

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2025:PHHC:037810-DB



Civil Writ Petition No. 15135 of 2021 (O&M)

Date of Decision: 04.03.2025

Om Parkash Garg

.....Petitioner

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL, JUDGE**

Present : Mr. Navdeep Singh, Advocate and
Ms. Shrishti Sharma, Advocate, for the petitioner.

Mr. Salil Sabhlok, Sr. Deputy Advocate General, Punjab.

None for respondent No.4.

SHEEL NAGU, CHIEF JUSTICE

The petitioner, a retired judicial officer, having attained the age of superannuation on 31.05.1998, has filed this petition claiming various reliefs, which are mentioned below for ready reference and convenience:-

- i) *Civil writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside the letter No. 4/82/2009-3 JUDL(1) 3336 dated 15.12.2011 (Annexure P-2) issued by the respondent No.1 to the extent of fixing the cut off date w.e.f. 02.09.2008 mentioned in Clause (v) of the aforesaid letter vide which for the purpose of earning full pension, the qualifying years of service of judicial officers stands reduced from 33 years to 20 years w.e.f. 02.09.2008, and the letter dated 23.06.2021 (Annexure P-4) issued by respondent No.4 rejecting the claim of the petitioner being illegal, arbitrary, unconstitutional and discriminatory.*

- ii) *Further issuance of writ in the nature of mandamus directing the respondents to fix the pension of the petitioner @ 50% of the minimum pay of the post held at the time of retirement as revised from time to time as per the first and 2nd National Judicial Pay Commissions as accepted by the Hon'ble Apex Court reported in 2010(14)SCC 713/715 titled as All India Judges Association vs. UOI and others without pro-rata cut.*
- iii) *Further issuance of writ in the nature of mandamus directing the respondents to pay arrears of pension on the basis of revised fixed pension with interest @ 18% p.a. from the date of accrual till actual payment.*

2. During the pendency of this petition, the matter as regards service grievances of members of district judiciary has been taken up by the Apex Court and various orders have been passed pursuant to the recommendations of first and second National Judicial Pay Commission, including a recent order passed on 21.01.2025 in WP(C) No. 643 of 2015 ***All India Judges Association vs. Union of India and others.***

3. In the aforesaid order dated 21.01.2025, the Apex Court has directed for constitution of a Committee in each High Court for overseeing the implementation of the recommendations of the Second National Judicial Pay Commission (SNJPC) as approved by the Apex Court.

4. Pursuant thereto, "Committee for Service Conditions of the District Judiciary" has been constituted by this Court comprising of six members including two serving Judges of this Court one from source Bar and other from source service.

5. There is another committee constituted for ensuring implementation of the decisions of the Apex Court comprising of three serving Judges of this Court.

6. In view of above, it would be appropriate and in the fitness of things that since Apex Court has now approved the recommendations of Second National Judicial Pay Commission, the said two Committees i.e. “the Committee for Service Conditions of the District Judiciary” and “the Committee for ensuring implementation of the decisions of Apex Court” can consider the grievance of the petitioner herein and recommend ways and means to resolve the same.

7. Accordingly, this petition stands disposed of with the following directions:-

- i) The Registry is directed to place this petition before the Committee for Service Conditions of the District Judiciary which is requested to consider the grievances of the petitioner raised in this petition by treating this Civil Writ Petition as representation and make its recommendations as expeditiously as possible.
- ii) The Committee for Service Conditions of District Judiciary is free to have a joint meeting, if deemed necessary, by the Chairman of said Committee with the “Committee for ensuring implementation of decisions of Apex Court”.

(SHEEL NAGU)
CHIEF JUSTICE

(SUMEET GOEL)
JUDGE

04.03.2025

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No/