

**GOVERNMENT OF ORISSA
FINANCE DEPARTMENT**

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No. Pen-42/2010 - 18028

/F Dt. 06.04.2010

OFFICE MEMORANDUM

Sub : Revision of pension/family pension in respect of pre-2006 retired Part-III Judges of Orissa High Court those who are elevated from Orissa Senior Judicial Service cadre w.e.f. 1.1.2006.

In pursuance of the recommendation of the Sixth Central Pay Commission and subsequent recommendation made by the Fitment Committee appointed by the State Government the pension/family pension of the pre-2006 and post-2006 State Government pensioners/family pensioners has been revised w.e.f. 1.1.2006 in Finance Department O.M. No.3667/F dated 19.1.2009 and Resolution No.3653/F dated 19.1.2009 respectively.

2. But, the pension/family pension of the retired elevated Judges of the Orissa High Court belonging to State Judicial cadre have not been revised w.e.f. 1.1.2006 in terms of the F.D. O.M. and the Resolution referred in para -1 above since they had been allowed higher benefits of pay and pension w.e.f. 1.7.1996 on recommendations of the Shetty Commission adopting in principle the measures taken by the Karnatak Government as per the decision of the Hon'ble Supreme Court.

3. The Government of India, Ministry of Law and Justice (Department of Justice) in their letter No.11016/1/2009-Jus dated 27.2.2009 have intimated the Accountant General of all States for revision of pension/family pension of pre-2006 retired Part-III Judges of High Court and Supreme Court w.e.f. 1.1.2006 in terms of Department of Pension and Pensioners' Welfare's O.M. No.F.No.38/37/08 P&PW (A) dated 1st Sept. 2008 w.e.f. 1.1.2006 as in the case of Central Government employees subject to adoption of said Office Memorandum dated 1.9.2008 by the respective State Government to grant the benefit of increased pension on similar lines to their employees including the members of State Higher Judicial Service and in this regard, the direction of the Supreme Court of India in CMP No.18044 of 1988 in the matter of Justice M.L. Jain -Vrs- Union of India and others circulated to the State Governments by the Department has been referred to.

4. In case of Justice M.L. Jain -Vrs- Union of India and others, the Hon'ble Supreme Court in their judgement dated 18.8.1988 in CMP No.18044 did not appreciate the decision of the Ministry of Law and Justice giving liberty to the different State Governments to decide the retirement benefits of the Part-III Judges of High Court elevated from their State Senior Judicial cadre and opined that there should be a parity between the pension drawn by the petitioner and the other High Court Judges in India.

5. With a view to considering all aspects of this issue a meeting was held on 11.2.2010 under the Chairmanship of Principal Secretary, Finance Department where the Principal Secretary to Government, Home Department, Principal Secretary to Government, Law Department and the Registrar (Vigilance) Orissa High Court were the participants and after threadbare discussion, the following decisions were taken in the meeting.

- i) The State Government may adopt the Government of India O.M. No.38/37/08-P&PW (A) dated 1.09.2008 exclusively in respect of the pre-2006 retired Part-III (elevated) Judges of the Orissa High Court as regards revision of their pension/family pension w.e.f. 1.1.2006 as per the directions issued by the Hon'ble Supreme Court dated 18.8.1988 in case of Justice M.L. Jain -Vrs- Union of India in CMP No.18044 of 1988 as communicated by the Government of India, Ministry of Law and Justice (Department of Justice) in their letter No.L-11016/1/2009-Jus dated 27.2.2009 addressed to the Accountant Generals of all States.
- ii) In the meantime, Mr. Justice E. Padmanavan Committee has been set up by the Hon'ble Supreme Court for considering revision of pay and allowance and pension of the Judicial Officers of different States and the report/recommendations of the Committee is awaited which will also be applicable in case of Part-III (elevated) Judges of the Orissa High Court. As regards revision of pension/family pension w.e.f. 1.1.2006 in respect of Judicial Officers of the State including post-2006 retired Part-III (elevated) Judges of the Orissa High Court, the report/recommendation of Mr. Justice E. Padmanavan Committee may be awaited.

6. After careful consideration of the above aspects the State Government have been pleased to adopt the Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Pension & Pensioners' Welfare Office Memorandum No. F.No.38/37/08-P&PW (A) dated 1st Sept. 2008 as regards revision of pension/family pension exclusively in respect of pre-2006 retired Part-III Judges of the Orissa High Court who had been elevated from Orissa Senior Judicial service cadre subject to the condition that the revised pension along with the special additional pension w.e.f. 1.1.2006 as applicable to the pre-2006 retired Part-III Judges of the High Court shall not exceed the ceiling fixed in the Part-III of the First Schedule of the High Court Judges (Salaries and Conditions of Service) Act, 1954 as amended by the Ministry of Law and Justice (Legislative Department) in their Notification dated 9.1.2009.



(J.K. Mohapatra)


Principal Secretary to Government

Memo No. 18029⁽²⁵⁵⁾ /F., Dated

6.4.10

Copy forwarded to All Departments of Government/All Heads of Department/All Collectors for information and necessary action.

Memo No. 18030⁽²²⁾ /F., Dated


Deputy Secretary to Government
6.4.10

Copy forwarded to All District and Sessions Judges / Deputy Accountant General, Orissa, Puri / Secretary to Governor / Principal Secretary to Chief Minister/ Secretary to Orissa Legislative Assembly /Principal, Secretariat Training Institute, BBSR/Director General, Gopabandhu Academy of Administration, Bhubaneswar/ Director, Madhusudan Das Regional Academy of Financial Management, Bhubaneswar / Manager, Reserve Bank of India, Public Accounts Department, Bhubaneswar for information.



