[4] Regarding the States of Mizoram, Meghalaya, Nagaland and Arunachal Pradesh, the matter is deferred.

[5] Learned counsel appearing for the States of Chhattisgarh, Punjab, Haryana, Jharkhand, Manipur, Andhra Pradesh, Sikkim, Assam, Uttaranchal, Kerala and J&K pray for and are allowed one month's time to file an affidavit that the orders for payment of arrears w.e.f. 1-7-1996 have been passed and the same shall be paid to the judicial officers.

[6] Learned amicus curiae has placed before us a government order dated 4-2-2004 issued by the Government of Karnataka in regard to the payment of pension to the retired judicial officers and suggested that the same model may be adopted by other States. We take this government order on record and expect that all other States may adopt the said model. The States may file their response within a period of two months. IA No. 142

[7] Issue notice to all the States, the Union Territories and the High Courts through their respective Standing Counsel to file their response to the Shetty Commission Report regarding pay scales and service conditions of the subordinate courts' staff. The response may be filed within two months. IA No. 109

[8] At present, we are not inclined to entertain the grievances of the applicant Association. IA is rejected. IA No. 140.

[9] We are not inclined to entertain this application. If the applicant is aggrieved, he may challenge the same by a separate petition. This IA is rejected.

[10] List on 19-7-2004.



IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 16

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.
.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.
..... RESPONDENTS.

[Handwritten signature]

ALL INDIA JUDGES ASSN. v. UNION OF INDIA

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14. There is no appearance on behalf of the Union of India. The learned Counsel for the State of Meghalaya assures to make a complete set of papers available to the learned Solicitor General and inform him the next date of hearing so that the learned Solicitor General may appear duly instructed by the Union of India in that regard.

15. The latest status report in regard to separation of judiciary from the executive in the State of Meghalaya may also be filed in eight weeks in this IA as also in CA No. 4101 of 2002.

16. For further hearing, list on 25-4-2005.

Court Masters

[CITED ORDER 3]

(2006) 12 Supreme Court Cases 187

(Record of Proceedings)

(BEFORE R.C. LAHOTI, C.J. AND N. SANTOSH HEGDE
AND Y.K. SABHARWAL, JJ.)

IAS Nos. 103, 110, 112-13, 117, 119, 128, 130, 134-39, 141, 144-47, 152,
154, 156-57, 159-61 in Writ Petition (C) No. 1022 of 1989

- d ALL INDIA JUDGES ASSN. AND OTHERS .. Petitioners;
Versus
UNION OF INDIA AND OTHERS .. Respondents.
With
Contempt Petition (C) No. 141 of 2003
- e RAJASTHAN JUDICIAL SERVICES OFFICERS ASSN. .. Petitioner;
Versus
ASHOK GEHLOT AND ANOTHER .. Respondents.
With
Contempt Petition (C) No. 150 of 2003
- f RETIRED JUDGES ASSN. .. Petitioner;
Versus
SOURINDRA NATH ROY .. Respondent.
With
Contempt Petition (C) No. 151 of 2003
- g R.L. ZALIANIHANGA .. Petitioner;
Versus
H.V. LALRINGA AND OTHERS .. Respondents.

With

Contempt Petition (C) No. ... of 2003

ADITYA KUMAR DUBEY AND ANOTHER ..

Petitioners; a

Versus

STATE OF M.P. AND ANOTHER ..

Respondents.

IAs Nos. 103, 110, 112-13, 117, 119, 128, 130, 134-39, 141, 144-47, 152, 154, 156-57, 159-61 in Writ Petition (C) No. 1022 of 1989 with Contempt Petitions (C) Nos. 141, 150, 151 and ... of 2003, decided on April 25, 2005

Service Law — Judiciary — Pay — Pay scales, pensionary benefits, etc. to judicial officers — Recommendations of Shetty Commission in regard to — Compliance with — Directions for, made to those States who had not done so — Plea as to financial crunch in the State and the possibility of similar demand being raised by the employees of other departments, rejected — Judiciary — Shetty Commission Report

W-M/32202/SL

ORDER

National Capital Territory of Delhi.

1. Pursuant to the directions contained in the order dated 17-1-2005[†], the Government of India, Ministry of Law and Justice has issued an order dated 11-2-2005 entitled "Implementation of the Recommendations of the FNJPC" whereby administrative and financial sanction has been accorded for implementing the recommendations insofar as the Union Territories are concerned. However, as pointed out by the learned amicus curiae, this order does not take care of Assured Career Progression Scheme (ACPS) which is independently the subject-matter of IA No. 103 of 2002 on which notice has been directed to be issued on 9-8-2004. As regards ACPS and other issues which are subject-matter of IA No. 103 of 2002, we make it clear that let the order of the Government of India dated 11-2-2005 be given effect to, but it shall remain subject to such orders as the Court may pass on IA No. 103 of 2002.

