

Government of Jammu & Kashmir
Finance Department, (Codes Division)
Civil Secretariat, Jammu/Srinagar

Subject: Rationalisation of Pension of pre-1996 Judicial Officers.

Government Order No.: 178 -F of 2026

Dated: 06 /05/2026.

Whereas, as per recommendations of Justice Padmanabhan Committee, J&K Government has extended the benefit of pension/family pension in respect of Judicial Officers of J&K vide Government Order No. 202-F of 2013 dated 12.09.2013, wherein, it was ordered that in case of State Judicial Officers who have retired prior to 01.01.2006, the revised pension shall be 50% of the minimum pay of the post held at the time of retirement as revised from time to time.

Whereas, it was observed that pensionary benefit to Pre 01.01.1996 pensioners as per recommendations of Justice Shetty Pay Commission and duly approved by the Hon'ble Supreme Court was not made available by the Government of J&K.

Whereas, vide Government Order No. 182 of 2020, dated 17.06.2020, was issued in supersession of Government Order No. 202-F of 2013 dated 12.09.2013 where in the sanction was accorded to the following;

"In case of Judicial Officers who retired prior to 01.01.1996, the consolidated revised pension shall not be less than 50% of the minimum of the revised pay of the post held by the Judicial Officers at the time of retirement, who have put in full qualifying service at the time of retirement, notionally w.e.f. 01.01.1996 and monetarily w.e.f. 01.07.1996.

With effect from 01.01.2006, the existing pension of all the pensioners who retired after 01.01.1996, and pensioners whose pensions were consolidated as per Karnataka Model shall be raised by 3.07 times at par with other pensioners, subject to minimum of 50% of the pay in the revised pay scale of the post held at the time of retirement as revised from time to time."

Whereas, the Judges Association approached the Government of J&K with the request that reference to the full qualifying service in the para (1) of Government

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Order No. 182 of 2020, dated 17.06.2020 is not in line with the Hon'ble Supreme Court directions and requested for implementation of the Hon'ble Supreme Court order dated 14.07.2016.

Whereas, the Department of Law, Justice & P.A. was consulted & vide U.O. No. LD (A) 93/112-III dated 12.04.2021 it was conveyed that the proposed amendment to Government Order No. 182 of 2020 dated 17.06.2020 is in consonance with the directions of the Hon'ble Supreme Court.

Whereas, in compliance with the order dated 14.07.2016 passed in IA No. 1 & 2 arising out of W.P.(C) No. 1022 of 1989, of the Hon'ble Supreme Court, the Government, after careful consideration, vide Government Order No. 194-F of 2021 dated 20.07.2021, modified para 1 of Government Order No. 182 of 2020 dated 17.06.2020, which reads as under:

"In case of Judicial Officers who retired prior to 01.01.1996, the revised pension shall not be less than 50% of the minimum of the revised pay of the post held by the Judicial Officers at the time of retirement, notionally w.e.f. 1.1.1996 and monetarily 1.7.1996, without reference to number of qualifying years of service."

Whereas, a fresh representation has been received from the Judicial Officers' Association highlighting that while revising pension of pre-1996 retirees, the increments earned in the pre-revised pay scales have not been taken into account, thereby resulting in disparity and denial of parity with similarly placed officers;

Whereas, vide O.M. No. FD-Code/511/2025-02 dated 26.12.2025, the Department of Law, Justice and Parliamentary Affairs was consulted in the matter, and whereas the vide U.O No. LAW-Jud/82/2022-10-Law, Justice and Parliamentary Affairs dated 20.01.2026; the department intimated that the issue requires independent examination in light of the binding directions of the Hon'ble Supreme Court,

And whereas, the Department has further conveyed that the Hon'ble Supreme Court, in its judgment dated 19.05.2023 passed in W.P. (C) No. 643 of 2015, has, inter alia, directed as under:

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91. The Commission noted that due to a discrepancy in the report of the One-Person Commission, the pension granted to judicial officers who retired after 2006 was not being given in parity to those who retired before 2006. This Court in *All India Judges Assn. v. Union of India*, (2014) 14 SCC 444 (**dated 08.10.2012**) was apprised of the error committed by the One-Person Commission and directed this to be corrected. However, the prayer in the application was limited to post-2006 retirees. In a second and third round of litigation, the Supreme Court directed all the State Governments to follow its Order dated 08.10.2012 and directed revision of pension for those who retired post-1996. By way of abundant caution, the Commission recommended that those States which have not granted this benefit to those who retired before 1996, must be given the same benefit.

92. The recommendation of the Commission is only in furtherance of parity. State Governments have, in the past, been directed to undertake the consequential re-fixation before. However, if such consequential re-fixation has not been undertaken, the officers who had retired prior to 1996, and who would have aged significantly would be discriminated against. Such a situation ought to be avoided and thus the recommendation merits acceptance. This Court directs this recommendation to be implemented immediately and without delay.

Furthermore, the Hon'ble Supreme Court, judgment dated 08.10.2012 in (2014) 14 SCC 444 has directed as under:

The applicants in this IA are judicial officers who retired after January 01, 1996, but prior to January 2006. They are aggrieved by the recommendation of Justice Padmanabhan Committee, as contained in paragraph 31 of its report. Paragraph 31 of the recommendations of the Committee, insofar as it is relevant, is as under:

"Para 31: The recommendations of the First National Judicial Pay Commission with respect to past pensioners are given in paragraph 23.18 which are as under:

- 1) The revised pension of the retired judicial officers should be 50% of the minimum of the post held at the time of retirement, as revised from time to time.

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Mr. P.P. Rao, learned senior advocate appearing for the applicants, pointed out that the Padmanabhan Committee, apparently due to oversight, fixed the revised pension of the concerned judicial officers at 50% of the minimum of the post held at the time of retirement, as revised from time to time. Consequently, as a result of the revision, the concerned judicial officers are getting as pension an amount which is lower than what they earlier received before revision.

The grievance of the applicants appears to be justified and it is significant to note that both the High Court of Andhra Pradesh and the State Government of Andhra Pradesh, in their respective responses, have supported the case of the applicants.

Mr. A.T.M. Sampath, learned amicus curiae, also submitted that there was evidently some error in the recommendation of the One Man Committee. We, accordingly, accept the prayer of the applicants and allow this IA in terms of prayer clause (i) of the application.

IA No. 5 stands disposed of. IA No.1 of 2008 in IA No. 213 of 2007. As prayed on behalf of the applicant, put up after four weeks.

Whereas, a conjoint reading of the aforesaid judgments and Commission recommendations, it was observed that the non-consideration of increments earned by pre-1996 retirees in the pre-revised pay scales while re-fixing their pension is inconsistent with the settled legal position and requires rectification;

Whereas, the matter has been examined in the Finance Department in consultation with the Department of Law, Justice and Parliamentary Affairs and it has been found that it is necessary to modify the existing Government Orders to bring them in conformity with the directions of the Hon'ble Supreme Court and the recommendations of the Judicial Pay Commissions;

Now, therefore, it is hereby ordered that:

1. Para (i) of the Government Order No. 182-F of 2020 dated 17.06.2020 read with Government Order No. 194-F of 2021 dated 20.07.2021 shall stand modified to the extent indicated as under:

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- a. In respect of Judicial Officers who retired prior to 01.01.1996, the pension shall be re-fixed in such a manner that it shall not be less than 50% of the pay determined at the appropriate stage in the corresponding revised pay scale of the post, after taking into account the increments earned up to the date of retirement.
- b. The re-fixation shall be carried out notionally w.e.f. 01.01.1996 and monetary benefits shall accrue w.e.f. 01.07.1996, as admissible under rules.
- c. Under no circumstances the revised pension shall be lower than the pension already drawn prior to such revision.
- d. w.e.f. 01.01.2006, the procedure mentioned under G.O No. 182-F of 2020 dated 17.06.2020, shall follow.
2. The Illustration for revision of pension in respect of such Judicial Officers are enclosed as **Annexure-A** to this order.
3. The Accountant General, J&K and concerned Treasury Officers shall take necessary steps for implementation of this order and ensure timely revision of pension in accordance with the above provisions.

