

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CONMT.PET.(C) Nos.425-426/2015 In W.P.(C) No.523/2002

JUSTICE V.S. DAVE PRESIDENT,
THE ASSOCIATION OF RETD. JUDGES OF SUPREME COURT
AND HIGH COURTS

Petitioner(s)

VERSUS

KUSUMJIT SIDHU . & ORS.

Respondent(s)

[TO BE TAKEN UP AT 2.00 P.M.]

IA No. 68417/2019 - APPLICATION FOR PERMISSION

IA No. 94899/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 66189/2019 - CLARIFICATION/DIRECTION

IA No. 139073/2018 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 131544/2019 - EXEMPTION FROM FILING O.T.

IA No. 28769/2018 - EXEMPTION FROM FILING O.T.

IA No. 71211/2021 - EXEMPTION FROM FILING O.T.

IA No. 179718/2019 - EXEMPTION FROM FILING O.T.

IA No. 150557/2018 - EXEMPTION FROM PERSONAL APPEARANCE

IA No. 144183/2018 - EXEMPTION FROM PERSONAL APPEARANCE

IA No. 100360/2018 - EXTENSION OF TIME

IA No. 27753/2018 - I/A TO BRING ON RECORD THE LRS

IA No. 94894/2020 - INTERVENTION APPLICATION

IA No. 68420/2019 - INTERVENTION/IMPLEADMENT

IA No. 113284/2021 - INTERVENTION/IMPLEADMENT

IA No. 113285/2021 - MODIFICATION

IA No. 53528/2017 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

**IA No. 28203/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES**

Date : 29-04-2025 This matter was called on for hearing today.

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HON'BLE MR. JUSTICE UJJAL BHUYAN**

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UPON hearing the counsel the Court made the following

O R D E R

1. This Court vide Order dated 18th February, 2025 directed all states to report compliance with the directions issued by this Court in orders dated 1st May, 2017, 24th October, 2018, 30th April, 2019, 25th July, 2019 as modified by the aforesaid order. Accordingly, this court will now examine the compliance with the aforesaid Orders in relation to the following directions issued from time to time:
 - Direction No. 1: All facilities at par with sitting Judges.
 - Direction No. 2: Reimbursement for medical treatment in a private hospital without prior approval of the State Government.

- Direction No. 3: Sanctioning authority to be the Registrar General of the High Court.
- Direction No. 4: Reimbursement to be provided for treatment taken in any other State.
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- Direction No. 5: Cashless facility
- Direction No. 6: Domestic Help(s)/Driver, Telephone and other benefits in line with the benefits granted by the State of Andhra Pradesh, and improved from time to time.

State of Andhra Pradesh:

2. The State has reported compliance with all 6 of the aforesaid directions. Moreover, as regards compliance of 2021 Rules of the State of Andhra Pradesh, the State has also reported compliance. Hence, on this aspect no further directions are required to be issued.

State of Assam:

3. We have perused the compliance affidavit dated 12th April, 2025, filed by the State of Assam. As regards the direction issued under the Order dated 18th February, 2025 for reimbursement of expenditure incurred on medical treatment taken by the retired Chief Justices and Judges of the High Courts in a hospital outside the State (Direction No. 2), the State of Assam has put conditions which are not warranted. It is evident that the State cannot insist on the production of a referral medical certificate prior to undertaking treatment or seeking ex post facto approval from the Registrar General of the High Court of Guwahati, if the treatment is undertaken without prior approval. Reimbursement are to be made in terms of the directions contained in paragraph 9 of Order dated 18th February, 2025. We direct the State to immediately make

modifications accordingly and not to insist on production of referral medical certificate prior to undertaking treatment outside the State. Affidavit of compliance shall be filed accordingly by the State within a period of one month from today.

State of Bihar:

4. Before we come to the compliance made by the State of Bihar, we must refer to the earlier orders. It was directed that as far as domestic help and telephone bill reimbursement are concerned, the model followed by the State of Andhra Pradesh shall be followed by all the States. The State of Andhra Pradesh has filed an affidavit dated 27th March, 2025 to which Retired Chief Justices and Judges Domestic Help(s) and other Benefits Rules, 2021 (hereinafter referred to as, "2021 Rules") have been annexed. The purpose of Order dated 31st March, 2014 is that the Andhra Pradesh model must be followed by all the States which necessarily means that as and when amendments are made by the State of Andhra Pradesh for giving better facilities on these counts, the same model shall be implemented. In fact, this precise clarification was issued in paragraph 14 of the Order dated 18th February, 2025. However, to ensure that all the States are put to notice of further improvements made by the State of Andhra Pradesh to the 2021 Rules, we direct that whenever modifications are made to the 2021 Rules, the Secretary of the Law Department of the State of Andhra Pradesh shall communicate modified rules/ modified scheme to Law Secretaries of all the States and Union Territories to implement the directions issued on 31st March, 2014 as clarified that paragraph 14 of Order dated 18th February, 2025.
5. Coming to the affidavit of compliance of the State of Bihar. Needless to state that now the State of Bihar will have to

follow the 2021 Rules of the State of Andhra Pradesh. However, it is claimed in the affidavit that as far as domestic help is concerned, better facilities are available to retired Chief Justices and Judges of the High Court of the Judicature at Patna under the Bihar Domestic Help to Former Chief Justices and Former Judges of High Court Rules, 2019 as set out in paragraph Nos. 11 and 12 in the affidavit. Similarly, it is claimed in paragraphs Nos.13 and 14 that better facilities regarding telephone bill reimbursement are available. While we reiterate the above direction to grant benefits to retired Chief Justices and Judges of the High Court on par with the State of Andhra Pradesh, if according to the State of Bihar better facilities are being offered by it, it can always give option to the retired Chief Justices and Judges of the High Court to opt for the State model. However, in the absence of an exercise of option by the retired Chief Justices and Judges of the High Court, the State will be under a mandate to follow the 2021 Rules of the State of Andhra Pradesh and any improvements made from time to time.

State of Gujarat:

6. As far as the State of Gujarat is concerned, we find that there is no compliance with directions issued in terms of the Order dated 18th February, 2025 in relation to reimbursement of the medical treatment taken by retired Chief Justices and Judges of the High Court outside the State. We direct the State Government to forthwith comply with the said direction by passing necessary orders. Compliance affidavit shall be filed within a period of one month from today. As regards the domestic help and telephone bill reimbursement, the State Government shall immediately pass an order providing benefits to retired Chief Justices and Judges of the High Court in terms of the 2021 Rules and amendments made thereto from time to time.

State of Goa:

7. While coming to the compliance by the State of Goa as regards reimbursement of amount incurred by retired Chief Justices and Judges outside the State of Goa, the existing scheme puts ceiling limit on the reimbursement. To make it in conformity with the directions issued earlier and clarified in paragraph No.14 in Order dated 18th February, 2025, necessary amended schemes shall be issued within a period of one month from today and compliance affidavit to this effect shall be filed. As regards domestic help and telephone reimbursement, we direct the State of Goa to immediately pass an order for following 2021 Rules of the State of Andhra Pradesh and amendments made thereto from time to time. Even compliance of this aspect shall be reported within a period of two months from today by filing an affidavit.

State of Haryana:

8. As regards compliance by the State of Haryana, on 28th April, 2024 an affidavit dated 12th April, 2024 has been filed which only states that reimbursement of expenditure incurred by retired Chief Justices and Judges of the High Court on treatment taken outside the State is being made by the High Court of Punjab and Haryana and the State is providing necessary funds. A copy of this order shall be forwarded to the learned Registrar General of the High Court of Punjab and Haryana who will ensure that reimbursement as provided in paragraph 9 of the Order dated 18th February 2025 is provided to all the retired Chief Justices and Judges of the High Court.
9. We direct the State of Haryana to forthwith issue orders in terms of the 2021 Rules of the State of Andhra Pradesh as amended from time to time. Compliance shall be made within a

period one month by making payment of necessary amounts. Compliance with the Order passed by this Court dated 18th February 2025 to be reported within one month from today. At this stage, learned counsel appearing for the Punjab and Haryana High Court pointed out that the cashless facility provided in the State of Haryana is limited to only six ailments. This action of the Government of Haryana is completely violative of the earlier orders passed by this Court from time to time. Thus, it is very clear that the Government of Haryana has violated the directions issued by this Court in orders dated 24th October, 2018, 30th April, 2019 and 18th February, 2025 by restricting the cashless facility to only six ailments. We direct the State of Haryana to immediately ensure that cashless facility is not restrict to only six ailments. Necessary Government order shall be issued immediately and compliance shall be report within a period of one month from today.

State of Himachal Pradesh:

10. We find that in view of what is stated in paragraph Nos.3 and 4 of the affidavit dated 1st April, 2025 that the State is not reimbursing the expenditure incurred by retired Chief Justices and Judges of the High Court on treatment taken in a hospital outside the State and there is upper limit prescribed. What is stated in paragraph Nos.3 and 4 of the affidavit is completely in breach of the directions issued in paragraph No.5 of the Order dated 18th February, 2025. We direct the State to immediately issue necessary orders to ensure reimbursement as directed by this Court is immediately provided. As regards facilities of domestic help and telephone bill reimbursement, we direct the State to immediately pass an order directing that benefits available under 2021 Rules of the State of Andhra Pradesh shall be extended to the retired Chief Justices and Judges of the High Court and their surviving spouses.

Compliance to this aspect to be reported within a period of one month from today by filing an affidavit. We also make it clear that as far as cashless facilities, there cannot be any outer limit imposed by the State.

State of Karnataka :

11. As regards the State of Karnataka, in paragraph No.14 of the affidavit dated 05th April 2025, there is an assurance given that 2021 Rules of the State of Andhra Pradesh will be implemented and that the proposal has been put up before the Hon'ble Chief Minister for approval. Needless to add that the State shall immediately implement the 2021 Rules of the State of Andhra Pradesh in relation to domestic help and telephone bill reimbursement. Compliance affidavit shall be filed within a period of one month from today.