2. The learned amicus curiae further points out that the Government of India should also take care to issue its directions for the implementation of other recommendations made by the Shetty Commission. He submits that on or before the next date of hearing he would specifically enumerate those benefits which still need to be taken care of by the Government of India so far as the Union Territories are concerned.

Pensionary benefits

3. In the order dated 17-1-2005[†] the Court has recorded that the States of Uttar Pradesh, Madhya Pradesh, Karnataka and Tamil Nadu have fully complied with the recommendations made by the Shetty Commission. Today, it is pointed by the learned amicus curiae that the compliance by these States relates to pay scales, arrears and Central dearness allowance. Insofar as the

[†] All India Judges Assn. v. Union of India, (2006) 12 SCC 178

Ref

SCC

ALL INDIA JUDGES ASSN. v. UNION OF INDIA

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States of Uttar Pradesh and Tamil Nadu are concerned, their compliance, as reported to the Court and insofar as the pensionary benefits are concerned, is not strictly in compliance with the Shetty Commission recommendations. There are minor deviations which have been pointed by the learned amicus curiae.

4. We direct the State of Tamil Nadu to make full compliance with the recommendations as regards pensionary benefits as well and report the same to the Court on or before 30-6-2005.

5. So far as the State of Uttar Pradesh is concerned, the learned counsel assures the Court that the State would examine the matter, remove the minor deviations whatever they be and full compliance shall be made and reported to the Court on or before 30-6-2005.

IA No. 156 of 2004 (filed on behalf of the State of Sikkim)

6. This application was filed on behalf of the State of Sikkim to bring to the notice of the Court that implementation of the recommendations made by the Shetty Commission was in progress and some more time was needed for compliance.

7. Today, it is stated by Mr A. Mariaputham, the learned counsel appearing for the State of Sikkim that full compliance has been made and compliance affidavit sworn on behalf of the State of Sikkim by the Resident Commissioner has been filed on 7-3-2005 to that effect. The affidavit is taken on record.

8. IA be treated as disposed of.

States of Haryana and Andhra Pradesh

9. The State of Haryana has reported substantial compliance with the recommendations of the Shetty Commission through its affidavit dated 10-1-2005 stating therein that some minor compliance had remained to be done. We allow a last opportunity to make full compliance and report by 30-6-2005, failing which the Chief Secretary of the State shall remain present in the Court on the next date of hearing.

10. So far as the State of Andhra Pradesh is concerned, it is pointed by learned counsel for the State of Andhra Pradesh that certain clarifications have been sought for through IA No. 152 of 2004 and excepting the compliances related to the clarifications sought for in the said application, all other compliances have been made. It is further assured that on directions of the Court available on IA No. 152 of 2004 the State of Andhra Pradesh shall make compliance accordingly. Let that application be posted for hearing on the next date.

IA No. 157 of 2005

11. Seeking relief for the pensioners in the State of Andhra Pradesh shall also be taken up for hearing along with IA No. 152 of 2004. Response to IA No. 157 of 2005 may be filed by the State of Andhra Pradesh within six weeks.

State of Jammu and Kashmir

12. The State of Jammu and Kashmir has not filed any affidavit. However, the learned counsel, appearing for the State of Jammu and Kashmir, states under instructions that the State of Jammu and Kashmir is agreeable to implement all the recommendations made by the Shetty Commission and substantial compliance has already been made and whatever remains to be done shall be done at the earliest. An affidavit reporting full compliance shall be filed on or before 30-6-2005.

State of Assam

13. The State of Assam has fully complied with the recommendations of the Shetty Commission. On 17-1-2005 it was brought to the notice of the Court that the State Government was contemplating to retain the revised formula recommended by the Assam Pay Commission, 1994, but that was inconsistent with the recommendations made by the Shetty Commission. Now, in an affidavit filed on 19-4-2005, with which is enclosed a notification dated 2-4-2005, it is stated that compliance with the recommendations made by the Shetty Commission has been made. We take on record the said affidavit and the statement made before us.

State of Bihar

14. Mr B.B. Singh, the learned counsel for the State of Bihar, states that the State is under President's rule and the Governor of Bihar has passed a resolution dated 7-4-2005 recording full compliance with the recommendations made by the Shetty Commission. Mr Singh undertakes to file within one week an affidavit in that regard accompanied by a copy of the resolution dated 7-4-2005.

State of Chhattisgarh

15. The learned counsel for the State of Chhattisgarh states that all other recommendations made by the Shetty Pay Commission have been implemented, excepting as to pensioners which is also in the process of finalisation and compliance shall be reported by 30-6-2005.

State of Gujarat

16. The learned counsel appearing for the State of Gujarat states that so far as the pensioners are concerned, recommendations made by the Shetty Commission are at the final stage of finalisation and the compliance shall be reported by 30-6-2005. As to some anomaly regarding pay scales, by reference to their structure as prevailing in the State, there are directions awaited from this Court, which is a subject-matter of separate hearing.

