

Supreme Court of India

Satish Chandra vs Union Of India (Uoi) And Ors. on 30 July, 1987

Equivalent citations: JT 1987 (3) SC 673, (1987) IILLJ 502 SC, 1987 (2) SCALE 687, 1987 Supp (1) SCC 592, 1987 (2) UJ 474 SC

Bench: K J Shetty, O C Reddy

ORDER

1. In this civil writ petition, the petitioner has raised questions relating to his pension, the amount of gratuity payable to him on retirement and the payment of cash equivalent of leave to his credit. In regard to the question of pension our Order in Writ Petition No. 502 of 1987 (Shiv Dayal Shrivastava v. Union of India and Ors.) made on 21.7.1987, answers the question. The petitioner's pension will be fixed in accordance with what has been laid down by us in that order.

2. Coming to the question of the cash equivalent of leave to the credit of the petitioner, the learned Additional Solicitor General has placed before us the latest Government Order dated 23.7.1987, in which it is stated that the maximum limit for payment of cash equivalent of leave to the credit of the Judges of the High Courts and the Supreme Court has been raised to 240 days from 180 days with effect from 1.7.1986 and in the case of those governed by Rule 20-B of the All India Service (Leave) Rules. We only wish to point out that as a result of the judgment of this Court in Union of India v. Gurnam Singh, the maximum limit of 240 days became automatically applicable to Judges as soon as it was made applicable to those governed by All India Service (Leave) Rules. It was not necessary for the Accountant Generals and the Pay & Accounts Officers to seek fresh instructions from the Government. We also point out that it has already been clarified in Shiv Dayal Shrivastava v. Union of India that in calculating the leave at the credit of a Judge the provisions of Section 4 alone were relevant and not those of Section 5 of the High Court Judges Conditions of Service Act. Since the leave account is maintained in terms of leave on half allowances, the leave is first to be converted to leave on full allowances by dividing by 2 the total amount of leave on half allowances standing to the credit of the Judge in the leave account. After this is done the Judge is entitled to be paid the cash equivalent upto a maximum of 180 days in the case of a Judge who has retired on or before 30.6.86 and 240 days in the case of a Judge who has retired on or after 1.7.1986. What applies to Judges of the High Court applies mutatis mutandis Judges of the Supreme Court. A direction will issue to the respondent to calculate the amount of cash equivalent of leave to be paid to the petitioner in accordance with what we have now said.

3. Coming to the question of amount of gratuity payable to the Judges, the learned Additional Solicitor General, on behalf of the Government, has very fairly stated that it is now agreed that the maximum limit of the amount of gratuity payable to a Judge should be rupees one lakh, with effect from 1.1.1986 and that suitable legislation will be brought forward soon. It has also been stated that necessary instructions will be forthwith issued to make payments of gratuity upto a maximum of rupees one lakh to Judges who have retired on or after 1.1.1986. In the circumstances a direction will issue to the Accountant Generals and the Pay & Accounts Officers of the States to make payment of gratuity subject to a maximum of rupees one lakh, with effect from 1.1.1986. Let such a direction issue.

4. We record our sense of appreciation of the obvious interest and trouble that the learned Additional Solicitor General has taken in the matter to make things move fast.
5. The writ petition is accordingly disposed of.