

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) No. 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)/
Alleged contemnors

[TO BE TAKEN UP AT 3.00 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. 179718/2019 - EXEMPTION FROM FILING O.T.
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. 144183/2018 - EXEMPTION FROM PERSONAL APPEARANCE
IA No. 150557/2018 - 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 : 18-02-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

Mr. P.H.Parekh, Sr. Adv. (Amicus Curiae)
Mr. Vishal Prasad, AOR
Mr. Aman Anand, Adv.
Mr. Bibhuti Krishna, Adv.

For Petitioner(s) :

Mr. Narender Hooda, Sr. Adv.
Mr. Shiv Bhatnagar, Adv.
Mr. Rahul Rathore, Adv.
Mr. Yuvraj Nandal, Adv.
Dr. Surender Singh Hood, AOR

Mr. Sumit Goel, Adv.
Ms. Ruchi Krishnan Chauhan, Adv.
For M/S. Parekh & Co., AOR

Mr. M. P. Vinod, AOR

For Respondent(s) :

Mrs. Garima Prashad AAG, Sr. Adv.
Mr. Adarsh Upadhyay, AOR
Mr. Shashank Pachauri, Adv.

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.

Mr. Mukesh K. Giri, AOR
Mr. Mandaar Mukesh Giri, Adv.

Mr. Baldev Singh, Adv.
Mr. Varinder Kumar Sharma, AOR

Mr. Kunal Mimani, AOR
Mr. Bhanu Thakur, Adv.

Ms. Radhika Gautam, AOR

Mr. Apoorv Shukla, AOR
Ms. Prabhleen A. Shukla, Adv.

Mr. Parijat Sinha, AOR

Mr. Karan Bharihoke, AOR

Mr. V. N. Raghupathy, AOR
Ms. Mythili S, Adv.
Mr. M. Bangaraswamy, Adv.
Mr. Venkata Raghu Mannepalli, Adv.
Mr. Dhanesh Ieshdhan, Adv.

Mr. Rajeev Kumar Dubey, Adv.
Mr. Kamendra Mishra, AOR

Mr. Chitvan Singhal, Adv.
Mr. Anmol Chandan, Adv.
Mr. Ameyavikrama Thanvi, Adv.
Mr. Raman Yadav, Adv.
Mr. Abhishek Kumar Pandey, Adv.
Mr. Kartikeya Aggarwal, Adv.
Mr. Varun Chugh, Adv.
Ms. Swati Ghildiyal, Adv.
Ms. Rekha Pandey, Adv.
Mr. Rajesh Singh Chauhan, Adv.
Mr. Shreekant Neelappa Terdal, AOR
Mr. Arvind Kumar Sharma, AOR
Mr. Mukesh Kumar Maroria, AOR
Mr. Raj Bahadur Yadav, AOR

Ms. Deepanwita Priyanka, AOR
Ms. Priyal Sheth, Adv.

Ms. Hemantika Wahi, AOR

Mr. Anil Shrivastav, AOR

Ms. Ranjeeta Rohatgi, AOR

Mr. Samir Ali Khan, AOR

Mr. Amit Sharma, AOR
Mr. Dipesh Sinha, Adv.
Ms. Pallavi Barua, Adv.
Ms. Aparna Singh, Adv.
Mr. Anirudh Singh, Adv.

Mr. Sanjay Kumar Tyagi, AOR

Ms. K. Enatoli Sema, AOR
Ms. Limayinla Jamir, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

Mr. Pradeep Misra, AOR

Mohd. Irshad Ahmad, A.A.G.
Ms. Baani Khanna, AOR
Mr. Robin Singh, Adv.
Mr. Rohit Kumar, Adv.
Mr. Kapil Balwani, Adv.

Mr. Pai Amit, AOR
Ms. Pankhuri Bhardwaj, Adv.
Mr. Kushal Dube, Adv.
Mr. Nikhil Pahwa, Adv.

Mr. Ved Prakash Sharma, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Akhileshwar Jha, Adv.
Mr. Sandeep Singh Dingra, Adv.
Ms. Charan Jeet Sidhu, Adv.
Mr. Vinod Sharma, AOR

Mr. H.S.Parihar, AOR
Mr. Kuldeep S.Parihar, Adv.
Ms. Ikshita Parihar, Adv.