State of Himachal Pradesh

17. So far as the grant of Central DA is concerned, compliance has been made. So far as the case of pensioners is concerned, the State has some reservation. We see no justification of the stand taken by the State of Himachal Pradesh as regards the pensioners, as most of the State Governments and Union Territories have either complied with or agreed to make compliance with the recommendations of the Shetty Commission as regards pensioners. We direct the State of Himachal Pradesh also to make

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compliance and report the same by 30-6-2005, failing which the Chief Secretary of the State of Himachal Pradesh shall remain present in the Court on the next date of hearing.

a State of Jharkhand

18. In the affidavit dated 18-4-2005 filed on behalf of the State of Jharkhand, it is stated that decision has been taken to release the benefits to the judicial officers consistently with the Shetty Commission recommendations and also by adopting the Karnataka pattern for pensioners.

b However, a notification in that regard enumerating the benefits relating to the judicial officers is yet to be issued. Let it be done and filed in the Court within six weeks.

c State of Kerala

19. The learned amicus curiae has invited attention of the Court to the affidavit dated 18-4-2005 filed on behalf of the State. Vide para 4 thereof, the only plea taken by the State of Kerala is that there is financial crunch in the State and the possibility of similar demand being raised by the employees of other departments. Both of these pleas have no substance and such pleas have been rejected earlier.

d 20. Let the State of Kerala make full compliance, issue notification in that regard and file affidavit of compliance on or before 30-6-2005.

e State of Maharashtra

21. Affidavit of compliance is still awaited. A last opportunity for reporting full compliance is allowed. Let the compliance affidavit be filed on or before 30-6-2005, failing which the Chief Secretary of the State of Maharashtra has to remain present in the Court on the next date of hearing.

f State of Manipur

22. The learned amicus curiae has invited attention of the Court to the affidavit dated 7-12-2004 filed on behalf of the State of Manipur. The only plea taken by the State is that there is financial crunch in the State. This plea has no substance and such pleas have been rejected earlier.

g 23. Let the State of Manipur make full compliance, issue notification in that regard and file affidavit of compliance on or before 30-6-2005.

h State of Mizoram

24. The directions which have been made as regards the State of Meghalaya on IA No. 119 of 2002 in the order dated 18-4-2005 shall apply to the State of Mizoram also in regard to the officers exclusively discharging judicial functions.

i State of Orissa

25. The learned counsel for the State of Orissa brings to our notice a communication bearing No. 19745 dated 20-4-2005 from its Finance Department. The copy of the communication is delivered to the learned amicus curiae and is also taken on record. We make it clear that the compliance has to be in accordance with the Shetty Commission recommendations and not in variance therefrom. Let the learned amicus

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curiae examine the contents of the said communication and advise the Court if any directions in that regard are further needed.

State of Uttaranchal

26. On behalf of the State of Uttaranchal compliance affidavits have been filed on 13-1-2005 and 1-4-2005 whereby full compliance with the Shetty Commission recommendations has been reported.

State of West Bengal

27. On behalf of the State of West Bengal an affidavit has been filed on 17-3-2005 wherein, the learned counsel for the State states, full compliance with the Shetty Commission recommendations has been reported.

28. However, IA No. 161 of 2005 has been filed on behalf of West Bengal Retired Judges Association wherein a plea has been taken that so far as retired Judges are concerned, compliance is not in accordance with the Shetty Commission recommendations. Notice of the application has been accepted by the learned counsel for the State of West Bengal who assures to file reply within six weeks.

Union Territory of Pondicherry

29. The learned counsel for the Union Territory of Pondicherry points out that though the Government has agreed to implement the Shetty Commission recommendations but so far as pensioners are concerned, they are governed by the Central Rules and an amendment in the Rules by the Central Government would be required for the purpose of giving effect to the Shetty Commission recommendations insofar as pensioners are concerned. It is further stated that a communication in that regard has been addressed by the Government of Pondicherry to the Central Government in the month of October 2004 and response from the Central Government is still awaited. Mr P.P. Malhotra, learned Additional Solicitor General, present in the Court, assures to look into the matter and expedite a positive response from the Central Government at the earliest.

States of Punjab, Rajasthan and Tripura

30. Shri Harbagwan Singh, the learned Advocate General appearing for the State of Punjab, Shri Aruneshwar Gupta, the learned Additional Advocate General appearing for the State of Rajasthan and Shri B. Agrawal, the learned counsel appearing for the State of Tripura, state that their respective State Governments have agreed to comply with the Shetty Commission recommendations as regards release of Central DA to the judicial officers and also as regards the benefits to the pensioners. They further state that notifications in this regard shall be issued by their respective State Governments and filed in the Court duly supported by affidavit within six weeks.

31. List the contempt petitions and other pending IAs for further hearing after summer vacation.

Court Masters

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IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 17

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.
.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.
..... RESPONDENTS.



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IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1588 (SS) of 2013

Devendra Prasad and others.Petitioners.

Versus

State of Uttarakhand and others.Respondents.

Present:

Mr. Vinod Tiwari, Advocate for the petitioners.

