

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

**CWP No. 8324 of 2023.**

19.06.2024 Present: Court on its own motion.

Mr. Anup Rattan, Advocate General with Mr. Pranay Pratap Singh, Additional Advocate General, Mr. Arsh Rattan, Deputy Advocate General and Ms. Priyanka Chauhan, Deputy Advocate General, for the respondents.

Perused the report of the Registrar General.

2. Heard the Learned Advocate General.

3. In *All India Judges Association (II) vs. Union of India*<sup>1</sup> and *All India Judges Association vs. Union of India & Ors.*, Writ petition (Civil) no. 643 of 2015, the Supreme Court categorically held that it will be wholly inappropriate to equate judicial service with the service of other Officers of the State and that Judges are to be comparable with the political executive and legislature.

4. Section 22-A of the High Court Judges (Salaries and Conditions of Service) Act, 1954 entitles every person appointed as Judge of the High Court to a rent free residence. It states:

“Section. 22A.

(1) *Every Judge shall be entitled without payment of rent to the use of an official residence in accordance with such rules as may, from time to time, be prescribed.*

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<sup>1</sup> . AIR 1993 SC 249

(2) *Where a Judge does not avail himself of the use of an official residence, he may be paid every month an allowance “equivalent to an amount of thirty percent of the salary plus . thirty percent of his dearness pay”.*

5. According to the report dt.14.12.2023 of Registrar General, only 10 residences (mentioned in Annexure A-1 thereto) have been made available by the State Government to the Chief Justice and other Judges of this Court.

6. Since the sanctioned Judges strength of this High Court is 17, the State is directed to make available 7 more houses for residence of High Court Judges as soon as possible.

7. The 10 residences already allotted to the High Court Judges as well as other 7 residences which will be made available by the State Government shall be treated as “High Court Pool Accommodation” to be allotted by the Chief Justice of this Court.

8. Also the houses identified in Shimla by the Committee of Registrars constituted under the orders dt.9.1.2024 of this Court, which are referred to in the report dt. 6.3.2024 filed by the Registrar General, and shown to be in occupation of members of District Judiciary in Shimla (be they of any Type) are also directed to be treated as “High Court Pool Accommodation” to be allotted by the Chief Justice to the said members of the District Judiciary as per their entitlement.

9. The State shall make available land in Shimla District so that adequate accommodation is constructed for other officers of the High Court as well as staff with Central Government's assistance, by the High Court.

10. Till such construction takes place, the State shall provide sufficient number of houses i.e. Type-VI, V and IV which will be termed as "High Court Pool Accommodation" for Registrars posted in the High Court, District and Sessions Judges cadre Officers posted on deputation, District/Additional District and Sessions Judges, Senior Civil Judges and Civil Judges which shall be allotted by Chief Justice as per their entitlement, when these Officers are transferred or posted at Shimla.

11. The Advocate General shall file a fresh status report district-wise of the status of the transfers of lands *qua* the report filed on 14.12.2023 by the Registrar General.

List on 24<sup>th</sup> July, 2024.

**(M. S. Ramachandra Rao)**  
**Chief Justice.**

**(Satyen Vaidya)**  
**Judge.**

**19<sup>th</sup> June, 2024.**  
(jai)