

Revision of pensions of the retired  
Judicial officers who retired after  
01/01/1996 and prior to 01/01/2006  
And also the pensions of the retired  
Judicial officers whose pensions were  
consolidated in pursuance of the  
Judgement of supreme court, dt.  
08.10.2010 in I.A. No. 5/09 in I.A.  
No. 244/09 in W.P. © No. 1022/89

GOVERNMENT OF GUJARAT  
Legal Department,  
Sachivalay, Gandhinagar  
Resolution No. SUP/102015/77/D (Part-1)  
Date :20.01.2020

**Read :**

- (1) The directions issued by the Hon'ble Supreme Court on 28.04.2009 in I.A. No. 244 in W.P. © No. 1022/1989 All India Judges Association and Others Vs. Union of India and others.
- (2) Report submitted on 17.07.2009 by One man Commission headed by Justice E. Padmanabhan (Retd.) to the Hon'ble Supreme Court on determination of salary, pension etc. to Judicial Officers and pensions.
- (3) Gujarat Government, Legal Department Resolution No. WPC/102010/3001/D, Dated: 16/08/2012.
- (4) Judgement in I.A. No. 5/2009 in I.A. No. 244/09 in W.P. No. 1022/89 dt. 08.10.2012
- (5) G.O.Ms.No. 86, Law (LA & J SC.F) Department, Dt. 19.07.2013
- (6) The directions issued by the Hon'ble Supreme Court on 14.07.2016 in I.A. No. 335 and 339 in W.P. © No. 1022/1989 All India Judges Association and Others Vs. Union of India and others.
- (7) Hon'ble Gujarat High Court Letter No. A.1229/2016, Dt. 29/06/2017, 07/12/2017, 27/08/2018 and 12/09/2018.
- (8) Hon'ble Gujarat High Court Letter No. A.1229/2018, Dt. 29/01/2018, 13/03/2018, and 27/03/2018.
- (9) Hon'ble Gujarat High Court Letter No. A.1229/2019, Dt. 25/03/2019 and Dt. 16/09/2019.

(10) The directions issued by the Hon'ble Supreme Court on 10.12.2009 in I.A. No. 121642 of 2018 in I.A.No. 1 of 2016 in I.A. No. 339 of 2015 in W.P. © No. 1022/1989 All India Judges Association and Others Vs. Union of India and others.

**Resolution :**

The Hon'ble Supreme Court by its order dt. 28.04.2009 vide reference 1st read above was pleased to appoint One man Commission headed by Justice E. Padmanabhan (Retd.) to determine the revision of pay, allowances, perquisites and pensions to all Judicial Officers working and retired throughout the country on the basis of First National Judicial Pay Commission. The Commission submitted its report dt. 17/07/2009 to the Hon'ble Supreme Court in the reference 2nd read above. The Hon'ble Supreme Court issued directions to the Government for implementation of Justice E. Padmanabhan Commission (Retd.) Report.

The All India Judges Association, not being satisfied with the formula adopted by Justice E. Padmanabhan (Retd.) in its report dt. 17.07.2007 for upgrading the existing pensions and not being satisfied with the said formula, filed I.A. No. 5/2009 in I.A. No. 244/2009 in W.P. © No. 1022/89. The Supreme Court was pleased to allow the I.A. No. 5/2009 in their judgement dt. 8/10/2012 vide reference 4<sup>th</sup> read above for revision of pensions of certain categories of retired Judicial officers.

In compliance with the directions of the Hon'ble Supreme Court of india in the order dt. 08.10.2012 in I.A. No. 5/09 in I.A. No. 244/09 in W.P. © No. 1022/89 in the case of All India Judges Association Vs. Union of India and others, it has become necessary to revise the pensions of certain retired Judicial officers, The Government of Gujarat is pleased to issue the following order.

- (1) The pensions of the retired judicial officers who retired after 1/1/96 and prior to 1/1/2006 shall be revised by raising the same by 3.07 times w.e.f. from 1/1/2006.
- (2) The Judicial Officers who retired from service or whose services have been terminated or who have died during the period from 1/1/96 to 31/12/2005 shall be entitled to the revised pension.
- (3) In respect of the claims of the Judicial Officers who were in service between 01.01.1996 to 31.12.2005 and who retired or died while in service during the said period, shall be submitted to the Principal District Judges of the Districts/Heads

of Units where they last worked or died while in service and the Principal District Judges of the Districts/Head of Units shall draw and pay the arrears after scrutiny. In respect of the claims relating to deceased officers the claims shall be preferred by the Family Pensioners of such deceased officers and the arrears shall be paid to them in accordance with the procedure.

- (4) The amount of arrears shall be paid at the earliest after pre-audit of pay fixation by respective audit office.
- (5) It is further ordered that all the Treasury officers/ Pension payment officers shall revise and fix the pension, sanctioned in this order and after making necessary entries in the pension payment orders make payments to the retired judicial officers.
- (6) The concerned Treasury Office is required to scrutinise the pension papers of retired Judicial Officers from 1/1/1996 to 31/12/2005 and upon such scrutiny, if it is found that any such Excess Payment of pension is made to any of such retired judicial Officers / pensioners, it shall be recovered as per the provisions contained in Gujarat Civil Services (Pension) Rules, 2002.

This issues on the basis of concurrence given by the Finance Department vide its note dated 10.01.2020, on this Department's file of even number.

By order and in the name of Governor of Gujarat



(H.H. Varma)  
Deputy Secretary to Government  
Legal Department

Copy to:-

1. P.S. to Hon'ble Chief Minister, Swarnim-1, Sachivalay, Gandhinagar.
2. P.S. to Hon'ble Deputy Chief Minister, Swarnim-1, Sachivalay, Gandhinagar.
3. P.S. to Hon'ble Law Minister, Swarnim-1, Sachivalay, Gandhinagar.
4. P.S. to Hon'ble Law Minister (State), Swarnim-2, Sachivalay, Gandhinagar.
5. P.S. to Hon'ble Chief Secretary, General Administration Department, Sachivalaya, Gandhinagar.
6. Hon'ble Registrar General, High Court of Gujarat, Sola at Ahmedabad.
7. P.S. to Additional Chief Secretary, Finance Department, Sachivalaya, Gandhinagar.
8. P.S. to Secretary & R.L.A., Legal Department, Sachivalaya, Gandhinagar.
9. P.S. to Secretary (E.A.), Finance Department, Sachivalaya, Gandhinagar.
10. Principal Judge, City Civil and Sessions Court, Ahmedabad
11. All the Principal District and Sessions Judges.

12. All the Principal Judges, Family Court.
13. Chief Judge, Small Cause Court, Ahmedabad/Vadodara/Surat/Rajkot.
14. Chief Metropolitan Magistrate Court, Ahmedabad.
15. Account General Ahmedabad/Rajkot.
16. All District Treasury officers.
17. Director, Pension and Provident fund office, Gandhinagar.
18. Secretary, Gujarat State Retired Judicial Officers Association, 37, Upakar Society, Harinagar, Gotri road, Vadodara-07. **(By RPAD)**
19. Section officer, G-Branch, Legal Department, Sachivalay, Gandhinagar.
20. Select File.