Mr. T.A. Khan, Deputy Advocate General assisted by Mr. Subhash Upadhyay, Standing Counsel for the State of Uttarakhand.

Hon'ble Alok Singh, J. (Oral)

Applications were invited for Special BTC Training vide Notification dated 23.08.2004. Petitioners applied and were selected for Special BTC training course and thereafter, they underwent Special BTC Training and ultimately, they were appointed on the post of Assistant Teacher in the month of October 2005. Meanwhile, State Government vide Notification dated 25.10.2005 made a provision that Government Servants shall not be entitled for regular pension however, they shall only be entitled for Contributory Pension Scheme w.e.f. 01.10.2005.

Learned counsel for the petitioners vehemently argued that petitioners applied for Special BTC training course pursuant to the Notification issued on 23.08.2004 with bona fide reasonable expectation that after completion of Special BTC Training, they would join on the post of Assistant Teachers under the prevailing service conditions and would be entitled for pension, after their retirement, on attaining the age of superannuation. He further contends that Notification dated 25.10.2005 can only be made applicable from the date it was issued and should not be made applicable from the back date, otherwise, it would amount to alteration in service conditions, which were prevailing at the time of making applications for Special BTC Training.

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On the other hand, Mr. T.A. Khan, learned Deputy Advocate General, appearing for the State of Uttarakhand, has vehemently argued that since petitioners joined their services on 06.10.2005, therefore, they would be governed by the Notification dated 25.10.2005 in view of the fact that contributory pension scheme was made applicable w.e.f. 01.10.2005.

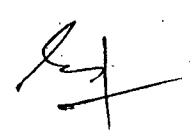
In service jurisprudence, service conditions, prevailing on the date of making application for the post or in any case, on the date of appointment shall be allowed to continue. Service conditions cannot be permitted to be altered, after the joining of services, which would result to the disadvantage of the employee. In my humble opinion, candidate always applies for the post keeping in mind prevailing service conditions. Doctrine of reasonable expectation should not be allowed to be violated by altering the service conditions after appointment.

In my considered opinion, Notification dated 25.10.2005 cannot be allowed to be made applicable from the date prior to 25.10.2005. Since appointment letters were issued to the petitioners on 06.10.2005, in any case, prior to 25.10.2005, therefore, services of petitioners cannot be said to be governed by Notification dated 25.10.2005. Consequently, writ petition is allowed. Writ of Mandamus is issued commanding the respondents not to deduct amount under Contributory Pension Scheme from the salary of the petitioners and to treat the petitioners to be governed and covered by the regular pension scheme, which was prevailing on the date of appointment. Deduction, if any, already made, shall be refunded to the petitioners within four weeks positively.

CLMA No. 11339 of 2013 also stands disposed of.

(Alok Singh, J.)
18.02.2014

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IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 18

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.
.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.
..... RESPONDENTS.

[Signature]

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Special Appeal No. 330 of 2013

State of Uttarakhand and othersAppellants.

Versus

Balwant Singh and othersRespondents

With

Special Appeal No. 523 of 2013

State of Uttarakhand and othersAppellants.

Versus

Chandra Shekhar Singh and othersRespondents

Mr. Pradeep Joshi, Standing Counsel for the appellants / State.
Mr. J.S. Bisht, Advocate for the respondents.

Hon'ble Alok Singh, J.

Hon'ble Servesh Kumar Gupta, J.

It is stated that in the connected SPA No. 523 of 2013, delay has already been condoned vide order dated 28.03.2014. Learned counsel for the respondents has no serious objection, if delay in filing appeal is condoned. For the reasons stated, delay in filing appeal is condoned. CLMA No. 10031 of 2013 stands disposed of accordingly.

Both these appeals are preferred assailing the judgment dated 20th November, 2012, passed by the learned Single Judge of this Court.

We have heard learned counsel for the parties and have carefully perused the record.

Petitioners applied for the post of Assistant Teachers in Government Primary Schools and were interviewed on 28.09.2005 and were selected vide order dated 29.09.2005. Thereafter, Government was pleased to issue Government Order dated 25.10.2005 making

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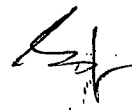
provision therein that government servants would not be entitled for regular pension, however, would only be entitled for contributory pension scheme w.e.f. 01.10.2005.

Undisputedly, when petitioners applied for the post. old pension scheme was in existence, therefore, petitioners had every reasonable expectation that they would be governed by the service conditions prevailing on the date posts were advertised and recruitment process was commenced. In our considered view, service conditions, prevailing on the date recruitment process commenced, cannot be permitted to be altered in disadvantage of the recruitees. Moreover, in our considered opinion, Government Order dated 25.10.2005 is prospective in nature and cannot be made applicable retrospectively for the persons who had applied for the post prior to 25.10.2005. Therefore, we do not find any reason to take contrary view to the view taken by the learned Single Judge.

Consequently, both the appeals fail and are hereby dismissed.

(Serves Kumar Gupta, J.) (Alok Singh, J.)

