

Union of India

Vs

Budhubhushan Malik and Others

Special Leave Petition (Civil) No 9616 of 1983

(A. P. Sen, O. Chinnappa Reddy, E. S. Venkataramiah JJ)

24.04. 1984

ORDER

1. The Allahabad High Court has held :

... The High Court Judges (Conditions of Service) Act 1954 (as amended) shall be read down as under in Para 10 of the First Scheduled the words "and who has retired on or after October 1, 1974 " are unconstitutional and are struck down. Omitting the unconstitutional part it is declared that the Judges (including the Chief Justice) of the High Court are entitled to pension as computed under the High Court Judges (Conditions of Service) Act 1954 (as amended) irrespective of the date of retirement. The date October 1, 1974 continues to be relevant as being one form which the liberalized pension became operative under the High Court Judges (Conditions of Service) (Amendment) Act 1976 irrespective of the date of retirement and the hence there is no question of payment of arrears of pension for the period preceding October 1, 1974 ...

For the reason mentioned by the learned Judges of the Allahabad High Court in their Judgment we agree with their conclusion and dismiss the special leave petition.

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