

N. L. Abhyankar and Others

Vs

Union of India

Mohanlal Ujamshi Shah and Another

Vs

Union of India

J. P. Chaturvedi

Vs

Union of India

Writ Petitions (Civil) Nos. 3551 to 3534, 4831 to 4833 and 13243 of 1983

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

24.04.1984

ORDER

1. In view of our decision in *D. S. Nakara v. Union of India* and for the reasons mentioned by the Allahabad High Court in the case of *Bidhubhushan Malik v. Union of India* which we have accepted as correct in Special Leave Petition No. 9616 of 1983 just now dismissed by us we allow the writ petitions. The Judges of the High Court and of the Supreme Court will be entitled to the pensionary benefits under the amended Act of 1976 irrespective of the dates of their retire-ment. They will be so entitled with effect from October 1, 1974.

Arrears of pension calculated under the provisions of the new Act will be paid to those to whom it is due within four months from today. In the case of Judges who have died after October 1, 1974 the amounts due will be paid to the legal heirs of the Judges within four months from today. The family pension due to the widows will be calculated under the provisions of the 1976 Amending Act and paid to them. Ad hoc payments made, if any, will be adjusted while making such payments. The writ petitions are disposed of accordingly. What we have said about pensionary benefits does not apply to payment of gratuity.

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