26.06.2014



IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 19

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.
.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.
..... RESPONDENTS.

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IN THE HIGH COURT OF UTTARAKHAND AT**NAINITAL****Writ Petition (S/S) No. 1170 of 2010**

Ashutosh Joshi and others

...Petitioners

Versus

State of Uttarakhand and others

.....Respondents

Present:- Mr. Rajendra Dobhal, Senior Advocate assisted by Mr. G.D. Joshi, Advocate for the petitioners.
Mr. Subhash Upadhyay, Standing Counsel for the State of Uttarakhand.

Hon'ble Sudhanshu Dhulia, J. (Oral)

1. The petitioners before this Court are lecturers in various Government Intermediate Colleges in the State. The common factor in case of all the petitioners is that they were applicants in the recruitment process which was initiated by the Government vide advertisement dated 5.10.2003 which is Annexure 1 to the writ petition, whereby the State Public Service Commission had advertised various vacancies for the different posts in different intermediate colleges in the State. Total vacancies for men were 1120 and for women were 99. The present petitioners applied for said posts in which they appeared in written examination which was held on 26.9.2004. Thereafter the viva voce of women candidate was conducted between 7.7.2005 to 15.7.2005 and viva voce of men candidate was conducted between 22.8.2005 to 10.3.2006. Thereafter the result of women candidates was published between 27.7.2005 and 23.8.2005. Regarding men candidates result was published, subject-wise, between 24.9.2005 to 15.9.2006. Subsequent to the

publication of the result, the petitioners were given appointment letter and now they are teaching in different colleges of the State. All of them are presently aggrieved by the Government Order dated 25.10.2005 according to which pensionary benefits are only liable to be given to such government employees who were inducted in service on or before 30.9.2005. Meaning thereby, those who were inducted in service after 30.9.2005, will not be given pensionable benefits.

2. Learned Standing Counsel for the State has drawn the attention of this Court to the order dated 30.1.2009 which is Annexure CA 1 to the counter affidavit filed by the State, whereby the Uttarakhand Retirement Benefits (Amendment) Rules, 209 have been published which have a retrospective application from 1.10.2005 and which clearly stipulate that pensionable benefit will not be given to those employees who have been inducted in service from 1.10.2005 onwards.

3. The contention of the petitioners, on the other hand, is that in the advertisement dated 5.10.2003, it has been clearly stated that all the posts for which the selection is to take place are pensionable posts. This fact has been admitted by the learned Standing Counsel. Moreover, it has been further argued that once the selection process had started and it was clearly stipulated in the advertisement that the posts which were advertised by the Commissioner were pensionable post, this condition could not have been changed to the detriment of the selected candidates.



4. Another anomaly which has been pointed out before this Court by the petitioners is that though the selection process started as far back as on 5.10.2003 and a batch of 99 women candidates were selected and given appointment prior to 1.10.2005 in the same selection process, for reasons best known to the Commission and the State Government, the selection of men candidates was delayed and they were effectively given appointment letters only after 1.10.2005. The anomaly as pointed out now would be that whereas the women candidates who have been selected and appointed in same selection process will now be entitled for pensionary benefits whereas the present petitioners will not be liable for pensionary benefits. This is a wholly unreasonable classification, the petitioners allege.

5. Learned counsel for the State, on the other hand, contends that petitioners have no ground for getting pensionable benefits, as the Uttarakhand Retirement Benefits (Amendment) Rules, 2009 clearly stipulates that it will be enforced with retrospective effect from 1.10.2005 - the Rules which have not been challenged, and therefore no benefit can be given to the petitioners.

6. After hearing the rival submission of the petitioners and the State, this Court is of clear view that denial of pensionable benefits to the petitioners is wholly unjustified, arbitrary and violative of Article 14 of the Constitution of India. It is so first and foremost for grounds that it has created a wholly unreasonable classification between women and men candidates. Whereas in the same selection process women candidates who were given appointment prior to 1.10.2005 have

been given pensionary benefits, the men candidate i.e. the petitioners have not given pensionary benefits. This clearly cannot be accepted. Moreover, as far as application of Rules is concerned, since the selection process of the petitioners had already begun, the Rules will not be effective in this selection process as any enforcement would give rise to anomalous situation which is clearly in violation of Article 14 of the Constitution of India. Secondly, in the advertisement the Government had clearly stated that all the posts are pensionable posts. The Government therefore cannot go back on its promise. There would be an estoppel against it. Finally the admitted classification between men and women candidates, in the same selection process, is not a reasonable classification. It has no nexus with the objects sought to be achieved. Hence it is Violative of Article 14 of the Constitution of India.

7. Writ petition therefore succeeds. The order dated 25.10.2005 is hereby quashed so far as it relates to present petitioners. However, it is also made clear that the application of said Government Order and the Rules has been made inapplicable only in the case of present petitioners only for the reasons stated above.

8. Writ petition is allowed.

9. No order as to costs.

(Sudhanshu Dhulia, J.)

17.6.2013

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IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 20

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.

