

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PENSIONS - Revision of pension in respect of those Judicial Officers who retired prior to 1.7.1996 as recommended by the First National Judicial Pay Commission - Modification of G.O.Ms.No.79 Law (LA&J SC F) Department, dated 17.7.2004 - Amendments - Orders issued.

LAW (LA&J-SC F) DEPARTMENT

G.O.Ms.No.4

Date: 05.01.2008

Read the following:

- 1) Main Judgment of the Hon'ble Supreme Court, dt.13-11-1991 on W.P.No.1022/1989 (All India Judges Association Vs Union of India and Others)
- 2) Review Judgment of the Hon'ble Supreme Court dt.24-08-1993 in Review Petition No.249/1992 (All India Judges Association Vs Union of India and Others)
- 3) Judgment of the Hon'ble Supreme Court, dt.21-03-2002 on W.P.No.1022/1989 (All India Judges Association Vs.Union of India and Others)
- 4) G.O.Ms.No.79 Law (LA&J SC F) Department, dt: 17.7.2004
- 5) G.O.Ms.No.60, Law (LA&J-SC F) Department, dt: 7.5.2003
- 6) Orders of the Hon'ble Supreme Court in I.A. 157 of 2004 in W.P. (Civil) No.1022 of 1989 dated 21.11.2006.

ORDER:

In the G.O. 4th read above orders were issued regarding revision of pensions in respect of those Judicial Officers who retired prior to 1.7.1996 as recommended by the First National Judicial Pay Commission.

2. The First National Judicial Pay Commission recommended a separate pension structure to all those Judicial Officers who retired prior to 1.1.1996 (called past pensioners) and the same has been accepted by the Supreme Court with certain modifications. Therefore the G.O.Ms.No.79, Law (LA&J SC.F) Department, dated 17.07.2004 shall be applicable only to those Judicial Officers who retired prior to 1.7.1996.

3. The A.P. Retired Judicial Officers Association filed a petition in I.A.No.157 of 2004 in W.P.No.1022 of 89 in the Hon'ble Supreme Court praying to set aside the orders at para 8 of G.O.Ms.No.79, Law (LA&J SC.F) Department, dated 17.07.2004 to the extent "who have put in full qualifying service at the time of retirement. In respect of Judicial Officers who have put in less than the full qualifying service there shall be proportionate reduction."

4. In the reference 6th read above, the Hon'ble Supreme Court of India in its Judgment dated 21.11.2006 allowed the I.A.No.157 of 2004 in W.P.(C)No.1022 of 1989 setting aside the orders at para 8 of G.O.Ms.No.79, Law (LA&J SC.F) Department, dated 17.07.2004 to the extent "who have put in full qualifying service at the time of retirement. In respect of Judicial Officers who have put in less than the full qualifying service there shall be proportionate reduction."

5. In view of the Judgment of the Hon'ble Supreme Court of India dated 21.11.2006 in I.A.No.157/2004 in W.P. (C)No.1022/89 it has become now necessary to amend appropriately the G.O.Ms.No 79, Law (LA&J SC.F) Department, dated 17.07.2004.

[P.T.O.]

6. Accordingly the following words from para No.8 of G.O.MS.NO.79 Law (LA&J SC F) Dept., DT:17.7.2004 are hereby deieted.

"who have put in full qualifying service at the time of retirement. In respect of Judicial Officers who have put in less than the full qualifying service there shall be proportionate reduction."

7. In respect of those judicial pensioners consequent to this amendment where there is a change in the amount of pension already revised in terms of G.O.Ms.No.79 Law (LA&J SC F) dated 17.7.2004, those pensions shall be revised and refixed as per this amendment issued at para (6) above. This is a one time dispensation for those Judicial Officers who retired before 01.07.1996.

8. The arrears of pensions which may become payable consequent to the fixation or re-fixation of pensions as per this G.O. shall be paid to the pensioners and in case where the pensioner died, to the family pension holder or his legal heir as the case may be.

9. This order is issued with the concurrence of the Finance (PC.I) Department vide their U.O.No.8638/433/A1/PC.I/2007, dated 27.11.2007.

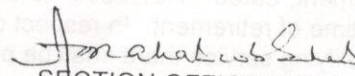
(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

T.MADAN MOHAN REDDY
SECRETARY TO GOVERNMENT

To
The Registrar General, High Court of Andhra Pradesh, Hyderabad.
The Registrar, A.P. Administrative Tribunal, Hyderabad.
The Principal Accountant General, Andhra Pradesh, Hyderabad.
The Director of Treasuries and Accounts, A.P., Hyderabad.
The Pay & Accounts Officer, Andhra Pradesh, Hyderabad.

Copy to:
The Assistant Registrar, Supreme Court of India, New Delhi.
(with a covering letter)
The Advocate on Record, O/o. the Resident Commissioner,
No.1, Ashoka Road. A.P. Bhavan, New Delhi.
The Secretary to Government of India,
Ministry of Law, Justice & C.A., New Delhi.
The Finance (PC.I) Department.
The Law (OP) Department.
The Law (Courts) Department.
The Joint Director, Pension Payment Office,
M.J. Road, Hyderabad.
All District Treasury Officers.
SC/SF.

//FORWARDED: BY ORDER//


SECTION OFFICER (SC)