

Court on its own motion v. State of H.P.

CWPIL No.46 of 2023

27.03.2025      **Present:**      Mr. Neeraj Gupta, Senior Advocate, as Amicus Curiae, with Mr. Ajit Pal Singh Jaswal, Advocate, for the petitioner.

Mr. Arsh Rattan, Deputy Advocate General, for the respondents.

Learned Deputy Advocate General, to refute the claim of the petitioner, has placed reliance upon judgment of Supreme Court dated 3.1.2024, passed in Civil Appeal Nos.23-24 of 2024, titled **State of of Uttar Pradesh and others v. Association of Retired Supreme Court and High Court Judges at Allahabad and others**, reported in (2024) 3 SCC 1.

2.      Submissions of learned Deputy Advocate General are misconceived. In this matter, aforesaid judgment is not applicable. But, orders and directions passed by the Supreme Court, referred hereinafter, are relevant.

3.      Vide order dated 23.2.2017, passed by Supreme Court in **Conmt. Pet. (C) No.425-426/2015**, titled **V.S. Dave President, the Association of Retd. Judges of Supreme Court and High Courts v. Kusumjit Sindhu and ors.**, in W.P.(C) No.523 of 2002, all States, including State of Himachal Pradesh, were directed to adhere to payment of allowances to retired Chief Justices/Judges of High Courts on Andhra Pradesh Model with effect from 1.10.2014.

4.      Thereafter, vide order dated 1.5.2017, State of Himachal Pradesh was again directed to pay the allowance as per Andhra

Pradesh Model, with effect from 1.10.2014, to all retired Judges of the High Court forthwith, if the same had not been paid.

5. On 18.2.2025, the Supreme Court has observed and directed that the domestic help and telephone bill reimbursements must be extended to the spouse of the retired Judge after demise of the retired Judge.

6. Government of Andhra Pradesh has been directed to forward copy of the Notification issued by the Government from time to time regarding grant of benefit of domestic help and telephone reimbursement to the Chief Secretaries of all the States and Union Territories as well as Registrars General of High Courts.

7. In the aforesaid order, Supreme Court has also directed to report compliance of order dated 1.5.2017, whereby all States, including State of Himachal Pradesh, were directed to pay allowance to retired Chief Justices/Judges of High Court as per Andhra Pradesh Model.

8. Vide Notification dated 19.1.2022, issued by Government of Andhra Pradesh, retired Chief Justice or spouse and retired Judge or spouse shall be provided consolidated amount of ₹50,000/- and ₹45,000/- per month respectively for domestic help and ₹15,000/- per month towards expenses of rental and calls of Mobiles and/or Landline, internet service, secretariat services and security service. Whereas, respondents-State, vide Notification dated 21.3.2023, is providing ₹40,000/- and ₹35,000/- per month to former Chief Justice and Judges with additional amount of ₹1,500/- per month for defraying the telephone expenses and, as per Notification dated 17.1.2015,

spouse is entitled only for domestic help at the rate of ₹3,000/- per month.

9. In view of the aforesaid facts, it is clear that the respondents-State is not providing benefit of domestic help and expenses of rental and calls of Mobiles and/or Landline, internet service, secretariat services and security service to the former Chief Justice and former Judge or spouse in conformity with the directions passed by the Supreme Court.

10. Faced with the aforesaid facts, learned Deputy Advocate General seeks two weeks time to take appropriate action on the part of respondents-State.

11. Accepting the prayer made by learned Deputy Advocate General, matter is adjourned, directing the Chief Secretary to the Government of Himachal Pradesh to ensure compliance of the orders passed by the Supreme Court and to file compliance affidavit on or before 8.4.2025.

List the matter for consideration on **9.4.2025** before appropriate Bench.

**(Vivek Singh Thakur)**  
Judge

**( Ranjan Sharma )**  
Judge

**March 27, 2025**<sup>(sd)</sup>