.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.

..... RESPONDENTS.

JS

Court No. - 14

Case :- SERVICE SINGLE No. - 4926 of 2012

Petitioner :- Triloki Prasad & 3 Ors.

Respondent :- State Of U.P. Through Prin. Secy. Basic Edu. Lko. & Ors.

Petitioner Counsel :- O.P.Tiwari

Respondent Counsel :- C.S.C., Jyoti Sikka

Hon'ble Saeed-Uz-Zaman Siddiqi, J.

List has been revised.

Heard learned counsel for the petitioners and learned Standing Counsel for State of U.P as none appeared on behalf of the respondent nos.2 to 6.

A very short point is involved in this writ petition. The petitioners have been appointed by the opposite parties on compassionate ground under Dying in Harness Rules vide appointment order dated 5.5.2001 subject to the condition that the petitioners shall get regular salary for the period till they complete B.T.C. training which is mandatory as untrained teacher. Neither the petitioners were appointed on ad-hoc basis or otherwise. The petitioners completed their training after 6.8.2005 after April, 1, 2005.

Only dispute is that opposite party no.5 issued order on dated 27.6.2012 by which it was directed that the petitioners shall be treated to have been appointed after 1.4.2005 and rules regarding to General Provident Fund (U.P.) Rules, 1985 as amended by the State vide notification dated 7.4.2005.

Admittedly, the petitioners were appointed as confirmed employee right from initial date of appointment under Dying in Harness Rules, and as such, treated to have been regularly appointed confirmed employee prior to cut of date i.e. 1.4.2005. In view of this factual position the deduction from their salary ought to have been made. In Mithlesh Kumar and others v. State of U.P. and others (Writ-A No.35087 of 2012) this Court has made following observations:-

"Learned standing Counsel has accepted notice on behalf of the respondent nos. 1 and 2 and Sri B.P. Singh, Advocate has accepted notice on behalf of the respondent nos. 3 to 6.

Each one of the respondent is granted four weeks time to file counter affidavit. Rejoinder affidavit may be filed within two weeks thereafter.

List after six weeks.

It has been contended on behalf of the petitioners that in the present case, each one of the petitioner has been granted compassionate appointment as Assistant Teachers (untrained grade) on consolidated salary in Prathmik Vidyalaya run by Board of Basic Education in District Azamgarh. Petitioners claim that they have completed their training and thereafter appointment letter has been issued. Petitioners have contended that their appointment is being treated as fresh appointment and based on the same new pension scheme has been sought to be enforced. Petitioners have further stated that uptill now

from respective salary G.P.F. was being deducted as per old scheme. Petitioners submit that compassionate appointment is always substantive and their appointment can not be treated fresh appointment, the matter requires consideration.

As this court is entertaining the writ petition, as such regular deduction be made from the salary of the petitioners and said deduction shall abide by final outcome of the writ petition. It is clarified that said deduction has been permitted on the request of petitioners and petitioners are contending that if writ petition would succeed, then they would not be in a position to deposit lump sum amount"

Prima-facie, the opposite party no.5 has misinterpreted the amendment of Rules as notified on 7.4.2005 and has wrongly treated the petitioners to have been appointed after cut of date and wrongly rejected their representations vide order contained in Annexure No.1. Nothing new has been placed by the opposite parties through counter affidavit. Hence, I direct that the petition shall be taken up for final hearing.

List immediately.

As this Court has entertained the writ petition, it is directed that the regular deduction shall be made from the salary of the petitioners towards General Provident Fund and the said deduction shall abide by the final outcome of the writ petition. It is clarified that the said deduction is being permitted at the request of learned counsel for the petitioners and in view of the said deduction under the Pension Scheme, the operation of the impugned order dated 27.06.2012, contained in Annexure No. 1 shall remain in abeyance.

Order Date :- 18.4.2013

Nitesh



IN THE HIGH COURT OF JUDICATURE ALLAHABAD.

ANNEXURE NO. 21

IN

CIVIL MISC. WRIT PETITION NO. OF 2017
(Under Article 226 of the Constitution of India)

DISTRICT-MATHURA

SURYA PRAKASH SINGH & 265 OTHERS.
.....PETITIONER.

VERSUS

STATE OF UP & OTHERS.
..... RESPONDENTS.



[Handwritten signature]

WR 3162.2001

1

HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition.No. 3162 of 2001

Petitioner : Shri. Abdul Mannan,
aged about 63 years, Occ.Retired,
Chief Telecom Inspector (Microwave)
R/o. Opposite Chhoti Masjid, New Basti,
Tah. Badnera, Dist. Amravati.

- VERSUS -

- Respondents :** 1] UNION OF INDIA,
thr. General Manager, Central Railway,
MUMBAI, CST.
- 2] Divisional Railway Manager,
Central Railway,
NAGPUR.
- 3] Vice Chairman,
Central Administrative Tribunal,
6, Gulestan Building, Prescott Road,
Fort, MUMBAI.

