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From:

Sri Gautam Baruah

District & Sessions Judge, Kamrup (M)-cum-
President, All Assam Judges Association,
Guwahati, Assam

To:

The L.R. cum Commissioner and Secretary
Judicial Department, Govt. of Assam
Dispur, Guwahati

Date: 5th February, 2026

Subject: **Proposal for Enhancement of the Age of
Superannuation of Judicial Officers of the State of
Assam**

*Ref: i) Representation dated 14.07.2025 filed by the All Assam
Judges Association before the Hon'ble Gauhati High Court*

*ii) Letter no HC.VII-90/2025/6561/A dated 28.08.2025 received
from Hon'ble Gauhati High Court*

Sir,

With reference to the subject mentioned above, I would like to inform you that that the All Assam Judges Association (AAJA) had filed a representation before the Hon'ble Gauhati High Court on 14.07.2025 seeking enhancement of the age of superannuation of Judicial Officers in the State of Assam from the present 60 years to 61 years. The matter was placed before the Hon'ble Administrative Committee of the High Court and, in its meeting dated 14.08.2025, the Hon'ble Committee expressed the view that the Association may send its

representation/request regarding enhancement of age of superannuation of Judicial Officers of the state of Assam from 60 to 61 years to the Government of Assam for consideration. In this regard the letter dated 28.08.2025, referred above, has been received from the High Court.

BACKGROUND FACTS:

The matter assumes significance in the light of recent developments in the wake of the decision of Hon'ble Supreme Court in *Madhya Pradesh Judges Association vs. State of Madhya Pradesh & Another* which is aimed at the optimum utilization of trained and experienced judicial manpower in public interest.

In **Madhya Pradesh Judges Association v. State of Madhya Pradesh & Another 2025 Supreme (Online) (SC) 4294**, the Hon'ble Supreme Court had observed as follows: ...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. (Emphasis Supplied)*

Prior to this, the Hon'ble Supreme Court had passed the following **order on 23.11.2023 in I.A. No.170936 of 2023 in WP(C) No. 643 of 2015**, in respect of the state of Telangana:- ...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.

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. (Emphasis Supplied)

Further, on 27.01.2026 the Hon'ble Supreme Court requested the Chief Justice of the Hon'ble Jharkhand High Court to consider the issue of enhancement of superannuation age of Jharkhand District Judges from 60 to 61 years on administrative side, vide order dated 27.01.2026 in Ranjeet Kumar vs. The State of Jharkhand W.P.(C) No 000034/2026.

Under this backdrop, the All Assam Judges Association also proposes to request the Government of Assam to amend the Assam Judicial Service Rules accordingly and enhance the age of superannuation of Judicial Officers of Assam from 60 to 61 years.

JUSTIFICATIONS:

The All Assam Judges Association offers the following justifications in favour of its proposal for enhancement of age of superannuation of Judicial Officers:

- 1) Experience is an indispensable requirement for proper administration of justice and judicial officers acquire sufficient knowledge and experience at the fag end of their career. They also remain physically fit at the age of 60 years. In this regard the Hon'ble Supreme Court had made the following observations in the case of **All India Judges Association v. Union of India & Others. 1992 (1) SCC 119**: ...19. *There is a marked distinction between the nature of*

work which executive officers and judicial officers are called upon to discharge. The work of the judicial officers is usually sedentary while that of the executive officers involves a lot of physical movement. This is particularly so in the lower cadres of both the services. In view of this feature physical fitness is more important for an executive officer than in case of a judicial officer while in case of judicial officers, there is thus necessarily more of a mental activity than physical. Experience is an indispensable factor and subject to the basic physical fitness with growing age experience grows. (Emphasis Supplied). Hence compelling a Judicial Officer to retire at the age of 60 amounts to depriving the system from utilizing the hard earned knowledge, experience and judicial acumens of those officers.

2) Those Judicial Officers who are elevated to the High Court as Judges work till the age of 62 years. There is no reason why the other officers should not be considered as eligible for work till the age of 61 years.

3) Since the Hon'ble Supreme Court has already given its approval for enhancement of the age of superannuation of Judicial Officers in two states, namely, Telangana and Madhya Pradesh; the case of the Judicial Officers of Assam should also be considered in the same vein.

4) The Government of Assam has, vide Notification No HLB.14/2007/pt-II/38 dated 31st August 2022, enhanced the retirement age of faculty members of all Medical Colleges under the Medical Education and Research Department from 65 to 70 years, keeping in mind the requirement of specialized skills and academic excellence. Moreover, faculty members of universities in Assam continue to enjoy the benefit of superannuation age of 65 years, again

reflecting the policy shift towards retention of experience and expertise in vital public service domains.

5) The Assam Judicial Service Rules, 2003 (notified on 17.02.2003) also provides for extension of the age of retirement. Clause 19.A of the rules provides for the retirement age of Judicial Officers at 58 years. Clause 19. B provides for an extension up to 60 years, based on recommendations of a committee headed by the Hon'ble Chief Justice, if the officer is found fit to continue. Hence extension of the age of retirement is not totally unheard-of in the service rules of the Judicial Officers of Assam.

6) Since the processes of enhancing the age of superannuation of Judicial Officers from 60 years to 61 years have already been initiated in the states of Madhya Pradesh, Telangana and Jharkhand and the Hon'ble Supreme Court has also conveyed its approval for the same, the same process needs to be initiated for the Judicial Officers of Assam as well, on the ground of parity and uniformity.

FINANCIAL IMPLICATIONS:

If the age of superannuation of Judicial Officers is enhanced to 61 years, it will not result in any additional financial burden on the State exchequer. On the contrary, it would defer certain costs and reduce the need for immediate recruitments.

In view of the judicial decisions referred above, evolving policy direction and the larger public interest involved, the All Assam Judges Association most respectfully proposes that the Government of Assam may consider initiating necessary steps for enhancement of the age of superannuation of Judicial Officers from 60 to 61 years.

We look forward for a prompt and positive response from your end.

Yours faithfully,



(Gautam Baruah)

District & Sessions Judge, Kamrup (M)-cum
President, All Assam Judges Association (AAJA)