State of Manipur:

12. As regards the State of Manipur, we find that the amount payable to the retired Chief Justices and Judges of the High Court on account of domestic help is more than what is provided in the 2021 Rules of the State of Andhra Pradesh, however the amount payable on account of telephone bill reimbursement is lower. We therefore direct the State to ensure that the amount payable on account of telephone bill reimbursement shall be in terms of the 2021 Rules of the State of Andhra Pradesh. Necessary compliance shall be reported within one month from today.

State of Nagaland:

13. As far as the State of Nagaland is concerned, we direct the State to immediately issue an order for implementation of the

2021 Rules of the State of Andhra Pradesh as regards domestic help and telephone bill reimbursement for retired Chief Justices and Judges of the High Courts. Necessary compliance shall be reported within one month from today.

State of Odisha:

14. As far as the State of Odisha is concerned, the learned counsel appearing for the State, on instructions, states that a request was made to the High Court to prepare a scheme for cashless medical treatment and answer has not been received from the High Court. The State Government cannot wait till the scheme is framed by the High Court. The State Government shall immediately implement the direction issued by this Court in Order dated 18th February, 2025 and earlier orders within a period of two months from today. It is obvious that by passing necessary orders, the State Government will extend cashless medical facilities to the retired Chief Justices and Judges of the High Court in terms of this Court's order dated 18th February, 2025. Necessary compliance shall be reported within one month from today.

State of Punjab:

15. As far as the State of Punjab is concerned, the state has not complied with the model adopted by the State of Andhra Pradesh under the 2021 Rules concerning the domestic help and telephone bill reimbursement. The State shall comply with the same immediately and file an affidavit within one month from today. We also direct that the cashless facility provided by the State of Punjab must be in terms of the order passed by this Court and there cannot be any outer limit.

State of Rajasthan:

16. As far as the State of Rajasthan is concerned, it is admitted position that the directions issued by this Court regarding cashless facility have not been implemented. The State Government cannot depend upon the High Court framing the scheme. We direct the State to immediately comply with the direction and submit an affidavit of compliance within one month from today. We also direct the State to immediately pass an order for implementing the 2021 Rules of the State of Andhra Pradesh. Compliance shall be reported within one month from today.

State of Sikkim:

17. As regards the State of Sikkim, we direct the State Government to issue an order granting benefits regarding domestic help and telephone bill reimbursement to retired Chief Justices and Judges of the High Court in terms of the 2021 Rules of the State of Andhra Pradesh modified from time to time. Needless to say, that if better allowances are being paid by the State of Sikkim than what is provided in 2021 Rules, the retired Chief Justices and Judges of the High Court will be entitled to better allowances provided by the State. Compliance shall be reported within one month from today.

State of Tamil Nadu:

18. As regards the State of Tamil Nadu, the amount paid by the State for domestic help is less than what is provided in the 2021 Rules of the State of Andhra Pradesh. Therefore, we direct the State Government to immediately issue an office order providing for the payment of domestic help benefits and telephone bill reimbursement to the retired Chief Justices and Judges of the High Court in accordance with the 2021 Rules of the State of Andhra Pradesh. Compliance shall be reported

within one month from today.

Stater of Tripura:

19. As regards the State of Tripura, we find that all directions of this Court are complied with, hence, no further orders are required.

State of Uttar Pradesh:

20. As far as the State of Uttar Pradesh is concerned, the state has not been providing facilities to retired Chief Justices and Judges of the High Court in terms of the 2021 Rules of the State of Andhra Pradesh and the proposal for the same is pending. We direct the State Government to issue appropriate order within a period of one month from today. Compliance shall be reported within one month from today.

State of Uttarakhand:

21. As far as the State of Uttarakhand is concerned, we direct the state to issue appropriate order for implementation of the 2021 Rules of the State of Andhra Pradesh. Compliance shall be reported within one month from today. We clarify that as far as treatment taken by the retired Chief Justices and Judges of the High Court in hospitals other than Government hospital and panel hospitals, full reimbursement of the expenditure incurred shall be provided. Compliance shall be reported within one month from today.

Union Territory of Jammu & Kashmir:

22. As regards the Union Territory of Jammu & Kashmir is concerned, we direct the UT Government to comply with the order passed by this Court, extending cashless facilities within one month from

today. Compliance shall be reported within one month from today.

Remaining States:

23. As regards the States of Chhattisgarh, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Mizoram, Telangana and West Bengal and the Union Territories of Andaman and Nicobar Islands, Dadra and Nagar Haveli and Daman and Diu, Lakshadweep, National Capital Territory (NCT) of Delhi, Puducherry and Ladakh are concerned, if affidavits of compliance are already filed, fresh copies thereof shall be provided to the Office of the learned Amicus Curiae. Compliance by these States and Union Territories will be considered on 21st May, 2025 at the end of the board. If we find that any of these States and Union Territories have not complied with the directions of this Court, we will initiate action under the Contempt of Courts Act, 1971 against the concerned States and Union Territories.

(VIJAY KUMAR)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)