M/S. Arputham Aruna And Co, AOR

Mr. Aravindh S., AOR
Mr. Akshay Gupta, Adv.
Mr. Aadithya Aravindh, Adv.

Mr. Himanshu Tyagi, AOR

Mr. Ramesh Babu M. R., AOR

Mr. G. Prakash, AOR

Mr. Shuvodeep Roy, AOR
Mr. Saurabh Tripathi, Adv.
Mr. Deepayan Dutta, Adv.

Mr. Mahesh Thakur, AOR

Mr. Ahanthem Henry, Adv.
Mr. Ahanthem Rohen Singh, Adv.
Mr. Ohan Singh, Adv.
Mr. Aniket Rajput, Adv.
Ms. Khoisnam Nirmala Devi, Adv.
Mr. Kumar Mihir, AOR

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.

Mr. Krishnanand Pandeya, AOR

M/S. Plr Chambers And Co., AOR

Ms. Mukti Chowdhary, AOR

Mr. Ravindra S. Garia, AOR

Mr. Shashank Singh, Adv.

Mr. Madan Chandra Karnatak, Adv.

Mr. Sameer Abhyankar, AOR

Mr. Rahul Kumar, Adv.

Mr. Aakash Thakur, Adv.

Mr. Aryan Srivastava, Adv.

Ms. Yashika Sharma, Adv.

Ms. Ripul Swati Kumari, Adv.

Mr. P. I. Jose, AOR

Ms. G. Indira, AOR

Mr. Shibashish Misra, AOR

Mr. Vishnu Sharma, Adv.

Mr. Jayant Mohan, AOR

Ms. Meenakshi Chatterjee, Adv.

Ms. Adya Shree Dutta, Adv.

Mr. Sanjai Kumar Pathak, AOR

Mrs. Shashi Pathak, Adv.

Mr. Arvind Kumar Tripathi, Adv.

Mr. Ajay Marwah, AOR

Mr. Arjun Garg, AOR

Ms. Sagun Srivastava, Adv.

Mr. Saaranish Shukla, Adv.

Mr. Mahfooz Ahsan Nazki, AOR

Mr. Azmat Hayat Amanullah, AOR

Ms. Devina Sehgal, AOR

Mr. Dhananjay Yadav, Adv.

Mr. Naresh K. Sharma, AOR

Ms. Astha Sharma, AOR

Mr. Anando Mukherjee, AOR
Mr. Shwetank Singh, Adv.

Mr. Shiv Mangal Sharma, A.A.G.

Mr. Milind Kumar, AOR

Mr. Karan Sharma, AOR

Mr. Prashant Shrikant Kenjale, AOR
Ms. S. Soorya Gayathry, Adv.
Ms. Srishty Pandey, Adv.

Mr. M. P. Vinod, AOR

Mr. Jagjit Singh Chhabra, AOR
Mr. Yashvardhan, Adv.

Mr. Shrirang B. Varma, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Ms. Prerna Singh, Adv.
Mr. Guntur Pramod Kumar, AOR
Mr. Samarth Krishan Luthra, Adv.

Mr. Avijit Mani Tripathi, AOR
Mr. Shaurya Sahay, Adv.
Mr. T.k. Nayak, Adv.
Mr. Daniel Lyngdoh, Adv.
Ms. Marbiang Khongwir, Adv.

Ms. Aswathi M.K., AOR

Mr. Niranjan Sahu, AOR
Ms. Mallika Yadav, Adv.

Mr. Ajay Pal, AOR

Mr. Ardhendumauli Kumar Prasad, AOR

Ms. Enakshi Mukhopadhyay Siddhanta, AOR
Mr. Ravi Kumar S., Adv.
Mr. P.S. Sridhar Raj, Adv.

Mrs. Anil Katiyar, AOR

Dr. Monika Gusain, Sr. Adv.
Mr. Akshay Amritanshu, AOR
Mr. Arjun Yaduvanshi, Adv.
Mr. Vansmani Tripathi, Adv.
Ms. Pragya Upadhyay, Adv.
Ms. Drishti Saraf, Adv.

