

2025 LiveLaw (SC) 664

IN THE SUPREME COURT OF INDIA
B.R. GAVAI; CJI., AUGUSTINE GEORGE MASIH; J.
Writ Petition(s)(Civil) No(s). 819/2018; 26-05-2025

MADHYA PRADESH JUDGES ASSOCIATION

versus

THE STATE OF MADHYA PRADESH & ANR.

Judicial Service - Enhancement of Retirement Age - All India Judges Association Case - Petition filed for seeking enhancement of the retirement age of district judges in Madhya Pradesh to 62 years - M.P. High Court rejected the petition on the grounds that the decision of Apex Court in *All India Judges Association Case (2002)* does not allow it. Held, there is no impediment in permitting the state of Madhya Pradesh to increase the age of superannuation of judicial officers working in the state of MP to the age of 61 years. Relied on order passed in case of clarification sought by Telangana High Court wherein increase in the age of retirement was allowed citing it is beneficial to the Judicial Officers. If M.P. High Court rules framed by State permits and if High Court takes a decision to enhance the age of retirement to 61 years, the same would be permissible. Directed M.P. High Court on its administrative side to take a decision at its earliest within a period of 3 months. (Para 4 - 6)

For Petitioner(s): Mr. Ajit S. Bhasme, Sr. Adv. Mr. Sanjay Kumar Dubey, AOR Mr. Rakesh Kumar Tewari, Adv. Ms. Shuchi Singh, Adv. Mr. Vivek Kumar Pandey, Adv. Mr. Krishna Kant Dubey, Adv. Ms. Shivani Mishra, Adv.

For Respondent(s): Mr. Sunny Choudhary, AOR Mr. Harmeet Singh Ruprah, DAG Mr. Arjun Garg, AOR Ms. Sagun Srivastava, Adv. Mr. Saaranish Shukla, Adv.

ORDER

1. The present petition has been filed by the petitioner seeking following reliefs: -

“(i) Issue a writ of mandamus or any other appropriate writ, order or direction to the respondents to issue or direct the respondents to increase the age of superannuation of the members of the subordinate judicial officers to 62 years in the State of MP as has been done for the State Government employees and consequently amend the Rule 16 of the “Madhya Pradesh Higher Judicial Service (Recruitment and Conditions of Service) Rules, 2017” and Rule 14 of “The Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994 (Amended)”.

(ii) Pass such further orders as may be deemed necessary in the facts and in the circumstances of the case and in the interest of justice.”

2. The Madhya Pradesh High Court on its administrative side has rejected the representation of the petitioner for enhancement of the age of retirement to 62 years in line with the age of retirement of the other employees of State Government which has been enhanced to 62 years. The representation of the petitioner came to be rejected by the High Court on the ground that an order passed by this Court dated 21.03.2002 in WP(C) No. 1022 of 1989 (*All India Judges’ Association & Ors. Vs. Union of India & Ors.*) does not permit it to be done.

3. It is relevant to note that insofar as the Telangana High Court is concerned, it had sought clarification from this Court with regard to the directions issued by this Court in its order dated 21.03.2002 (*Supra*) with respect to the age of superannuation of judicial

officers working in the State of Telangana and to bring it in line with the age of superannuation of the employees of the State of Telangana.

4. This Court vide order dated 23.11.2023 passed in I.A. No.170936 of 2023 in WP(C) No. 643 of 2015 has passed the following order: -

“16. The High Court of Telangana has sought a clarification in respect of the age of superannuation of judicial officers working in the State of Telangana so as to bring it in line with Section 3 (1A) of the Telangana Public Employment (Regulation of Age of Superannuation) Act 1984.

17. Mr Anish R Shah, counsel appearing on behalf of the High Court of Telangana, submits that since the State government has increased the age of retirement of government officials from 60 to 61 years, the High Court may be permitted to make suitable amendments to the Telangana Stage Judicial Service Rules.

18. Permission as sought by the High Court of Telangana is granted and the IA is made absolute in terms of prayer clause (I).

19. We clarify that the IA which has been moved by the High Court of Telangana is being allowed since the increase in the age of retirement would be beneficial to the judicial officers.

20. The IA is disposed of.”

5. In that view of the matter, we do not find that there should be any impediment in permitting the respondents i.e. State of Madhya Pradesh and the High Court of Madhya Pradesh to enhance the age of retirement of the judicial officers working in the State of Madhya Pradesh to 61 years.

6. We, therefore, clarify that if the rules framed by the State of Madhya Pradesh permits and if the High Court takes a decision to enhance the age of retirement of the judicial officers in the State of Madhya Pradesh to 61 years the same would be permissible.

7. Needless to state that in view of the aforesaid, the High Court of Madhya Pradesh, on its administrative side, would take a decision at the earliest and in any case within a period of three months from today.

8. The writ petition is, accordingly, disposed of.

9. Pending application(s), if any, shall stand disposed of.

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