

(1996) 11 SC CK 0218

In the Supreme Court Of India

Case No : Writ Petition (C) No. 736 Of 1991

V. Bhaskaran Nambiar

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 21-11-1996

Acts Referred:

Citation : (1997) 10 SCC 426 : (1997) SCC(L&S) 1711

Hon'ble Judges : S. C. Sen, J;J. S. Verma, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. This writ petition under Article 32 of the Constitution is by a retired Judge of the Kerala High court in which the claim made is for payment of a higher pension to him, computed in accordance with para 2(b). Part I of the First Schedule of the High court Judges (Conditions of Service) Act, 1954, instead of that under para 9 thereof. The petitioner was appointed a Judge of the Kerala High court on 4/8/1983 and he retired therefrom on 18/11/1989. He is being paid pension at the fixed rate of Rs. 15,750.00 per annum according to the aforesaid para 9. He claims that he should be paid pension according to the aforesaid para 2(b), computed at the rate of Rs. 3,430.00 per annum for each completed year of service, i.e. Rs. 3,430.00 x 6 = Rs. 20,580.00 per annum. The contention of the petitioner is that the difference in the provisions made for payment of pension to a High court Judge whose total tenure is less than seven years is discriminatory vis-a-vis Judges with a longer tenure.

2. There is no merit in this writ petition. The decision of this court in Union of India v. Deoki Nandan Aggarwal rejected such a claim by a Judge of the Allahabad High court whose tenure as a Judge was less than seven years and who had made a similar challenge to the provisions for computation of pension for the High court Judges. That decision is a complete answer to the contentions of the petitioner in the present case also. The writ petition must, therefore, fail.

3. The writ petition is dismissed.