Mr. S. Udaya Kumar Sagar, AOR

Mr. Amit Anand Tiwari, Sr. A.A.G.
Mr. Sabarish Subramanian, AOR

Mr. Piyush Hans, D.A.G.
Mr. Ashutosh Kumar Sharma, AOR
Ms. Rachna Gandhi, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. P. S. Sudheer, AOR

Mr. Gurmeet Singh Makker, AOR

Mr. Bhupendra Pratap Singh, D.A.G.
Mr. Sarthak Raizada Ga, Adv.
Mr. Sarad Kumar Singhania, AOR
Ms. Rashmi Singhania, Adv.

Mr. M. Yogesh Kanna, AOR

Mr. Guntur Prabhakar, AOR

Mr. Nishe Rajen Shonker, AOR
Ms. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.
Mr. Santhosh K, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Today, we are dealing with compliance with the directions issued by this Court in order dated 24th October, 2018 which were reiterated in order dated 30th April, 2019. The relevant part of order dated 30th April, 2019 reads thus:

"Reading our order dated 24.10.2018, it is

clear and evident to us that so far as medical facilities of retired Chief Justices and Judges of the High Courts including their spouses and dependent family members are concerned, a uniformity all over the country was sought to be achieved by issuing following directions:-

- 1.All facilities at par with sitting Judges;
- 2.Reimbursement for medical treatment in private hospital without prior approval of the State Government;
- 3.Sanctioning authority to be the Registrar General of the High Court;
- 4.Reimbursement to be provided for treatment taken in any other State; and
- 5.Cashless facility."

2. Firstly, we deal with the compliance affidavit filed by the State of Madhya Pradesh. As regards cashless facility in empanelled and public hospitals, the State has made no compliance and it is stated that it will take six months to comply with the said direction. We cannot tolerate such approach on part of the State Government. The reason being that the last order of this Court has been passed nearly six years back. We, therefore, direct the State of Madhya Pradesh to implement clause (5) of this Court's order dated 30th April, 2019 within a maximum period of one month from today.

3. As regards clause (2), Government Order dated 24th July, 2019 is placed on record. The direction of this Court is that if medical treatment is taken by a retired Judge in a private hospital without prior approval of the State Government, medical expenses shall be reimbursed subject to sanction by the Registrar General of the High Court. We direct the State Government to forthwith amend Government Order dated 24th July, 2019 and bring it on par with clause (2) of the order passed by this Court. The State will report compliance with both the above directions within a period of one month from today. The Government Order dated 24th July, 2019 implements clause (2) conditionally by stating that it will apply only in case of emergency treatment.

4. At this stage, the learned Additional Advocate General appearing for the State of Uttar Pradesh has invited our attention to the order dated 25th July, 2019 passed by this Court which clarified clause (2). The clarification is as under:

"We would like to clarify that direction No.2 to the effect that reimbursement of medical treatment in private hospitals should be understood to be from empanelled private hospitals and such empanelment may be either by the State or the Central Government (CGHS)."

5. There may be cities and towns where there may not be any empanelled hospitals available where a retired Judge can go and take treatment. In a given case, the existing empanelled hospitals may be far away from the place of residence of the Judges and therefore, in case of medical emergency, they would find it difficult to reach the empanelled hospitals.

6. On this aspect, necessary clarification has been made by a coordinate Bench of this Court by a judgment dated 4th January, 2024 in the case of *All India Judges Association v. Union of India & Ors*¹. This Court was dealing with the service conditions of the Judges of our trial and district Courts. In paragraph 56, this Court has dealt with the issue of medical allowance/medical facilities. Clause 4(f) thereof reads thus:

"4(f) In the case of emergency, the Judicial Officer, serving & retired as well as the family pensioner can take treatment in any nearest private hospital - not necessarily, Government notified hospitals and seek reimbursement as per the usual procedure. If necessary, Credit letter shall be issued for this purpose."