Mr. M.W. Harsulkar, Advocate for the Petitioner.
Mr. R.S. Sundaram, Advocate for respondent nos. 1 & 2.

CORAM : P. B. MAJMUDAR & A. P. BHANGALE, JJ.

DATE : 18th JANUARY, 2012.

ORAL JUDGMENT : [Per P. B. Majmudar, J.]

By this petition, the petitioner has challenged the order dated
29/06/2001 passed by the Central Administrative Tribunal, Mumbai Bench,
Camp at Nagpur in Original Application No. 321/1998, by which the Tribunal

[Signature]

has dismissed the Original Application filed by the original applicant-petitioner.

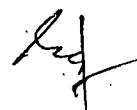
02] The petitioner is a retired Railway employee. The petitioner was appointed as a Apprentice Telecom Inspector on 23/12/1964 by respondent no.1 and was required to join the apprenticeship on 05/01/1965. He completed the said apprenticeship period of two years successfully on 23/02/1967. After completion of apprenticeship, he was required to be absorbed on the regular basis. It is the case of the petitioner that after completion of apprenticeship, due to non-availability of vacancy, the petitioner was posted against working post on 10/04/1967 i.e. after 45 days. The petitioner subsequently made a representation on 15/10/1993 to the Chief Personnel Officer, requesting therein to update his service register and for taking into account the period of apprenticeship as qualifying service for the purpose of pensionary benefits. The petitioner also pointed out that his colleague namely, Shri R.C. Trigunayat, whose case was similar to that of the petitioner, was also given the same benefits as sought by the petitioner. Since the Railway Department had not taken favourable decision, the petitioner filed Original Application before the Tribunal. The Tribunal came to the conclusion that since there was a gap of 45 days in giving the posting order to the petitioner after completing the apprenticeship, no relief can be given to the petitioner on the ground of discrimination and dismissed the Original Application.

03] . Mr. M.W. Harsulkar, learned Counsel for the petitioner, has relied upon the Circular of Railway Board dated 17/04/1984, issued by the Government of India (Bharat Sarkar), Ministry of Transport (Pariwahan Mantralaya), Department of Railways (Rail Vibhag), Railway Board and submitted that since the petitioner has been appointed immediately within a short period after completion of apprenticeship, the period in question, should also be counted for the purpose of pensionary benefits. The circular reads as under :

"In terms of rules 2410-RII and page 407, (III) of Manual of Rly. Pension Rules, Service as an apprentice does not qualify for pensionary benefits.

The staff side of the National Council (JCM) had suggested that, the service rendered by an employee during training period before the regular appointment to the grade may be treated as qualifying service for pension. This demand was also raised by the staff side in the departmental Council (Rlys).

The request made by the staff side has been examined by the Govt. and it has been decided that in respect of group "C" and "D" employees who are required to undergo departmental training to join before they are put on regular appointment, training period upto one year may be treated as qualifying service for pension, if the training period is followed immediately by an appointment. This benefit will also be admissible to all Group "C" & "D" employee even if the officer concerned are not given the scale of pay of the post but only a nominal allowance.



These orders came into force with effect from 22/12/1983. This may be deemed to have amended provision of the above and necessary amendments to the rules will follow."

04] It is an admitted fact that the petitioner was in service in the year 1983 and, therefore, he is entitled to get benefits as per the aforesaid Circular.

05] The learned Counsel for the petitioner has also relied upon the provisions of Rule 22 of the CCS (Pension) Rules, 1972, wherein one of the sub-rules i.e. No.3, is for condonation of administrative delay in issuing posting order after training, for counting training period for pension, which reads as under :

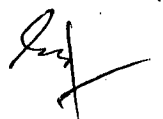
"(3) Condonation of administrative delay in issuing posting order after training, for counting training period for pension -

1. Rule 22 of CCS (Pension) Rules, 1972 and Government of India's Instructions issued on the subject from time to time provide that a period of training can be counted as qualifying service for the purpose of pensionary benefits if the training is immediately followed by appointment. Even if any interruption falls between the training period and regular appointment, that should not exceed the joining time admissible under the relevant rules.
2. But instances have come to notice where there has been administrative delay in giving appointment letters, etc., after the training period is over and the appointment takes more

time than the joining time admissible under the relevant rules.

3. The question as to how the intervening period in such type of cases can be treated if it exceeds the joining time admissible and the delay on the part of the Government in giving appointment letters and as to whether that intervening period can be condoned, was referred to Department of Pension and Pensioners' Welfare who have advised that in cases where the delay is purely administrative, they have no objection to condoning the said period.
4. They have further advised that effort should be made to eliminate the administrative delays particularly where it is known in advance that the trainees have to be given final appointment letters, etc.

