

Court on its own motion versus State of H.P. & Others.

CWPIL No.46 of 2023

[Item No.D-11]
02.06.2025

Present: Mr. Neeraj Gupta, Senior Advocate with Mr. Pranjal Munjal, Advocate, for the petitioner.

Mr. Gobind Korla, Additional Advocate General, for the respondents-State.

The issue in the present Public Interest Litigation arises on account of letter dated 23rd August, 2023 by the wife of late Justice Mr. T.R. Handa, former Judge of the High Court of Himachal Pradesh, who had filed an application I.A. No.11/2017 in Conmt. Pet. (C) No.425-426/2015 in W.P. (C) No.523/2002, in the Apex Court and order dated 01.05.2017 was passed. The State of Himachal Pradesh was directed to pay the allowances as per the Andhra Pradesh Model with effect from 1st October, 2014 to the applicant(s) and other retired judges of the High Court, if the same has not been paid, while making reference to the earlier order dated 23rd February, 2017. The earlier order, as such, provides that a sum of Rs.12,000/- should be paid to the retired Judges and Rs.14,000/- to retired

Chief Justices for defraying the services of an orderly, driver, security guard, etc. and free telephone calls to the extent of 1,500/- per month, as per the Andhra Pradesh Model.

2. Apparently, the State on 8th June, 2016, had issued Notification [*Annexure R-2*] to that effect, but perusal of the same would go on to show that the same would be admissible with effect from 1st July, 2016 and not from 1st October, 2014 as directed by the Apex Court. The clarification was done on 13th January, 2017 [*Annexure R-4*] regarding this aspect.

3. It is a matter of record that the Government of Andhra Pradesh vide its Rules, as such, has enhanced the amount to Rs.45,000/- to retired Judges and Rs.50,000/- to retired Chief Justices and enhanced the telephonic expenses, secretarial services and security services etc. to Rs.15,000/- per month, which also further provides that the amounts were to be increased by 5% every year. The Rules came into force w.e.f. 1st September, 2021.

4. The State of Himachal Pradesh on 21st March, 2023 [*Annexure R-7*] did not

commensurate it with the requisite Notification and only fixed the amount at Rs.35,000/- and 40,000/- per month instead of Rs.45,000/- and Rs.50,000/- and also did not enhance the amount of Rs.15,000/- but left it at Rs.1,500/- for telephonic expenses.

5. The Apex Court, thereafter, on 18th February, 2025 has clarified that the State Government and Union of Territory shall issue fresh orders and modify the earlier order(s)/Notification(s) to bring the same in conformity with the aforesaid directions and directed that other States should also extend the Andhra Pradesh Government's facilities to retired Judges, while noting its earlier order dated 01st May, 2017.

6. Further direction, as such, has been issued that Registrar General shall submit a report if the orders in cases of retired Judges and individual case of retired Judges of this Court, has not been complied with and forward necessary information to Law Secretary of the State concerned so that State Government's can ensure compliance.

7. Needless to say that the said order also clarifies that the facilities have to be also extended to the spouses of retired judges after their demise.

8. Counsel for the State has now relied upon the modification issued on 14th May, 2025, which enhances the amount as per the Andhra Pradesh Model, which is from the date of Notification and thus, it is apparent that the complete effect has not been given since the Andhra Pradesh Model Notification came into force on 1st September, 2021.

9. Earlier affidavit furnished by the State on 12th October, 2023 also relies upon the Notification dated 21st March, 2023 [*Annexure R-7*] to submit that the needful has been done, which as noticed above, apparently is not the case.

10. Resultantly, we direct the counsel for the State, as such, to file comprehensive affidavit *firstly*, giving the list of Retired Judges and the Chief Justices, who are drawing the said facilities from this Court and whether the payments have been made from 1st October, 2014, as per the Andhra Pradesh Model, which was duly subsequently enhanced from 1st September, 2021.

11. It is clarified that since we are only enforcing the orders of Apex Court, in view of letter received from one of the wives of retired judges as apparently the State, as such, is dragging its feet on the issuance of Notification and even the present Notification dated 14.05.2025 has been issued after a period of almost three months after the Supreme Court order dated 18.02.2025 and it should be noticed that the said lady, who has filed the representation is around 88 years old.

12. The Apex Court has already noticed, vide order dated 15th April, 2025 that on account of non-compliance, action under the Contempt of Courts Act, 1971, would be initiated.

13. Accordingly, detailed affidavit be submitted in the above terms by the next date.

14. List on **08.07.2025**.

(G.S. Sandhawalia)
Chief Justice

(Ranjan Sharma)
Judge

June 02, 2025
[Shivender/Chiranjeev]