7. The clarification issued by this Court in order dated 25th July, 2019 will have to be brought on par with what is directed by this Court under the aforesaid judgment dated 4th January, 2024. Therefore, as far as

1. 2024 INSC 26.

clause (2) is concerned, we clarify that if any hospital which is empanelled by the State or the Central Government is available in the city or town or village where the retired Judge is staying, normally he will get treatment in the said hospital in terms of clause (2). In the event, the category of medical treatment which the retired Judge needs, is not available in any empanelled hospital in the town, city or village where the retired Judge is staying, he/she will be free to go to any hospital (private or otherwise) empanelled or not empanelled. In these cases, the retired Judge will be entitled to reimbursement, subject to *post-facto* sanction by the Registrar General of the High Court from which the learned Judge has retired.

8. Another issue is flagged across the Bar regarding cashless facility. The cashless facility is available to the retired Judges in the Government hospitals as well as in the hospitals empanelled by the State or by the Central Government. In a given case, there may be reluctance on the part of the private empanelled hospitals to give full cashless treatment. Some hospitals may put some cap on the amount for which the cashless treatment can be extended. In such a case, if a retired Judge is required to pay any amount for treatment to the private empanelled hospitals, even the said expenditure shall be reimbursed by the State Government.

9. We also make it clear that all the reimbursements, as directed under the orders of the Court, shall be made by the concerned State Governments. When we say the concerned State Governments, it will be the State Government where the seat of the High Court is situated from which the learned Judge has retired. Obviously, the concerned State Government shall reimburse even if the treatment is taken in a hospital outside that State.

10. Now, in view of the aforesaid clarifications, all the State Governments and Union Territories will have to issue fresh orders or modify the earlier orders/Notifications/Circulars to bring the same in conformity with the aforesaid directions.

11. We direct all the State Governments and Union Territories to report compliance with the directions issued by this Court in orders dated 24th October, 2018, 30th April, 2019 and 25th July, 2019 as modified by this order before end of March, 2025. The compliance shall be reported by placing on record the Circulars/Orders/Notification issued by the Governments for giving effect to the aforesaid orders. While filing the compliance affidavits, the State Governments/Union Territories must also state the details about cashless treatment made available in terms of clause (5) and reimbursement in terms of clause (2) extended to the retired Judges from 1st July, 2024 till end of January,

2025. The affidavits shall be filed by the States/Union Territories by 4th April, 2025. The copies of the affidavits shall be supplied in advance by all the State Governments/Union Territories to the office of the learned Amicus Curiae so that he will be able to compile the information regarding compliance.

12. We make it clear that what we have laid down in the earlier orders and in this order are the minimum requirements. Those States which are benevolent enough to provide more facilities to the retired Judges, they would be welcome and those States which are giving better facilities shall not bring down their facilities.

13. We are informed that on 1st May, 2017, an order has been passed by this Court dealing with the issue of domestic help and telephone bill reimbursement. Even compliance with this order shall be reported as directed above.

14. We make it clear that the said order clarifies that the facilities available to the retired Judges in the State of Andhra Pradesh shall be extended to all the retired Judges in all other States and Union Territories. If after the said order, the Andhra Pradesh Government is giving better facilities to the retired Judges in the State, it follows that even other States must also extend the same facilities. Even these affidavits shall be provided in advance to the learned Amicus Curiae by 4th

April, 2025.

15. As we have granted sufficiently long time to all the State Governments/Union Territories to make compliances, we expect all of them to scrupulously comply with the directions issued as above.

16. We also direct the Registrar Generals of all the High Courts to collect information whether any of the retired Judges coming from the said Courts are facing difficulty in getting the benefits under the orders of this Court. Even the Registrar General shall submit a report to this Court in that behalf and to the learned Amicus Curiae by 31st March, 2025. If the Registrar Generals find that there are cases where in individual cases of the retired Judges, the orders of this Court have not been complied with, they shall forward necessary information to the Law Secretaries of the concerned States so that the State Governments can ensure compliances.

17. List on 15th April, 2025 at 2.00 p.m. for considering compliances.

18. Needless to add, as regards domestic help and telephone bill reimbursements, the same facility must be extended to the spouse of the retired Judge after demise of the retired Judge.

19. We direct the Government of Andhra Pradesh to forward copies of the Notifications issued by the Government from time to time regarding grant of benefit of domestic help and telephone reimbursement to the Chief Secretaries of all the States and Union Territories as well as to the Registrar Generals of all High Courts.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER