



**Office of the Accountant General (A&E), Kerala,**

P.B.No.5607, M.G.Road, Thiruvananthapuram-695039,

Phone: 0471-2330311, Fax: 0471-2330242.

**P19/II/DRSSA-107/Kerala**

**Dated: 23/01/2017**

To

**All District/Sub Treasury Officers**

Sir,

Sub: GAD- Judgement of Honourable Supreme Court of India in writ petition (c) Nos 523 & 524 of 2002- Enhancement of Post Retiral Benefits admissible to retired Chief Justices and retired Judges of High Court of Kerala at par with the allowances sanctioned by the state of Andhra Pradesh – Sanctioned – Orders issued.

Ref: G.O.(Ms.) No.5/2017/GAD dated 06.01.2017 of General Administration (Special C) Department, Government of Kerala.

A copy of Government of Kerala, General Administration (Special C) GO (Ms) No. 5/2017/GAD dated 06/01/2017 on the subject mentioned above is forwarded herewith for information and necessary action. The same is being placed in the official website of this office ([www.agker.cag.gov.in](http://www.agker.cag.gov.in)). under the link:-“*Treasury endorsement of orders of other states*”. A copy of this letter may be exhibited on the notice board of the treasury.

Yours faithfully

Copy to:-

The Director of Treasuries  
Thiruvananthapuram

*CPK/Amalw/02*  
23/1/17  
Accounts Officer

*srd*  
Accounts Officer



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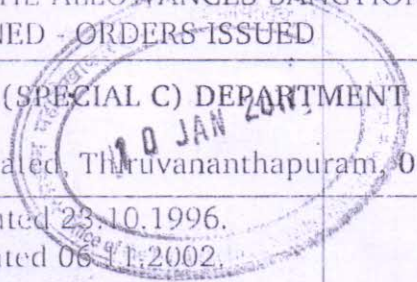
GOVERNMENT OF KERALA  
Abstract

GAD - JUDGEMENT OF HONOURABLE SUPREME COURT OF INDIA IN WRIT PETITION (C) NOS. 523 & 524 OF 2002 - ENHANCEMENT OF POST RETIRAL BENEFITS ADMISSIBLE TO RETD. CHIEF JUSTICES AND RETIRED JUDGES OF HIGH COURT OF KERALA AT PAR WITH THE ALLOWANCES SANCTIONED BY THE STATE OF ANDHRA PRADESH - SANCTIONED - ORDERS ISSUED

GENERAL ADMINISTRATION (SPECIAL C) DEPARTMENT

G.O.(Ms.) No.5/2017/GAD

Dated, Thiruvananthapuram, 06.01.2017.



- Read:-
1. G.O. (Ms.) No. 269/1996/GAD dated 23.10.1996.
  2. G.O. (Ms.) No. 374/2002/GAD dated 06.11.2002.
  3. G.O. (Rt.) No.1520 /2003/GAD dated 03.03.2003.
  4. G.O. (Rt.) No.7650/2004/GAD dated 20.10.2004.
  5. G.O. (Ms.) No. 147/2013/GAD dated 23.05.2013.
  6. Judgment in Contempt Petition (C) Nos. 425-426 of 2015 in Writ Petition (C) Nos. 523 & 524 of 2002 filed before the Hon'ble Supreme Court of India on behalf of the petitioner, Justice V.S. Dave, President, Association of Retired Judges of Supreme Court and High Courts.

ORDER

The Hon'ble Supreme Court of India as per the Common Judgment dated 31.03.2014 in Writ Petition Nos. 523 & 524/2002 filed by the Association of Retired Judges of Supreme Court and High Courts of India passed orders as follows:

"33. It is brought to our notice that in pursuance of the said resolution most of the States in the Country have extended various post-retiral benefits to the retired Chief Justices and retired Judges of the respective High Courts. By G.O.Ms. No. 28 dated 16.03.2012 issued by Law Department, Government of Andhra Pradesh sanctioned an amount of Rs. 14,000/- per month to the retired Chief Justices of the High Court of Andhra Pradesh and an amount of Rs. 12,000/- per month to the retired Judges of the High Court of Andhra Pradesh for defraying the services of an orderly, driver, security guard etc. and for meeting expenses incurred towards secretarial assistance on contract basis and a residential telephone free of cost with number of free calls to the extent of 1500 per month over and above the number of free calls per month allowed by the telephone authorities to both the retired Chief Justices and Judges of the High Court of Andhra Pradesh w.e.f. 01.04.2012.

Copy to Pm/Unit-1

To

PIg for necessary endorsement to all PDAs concerned. A copy of endt dated 16.4.2013 is enclosed for reference.

12/1/17  
Dr. P. M. / P.M.  
2017/17

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34. While appreciating the steps taken by the Government of Pradesh and other States who have already formulated such scheme, in order, we hope and trust 18 page 19 that the States who have not so far formulated such scheme will formulate the same, depending on the local conditions, for the benefit of the retired Chief Justices and retired Judges of the respective High Courts as early as possible preferably within a period of six months from the date of receipt of copy of this order."

2. Despite the clear direction of the Hon'ble Court in the aforesaid final judgment dated 31.03.2014, some of the respondents have not implemented the judgement. Hence the petitioners filed Contempt Petitions before the Hon'ble Supreme Court of India. It dealt with initiating proceedings for contempt of court against the alleged contemnors for willful disobedience of the judgment dated 31.03.2014 passed by the Hon'ble Supreme Court of India in Writ Petition (C) Nos. 523 & 524 of 2002 in which the Chief Secretary, Government of Kerala was the alleged contemnor No. 18.

3. In the Order of Hon'ble Supreme Court in Contempt Petition (C) No.425-426/15 in WP(C) No. 523 & 524/2002 read as 6<sup>th</sup> paper above directs :

- (i) that the contempt petition filed against Chief Secretary, Government of Kerala is closed.
- (ii) that the effective date of grant of the post-retiral benefits to the retired Chief Justices & retired Judges will be 6 months from the date of the order of the court (dated 31.03.2014).
- iii) to take appropriate decision in the matter of granting medical facilities to retired Chief Justices and Judges at par with sitting judges.
- (iv) to consider the necessity of an upward revision of allowances at the appropriate stage and time since the allowances paid by the State Government are lesser than that by the State of Andhra Pradesh.

4. Government have examined the matters in detail. Regarding direction at item (iii) above, no further action is needed on behalf of the State in the matter of granting medical facilities to retired Chief Justices & Judges as many medical reimbursement facilities are already being extended to them now as per Government orders read as 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> papers above.

5. Regarding direction at item (iv) above, State Government have already sanctioned an amount of Rs. 10,000/- and Rs. 8,000/- per month to the retired Chief Justices/Judges of High Court respectively as post retiral benefit whereas the State of Andhra Pradesh has sanctioned an amount of Rs. 14,000/- and Rs. 12,000/- respectively.

6. In the above circumstances, Government have examined the matter in detail and are pleased to revise the post retiral benefits/allowances to the retired Chief Justices/judges of Kerala at par with the allowances admissible to the judges of



Kerala Pradesh and other states by modifying the Government Order (Ms) No. 47/2013/GAD dated 23.05.2013 on the following rates:

	Existing Rate (Rs.)	Revised Rate (Rs.)
Chief Justice(Retd)	10000/-	14000/-
Judges(Retd)	8000/-	12000/-

7. The judgement of Hon'ble Supreme Court is complied with accordingly.

(By order of the Governor),  
S.M.Vijayanand  
Chief Secretary to Government.

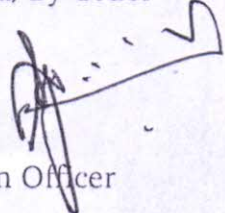
To

The Principal Accountant General (Audit) Kerala, Thiruvananthapuram.  
The Principal Accountant General (A&E) Kerala, Thiruvananthapuram.  
The Registrar General, High Court of Kerala, Ernakulam (With C/L).  
The Registrar, Supreme Court of India, Tilak Marg, New Delhi - 110 201.  
The Ministry of Law & Justice, Government of India.  
The Sub Treasury Officer, Sub Treasury Office, Ernakulam.  
The General Administration (SC) Department.  
The Finance Department (vide U.O.No.93976(E.152840/EXP.A2/15-Fin. Dated 15.02.2016).  
The Law Department (vide U.O.No.6009/opinion E3/2015/Law dated 15.03.2016)

Copy to:-

The Secretary to Chief Minister  
The Private Secretary to Chief Minister  
The Private Secretary to Ministers (Finance, Law & Home).  
The Additional Secretary to Chief Secretary  
The P.A. to Additional Secretary, G.A.(Spl.A&C) Department.  
Stock File/Office Copy

Forwarded/By Order

  
Section Officer