By order of the Government of Jammu & Kashmir

**Sd/-
(Shailendra Kumar), IAS
Financial Commissioner (ACS)
Finance Department.**

No. FD-Code/511/2025-02-


Dated: 06 .05.2026

Copy to:

1. Ld. Advocate General, The High Court of Jammu & Kashmir and Ladakh.
2. All Financial Commissioners (Additional Chief Secretaries).
3. Additional Chief Secretary to the Hon'ble Chief Minister.
4. Director General of Police, Jammu & Kashmir.
5. Principal Accountant General, (A&E), J&K.
6. All Principal Secretaries to Government.
7. Principal Secretary to Hon'ble Lieutenant Governor.
8. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
9. Chief Electoral Officer, Jammu & Kashmir
10. All Commissioners /Secretaries to Government
11. Principal Resident Commissioner, 5-Prithvi Raj, New Delhi.
12. Divisional Commissioner Jammu/Kashmir.

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13. Chairperson, Jammu & Kashmir Special Tribunal.
14. Principal Secretary to Chief Justice, The High Court of Jammu & Kashmir and Ladakh.
15. Registrar General, The High Court of Jammu & Kashmir and Ladakh.
16. Director, Anti-Corruption Bureau, J&K.
17. Director General, Accounts and Treasuries.
18. Director General, Funds Organization.
19. Director General, Audit and Inspections.
20. Director General, Local Fund Audit & Pensions, J&K.
21. Director General, Budget Division.
22. Director Information, J&K.
23. All District Development Commissioners.
24. All Head of Departments/ Managing Directors/ Chief Executives Officers of State PSUs/ Autonomous Bodies/ Societies.
25. Secretary, J&K Public Service Commission.
26. Secretary, J&K Legislative Assembly.
27. Director, Accounts & Treasuries, Jammu/Kashmir.
28. Principal/Director Finance, Accountancy Training Institute, Srinagar/ Northern Zonal Accountancy Training Institute, Jammu.
29. All Director(s) Finance/Financial Advisors & CAOs.
30. OSD/Private Secretary to the Hon'ble Chief Minister, J&K.
31. All Treasury Officers.
32. General Manager, Government Press, Jammu/Srinagar for publication in Government Gazette.
33. Private Secretary to the Chief Secretary.
34. Private Secretary to all the Hon'ble Ministers.
35. Private Secretary to Advisor to the Hon'ble Chief Minister, J&K.
36. Private Secretary to Deputy Chief Minister, J&K.
37. Private Secretary to the Principal Secretary to Government, Finance Department.
38. I/C website, Finance Department (www.jakfinance.jk.gov.in).
39. I/C website, GAD (www.jkgad.nic.in).
40. Government Order File (W2scs).


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Director General (Codes)
Finance Department.

Annexure-A

Illustration:

A Judicial Officer who was drawing a basic pay of ₹4,950 in the pre-revised pay scale of ₹4500-150-5700 retired on 01.11.1994. He had earned three increments in this scale up to the date of retirement.

For the purpose of pension revision, his pay is to be fixed in the revised pay scale of ₹18750-400-19150-450-21850-500-22850 on a notional basis w.e.f. 01.01.1996 and monetarily w.e.f. 01.07.1996. After giving weightage of the three increments earned in the revised scale, his notional basic pay as on 01.01.1996 works out to ₹20,050.

Accordingly, his pension w.e.f. 01.01.1996 shall be 50% of notionally arrived pay of ₹20,050, i.e., ₹10,025, which will be payable monetarily w.e.f. 01.07.1996.

Further, for revision of pension w.e.f. 01.01.2006 in these cases, the pension is to be re-fixed by applying a multiplier of 3.07 to the notional basic pay so arrived as on 01.01.1996. Thus, the revised pension shall be 50% of the multiplied amount, and the family pension shall be 30% of the same.

For convenience and accuracy, the corresponding stage-wise basic pay and pension are already provided in Table-1 of SRO 244 dated 05.08.2011, which has been made applicable to members of the Subordinate. The same may be referred to while finalizing the case.

*marked
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