Deputy Secretary to Government

Memo No. 18031 /F., **Dated** 6.4.10

Copy with two spare copies forwarded to the Principal Accountant General (A&E), Orissa, Bhubaneswar for information and immediate necessary action.

Memo No. 18032 (170) /F., **Dated** 6.4.10
Deputy Secretary to Government

Copy forwarded to All Treasury Officers of District Treasuries and Special Treasuries / Sub-Treasuries for information and immediate necessary action.

Memo No. 18033 (110) /F., **Dated** 6.4.10
Deputy Secretary to Government

Copy forwarded to the General Manager (O.P.S.), State Bank of India, Banking Operation, Pt. Jawaharlal Nehru Marg, Bhubaneswar / Zonal Manager, UCO Bank, UCO Bank Building, C-2 Ashok Nagar, Bhubaneswar / Zonal Manager, Bank of India, Zonal Office, 98, Kharavela Nagar, Unit-III, Bhubaneswar / Zonal Manager, United Bank of India, Kalpana Area, BBSR / Chief Regional Manager, Indian Overseas Bank, Regional Office, B/2, West Saheednagar, BBSR -751007, Bhubaneswar / Chief Manager, Andhra Bank, Zonal Office, M-14, Baramunda, Bhubaneswar / Regional Manager, Central Bank of India, 94, Janpath, Unit-III, Bhubaneswar / Regional Manager, Bank of Baroda, Plot No.171, Bhouna Nagar, Unit-IV, Bhubaneswar / Chief Manager Allahabad Bank, Zonal Office, 3/1 B, I.R.C. Village, Nayapalli, BBSR -15 / Regional Manager Indian Bank, Station Square, BBSR for information and immediate necessary action.

Memo No. 18034 (30) /F., **Dated** 6.4.10
Deputy Secretary to Government

Copy forwarded to Accountant General (A&E) of State Governments/Union Territories in India (as listed below).

Andhra Pradesh, Hyderabad / Bihar, Patna / Madhya Pradesh, Gwalior / Maharashtra, Mumbai / Maharashtra, Nagpur-440001/Uttar Pradesh, Allahabad/ West Bengal, Kolkata / Gujarat, Ahmedabad / Tamilnadu, Chennai/ Karnataka, Bangalore/Rajasthan, Jeypur/ Assam, Guwahati/ Kerala, Thiruvananthapuram / Punjab, Chandigarh / Haryana, Chandigarh / Himachal Pradesh, Simla / Jammu & Kashmir, Srinagar/ Arunachal Pradesh, Itanagar / Manipur, Imphal / Tripura, Agartala / Meghalaya, Shillong / Nagaland, Kohima / Jharkhand, Ranchi / Chattishgarh, Raipur / Uttaranchal, Dehradun / Pay and Accounts Officer, Tis Hazari, Delhi / Controller of Accounts, Delhi for information and immediate necessary action.

He is requested to circulate this Memorandum among the pension paying public sector banks functioning within the jurisdiction of the concerned State for prompt payment to the Orissa State Pensioners.

Deputy Secretary to Government

Memo No. 18035⁽²⁾ /F., Dated 6.4.10

Copy forwarded to the Deputy Secretary to Government of India, Ministry of Personnel, P.G. and Pension, Department of Pension and Pensioners Welfare, New Delhi / Deputy Chief Accountant, Reserve Bank of India, Department of Government and Bank Accounts, Central Office, 4th Floor, Byculla Office Building, Opposite Mumbai Central Station Byculla, Mumbai - 400008 for information and necessary action.

Memo No. 18036⁽³⁰⁾ /F., Dated 6.4.10 ^{RL 6/4/10} Deputy Secretary to Government

Copy forwarded to the Secretaries to Finance Department in all State Government / Union Territories in India with a request to circulate this Memorandum among the Pension Disbursing Authorities functioning within the jurisdiction of the concerned State for prompt payment to the Orissa State Pensioners.

Memo No. 18037⁽³⁾ /F., Dated 6.4.10 ^{RL 6/4/10} Deputy Secretary to Government

Copy forwarded to the Deputy Secretary to Government of India, Ministry of Personnel, P.G. & Pensions, Department of Pension and Pensioners Welfare, New-Delhi/Deputy Secretary to Government of India, Ministry of Law and Justice, Department of Justice, New-Delhi/Deputy Chief Accountant, Reserve Bank of India, Department of Government and Bank Accounts, Central Office, 4th Floor, Byculla Building, Opposite Mumbai Central Station, Byculla, Mumbai-400008 for information and necessary action.

Memo No. 18038 /F., Dated 6.4.10 ^{RL 6/4/10} Deputy Secretary to Government

Copy forwarded to the President, Orissa Retired Government Employees Association, Plot No.30, Goutam Nagar, BBSR -751014 for information.

Memo No. 18039⁽¹⁰⁰⁾ /F., Dated 6.4.10 ^{RL 6/4/10} Deputy Secretary to Government

Copy forwarded to all Officers and all Branches of Finance Department / Deputy Examiner, Local Fund Audit, Finance Department / Efficiency Audit Organisation, Finance Department for information.

Memo No. 18040 /F., Dated 6.4.10 ^{RL 6/4/10} Deputy Secretary to Government

Copy forwarded to the Head of Portal Group, I.T.. Centre, Secretariat, Orissa for information and necessary action.

He/She is requested to launch this Memorandum in the Website (www.orissagov.ocac.in/finance/index.htm) of Finance Department for general Information.

^{RL 6/4/10}
Deputy Secretary to Government