06] Per contra, Shri R.S. Sundaram, the learned Counsel for the respondent nos. 1 & 2 submitted that in case 45 days' gap is treated as an administrative delay, as there was no post available, it may be treated as waiting period and that training period should not be counted for pensionary benefits. The learned Counsel further submitted that so far as the CCS (Pension) Rules are concerned, they are not applicable to the petitioner. According to him, as per the order framed by the Railway Board dated 17/04/1984, the training period can be treated as qualifying service for pension, if the training period is followed immediately by an appointment. He further submitted that since there was a delay of 45 days, the petitioner cannot get the benefits of the said order as the appointment order is not followed



immediately after completion of the training period. He further submitted that so far as the case of another employee viz. Shri Trigunayat is concerned, whose instance has been quoted by the petitioner, he was given same benefits, but the said employee was not of the same Division, where the petitioner was serving.

07] We have heard both the Counsel at length. We have also gone through the order passed by the Tribunal. It is required to be noted that after completion of the training period, the petitioner was given regular appointment within 45 days. It is required to be noted the letter dated 20/04/1995, issued by the Chief Personal Officer in respect of condonation of break in favour of the petitioner. In the said letter, it was pointed out that the petitioner was appointed as an Apprentice TCI-III w.e.f. 23/12/1964 and he completed his apprenticeship successfully on 23/02/1967. In the said letter, it was also pointed out that since there was no post of TCI-III to accommodate the petitioner against regular working post, he was asked to wait for his regular posting orders. In the said letter, it was also pointed out that inadvertently apprenticeship of the petitioner has been terminated from 24/02/1967, but thereafter he was again recalled for posting and was posted under DSTE (IBRE) w.e.f. 11/04/1967 as TCI-III on regular basis. It was also mentioned that the break in service was not due to termination of apprenticeship but for non availability of suitable vacancy to accommodate the petitioner against the working post. The Finance Department, however,

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considered the said aspect and pointed out that the case may be dealt with as per Railway Board's aforesaid Letter dated 17/04/1984.

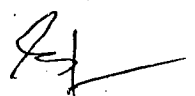
08] In our view, non-addition of the aforesaid training period to the petitioner's regular service has resulted into great injustice to the petitioner, as it is clear from the record that regular posting order was awaited and his apprenticeship was not terminated and his case was kept on waiting list for giving appointment order and, therefore, it was only an administrative delay. In view of the same, even if CCS (Pension) Rules are not applicable, so far as the Railway employees are concerned, the petitioner even gets the benefits as per the Railway Board's orders, which we have quoted above. Since it is not in dispute that the Railway Board's orders are applicable to the petitioner as he was in service at the relevant day, and has retired later on, in our view this petition is required to be allowed as there was an administrative delay, as there was delay of 45 days in giving the regular appointment to the petitioner. The petitioner is, therefore, entitled to get the benefit of training period for the purpose of fixation of service pension. It is also required to be noted that the other employee namely, Shri Trigunayat was given the same benefits.

09] The learned Counsel for respondent nos. 1 & 2, after taking instructions in this behalf, has stated that such benefits were given to other employee also. The learned Counsel for the Railway Administration, however, argued that the said employee belongs to other Division and not of the same

Division where the petitioner was serving. According to him, therefore, he could not get detail facts of that employee. The petitioner also made reference of another employee namely Shri P. V. Desai, whose particulars are given at Page 96. Whether the said employees are of the same Division or other Division is of no importance as it is an admitted fact that they were the employees of Railway Administration and the petitioner cannot be discriminated in this behalf. It is pointed out by the petitioner that the said employees were also of the same batch of the petitioner and they also completed apprenticeship and were given subsequent appointed orders similarly like the petitioner. The Tribunal has failed to appreciate the case from the aforesaid angle and has committed an error in considering the Railway Board's orders. The Tribunal has also taken very casual approach in connection with the Original Application filed by the petitioner regarding discrimination.

10] Considering the aforesaid aspects, we pass the following order :

- i. The order passed by the Central Administrative Tribunal, Mumbai Bench, Camp at Nagpur, on 29th June, 2001 is set aside.
- ii. The Original Application filed by the petitioner stands allowed.
- iii. It is held that the petitioner is entitled to get the benefit of his training



_____ of the same are based on a perusal of record; those of paras _____ of the same are based on information received; and those of paras 57, 58, 59 _____ of the same are based on legal advice which the deponent verily believes to be true; nothing material has been concealed and no part of the affidavit is false.

So help me God.


(Deponent)

I, Rajit Yadav, Clerk to Shri Siddharth Khare, Advocate, High Court, Allahabad, do hereby declare that the deponent alleging himself to be the same person making this affidavit, is known to me from the papers of the case produced by him before me.

(Clerk)

Solemnly affirmed before me on this 24th day of April, 2017 at 4.00 AM/PM by the deponent who has been identified by the aforesaid Clerk.

I have satisfied myself by examining the deponent that he has fully understood the contents of the affidavit which have been read over and explained to him by me.

OATH COMMISSIONER.



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Request-139



भारत सरकार
Government of India



सूर्य प्रकाश सिंह
Surya Prakash Singh
जन्म तिथि / DOB : 20/06/1968
पुरुष / Male



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आधार - आम आदमी का अधिकार



भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India

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