

ITEM NO.57

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 232/2023

JUSTICE SHAILENDRA SINGH & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 243349/2023 - APPLICATION FOR TAGGING/DETAGGING IA No.38583/2023 - EXEMPTION FROM FILING O.T. IA No. 38581/2023 - STAY APPLICATION)

WITH

W.P.(C) No. 1262/2021 (X)
(FOR ADMISSION)

W.P.(C) No. 501/2023 (X)
(FOR EXEMPTION FROM FILING O.T. ON IA 84450/2023 FOR APPLICATION FOR TAGGING/DETAGGING ON IA 259153/2023)

W.P.(C) No. 3/2024 (X)
(FOR ADMISSION and IA No.773/2024-GRANT OF INTERIM RELIEF and IA No.766/2024-EXEMPTION FROM FILING O.T.)

Date : 30-09-2024 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

Mr K Parameshwar, Sr. Adv. (AC)
Ms. Kanti, Adv.
Ms. Raji Gururaj, Adv.
Mr. Shreenivas Patil, Adv.
Ms. Chitransha Singh Sikarwar, Adv.

For Petitioner(s) Mr. Vikrant Singh Bais, AOR

Mr. Prem Prakash, AOR
Ms. Deepali Nanda, Adv.

For Respondent(s) Mr. K.M. Nataraj, A.S.G.
Mr. Vatsal Joshi, Adv.
Mr. Akshit Pradhan, Adv.
Mr. Shlok Chandra, Adv.
Mr. Raghav Sharma, Adv.

Mr. Raman Yadav, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. K.M. Nataraj, A.S.G.
Mr. Sudarshan Lamba, AOR
Mr. Vatsal Joshi, Adv.
Mr. Akshit Pradhan, Adv.
Mr. Shlok Cahndra, Adv.
Mr. Raghav Sharma, Adv.
Mr. Raman Yadav, Adv.

Mr. Samir Ali Khan, AOR
Mr. Pranjal Sharma, Adv.
Mr. Abhimanyu Jhamba, Adv.
Mr. Md Kashif Irshad Khan Faridi, Adv.
Mr. Justine George, Adv.

Mr. Tanmaya Agarwal, AOR
Mr. Wrick Chatterjee, Adv.
Mrs. Aditi Agarwal, Adv.

Mr. R Venkatramani, AG (Not Present)
Mr. Arijit Prasad, Sr. Adv.
Mr. K M Natraj, A.S.G.
Mr. Raj Bahadur Yadav, AOR
Mr. Vatsal Joshi, Adv.
Mr. Shailesh Mandiyal, Sr. Adv.
Mr. Akshit Pradhan, Adv.
Mrs. Gargi Khanna, Adv.
Mrs. Sunita Sharma, Adv.
Mr. Sabrish Subramanium, Adv.
Mr. Shlok Chandra, Adv.
Mr. Raghav Sharma, Adv.
Mr. Prashant Singh Ii, Adv.
Mr. Anmol Chandan, Adv.
Mr. S. Lamba Aor, Adv.
Mr. Annirudh Sharma Ii, Adv.
Mr. Ishaan Sharma, Adv.
Mr. Sarthak Karol, Adv.
Mr. Padmesh Mishra, Adv.
Mr. Kartikay Aggarwal, Adv.

Mr. Gautam Narayan, AOR
Ms. Asmita Singh, Adv.
Mr. Tushar Nair, Adv.
Mr. Anirudh Anand, Adv.
Mr. Punishk Handa, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Writ Petition (Civil) No 501 of 2023

- 1 Counsel appearing on behalf of the petitioner seeks permission of the Court to withdraw the Writ Petition.
- 2 The Writ Petition is dismissed as withdrawn.

Writ Petition (Civil) No 3 of 2024

- 3 Justice Rudra Prakash Mishra was appointed as a Judge of the Patna High Court on 4 November 2023.
- 4 His grievance presently is that his salary as a Judge of the High Court has not been released to him from the date of his appointment. While the learned Judge was governed by the New Pension Scheme as a Member of the District Judiciary, once he stands appointed as a Judge of the High Court, he would be governed at par with all other Judges of the High Court by the same terms and conditions of service.
- 5 At this stage, *prima facie*, it appears to the Court that an interim order would be required since no Judge can be expected to work without payment of the salary.
- 6 We accordingly direct that the salary which has been withheld shall be released to him by the Government of India inclusive of arrears from the date he is entitled.
- 7 A temporary GPF Account be opened in the name of Justice Rudra Prakash Mishra.
- 8 These directions shall abide by the further directions that may be issued or by the final result of the Petition, as the case may be.
- 9 List the Petitions on 3 October 2024.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR