

Court on its motion vs. State of H.P. & Ors.

Item No. D-17

CWPIL No. 46 of 2023

03.11.2025 Present: Mr. Neeraj Gupta, Senior Advocate with Mr. Pranjal Munjal, Advocate, as Amicus Curiae.

Mr. Anup Rattan, Advocate General with Ms. Priyanka Chauhan, Deputy Advocate General, for the respondents-State.

The third affidavit has been filed by the Additional Chief Secretary Mr. Kamlesh Kumar Pant with various documents, in pursuance to the order dated 02.06.2025 which we had passed, to hold out that the orders of the Apex Court are being duly complied with and the amount to be paid to the retired Judges are being paid as per the Andhra Pradesh model, which payment had to be made from 01.10.2014 and the arrears had to be cleared. It has already been noticed that notification dated 14.05.2025 was issued in spite of this fact that the amount had to be paid from an earlier point of time, but in the said notification it has been mentioned that it was from the date of the issuance of the notification. The Advocate General has made much stress that on account of the sensitivity of the issue, the Cabinet has now authorised the Hon'ble Chief Minister to take a decision on departmental file by placing on record Annexure-I, dated 28.10.2025.

2. The Assistant Registrar (Accounts) is present in the Court and would go to show that a demand of Rs. 81,23,864/- was made firstly on 03.09.2025 to the Additional Chief Secretary (Home). The same amount was then claimed

on 19.09.2025, apart from the other amounts, which includes medical reimbursement of Rs. 58,00,000/- and honorarium of Rs. 3,00,000/-. Vide letter dated 13.10.2025, the same amount has been reiterated.

3. On 09.10.2025, a communication was received to provide information that could be placed before the Council of Ministers. Needful was done expeditiously by the High Court on 17.10.2025 giving various details as to how the enhancement has been taken and tabulated statement was supplied by the Registrar (Accounts), and it was mentioned that necessary notifications have already been supplied vide letter dated 15/16.07.2025, which has now been also appended alongwith affidavit as Annexure-A. The communication was addressed on 25.10.2025 by the Additional Chief Secretary (Home) that said information did not contain the exact date from which date the arrears have to be paid. The requisite information was thereafter supplied on 30.10.2025, whereby tentative total arrears of Rs.3,24,12,768/- was mentioned, regarding the issue of orderlies and telephone expenses.

4. We are also informed by the Registrar (Accounts) that under Major Head-'2014-Administration of Justice, 102-High Court, 01-High Court Establishment(Charged)-SOON, a sum of Rs. 1,64,87,364/- is due for various medical expenses, travel expenses, liveries and other charges, inclusive of Rs.81,00,000/- is demanded apart from other hospitality expenses.

5. Similarly, under Major Head-'2014-Administration of Justice, 105-Civil & Sessions Courts, 01-Civil & Sessions Court Establishment (Voted)-SOON, a total amount of Rs.4,22,28,000 is due. For Major Head 2014-'Administration of Justice', 796-Tribal Area Development Programme, a sum of Rs. 4,64,035/- is due. For Social Security and Welfare Programmes, a sum of Rs. 96,37,000/- is due. A grand total of all these above would go to show that an amount of Rs.6,88,16,399/- is outstanding. Another amount of Rs.4,07,50,208/- is due on account of purchase of new vehicles. Thus, apparently a sum of over Rs. 10,00,00,000/- (Rs. 10 Crores) is due.

6. Apart from this, a request was made vide communication dated 12.07.2023 for creation of 7 courts of Additional District Judges and 39 courts of Civil Judges, the first phase out of need for 10 courts of Additional District Judges and 87 Courts of Civil Judges, which is still pending and in spite of various requests, the State Government has chosen not to act on the same. The standard communication, which is received by this Court is that Finance Department expresses its inability to concur in the proposal. One such communication dated 16.10.2025, reads as under:-

"Home-B-C002/2/2023
Government of Himachal Pradesh
Department of Home

From

The Additional Chief Secretary (Home) to the
Government of Himnachal Pradesh

To

The Registrar General,
High Court of Himachal Pradesh, Shimla-1.

Dated. Shimla-2 17th October, 2025

Subject: Regarding requirement additional teds under SOE 'Other Charges' of Major Head 2014-Administration of Justice, 102-High Court, 01-High Court Establishment (Charged)-S00N. Demand No. 3. during the current financial year 2025-26.

Sir.

I am directed to refer to your letter No. HHC.6-3 (Budget Additionality/A/2016-Vol.-II-31003, dated 13th September, 2025 on the subject cited above and to say that the matter has been taken up with the Finance Department who has observed as under:

“Examined. Finance Department regrets its inability to concur in the proposal.”

You are, therefore, requested on the administrative side to take necessary action accordingly.

Yours faithfully,

sd/-

Manoj Kumar Chauhan
Special Secretary (Home) to
the Government of Himachal Pradesh.”

7. Other issues also are that neither the State has provided any permanent Lok Adalat though it is under statutory duty as such to provide under the Legal Services Authority, 1987, and even on issues like enhancing the amount of stipend to the Law Interns of the Court from Rs. 25,000/- per month is not being acted upon on account of financial exigencies.

8. Resultantly, let the Secretary (Finance) come present in this Court alongwith necessary Draft of Rs. Ten Crores, in favour of the Registrar General, High Court of

Himachal Pradesh, failing which contempt notice will be issued as the lack of payment is hampering this Court from running its day-to-day functioning, as the said action of the State is apparently, *prima facie*, prejudicing and interfering and intending to interfere in the due course of judicial proceedings and the administration of justice under Sections 2(c), 2(i) and 3(i) of the Contempt of Courts Act, 1971, apart from the violation of the order of the Apex Court.

9. Needless to say, if the said amount is disbursed in the account of the High Court, the said officer need not to come present.

List on **13.11.2025**.

(G. S. Sandhawalia)
Chief Justice

(Ranjan Sharma)
Judge

3rd November, 2025
(sanjeev)