



REPORT OF THE SECOND NATIONAL JUDICIAL PAY COMMISSION

VIGYAN BHAWAN ANNEXE
NEW DELHI

JANUARY-2020

**PART-I VOLUME-IA
(ANNEXURES)**

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Former Judge Supreme Court of India
CHAIRMAN

SHRI R. BASANT

Former Judge High Court of Kerala
MEMBER

SHRI VINAY KUMAR GUPTA

District Judge, Delhi
MEMBER-SECRETARY

COMPLETE INDEX OF PART-I
Volume-I to Volume-IV

VOLUME-I

	Page No.
PREFACE	i - ix
Supreme Court Order dated 09.05.2017	x - xvii
Cabinet Approval	xviii
Resolution dated 16.11.2017	xix - xxi
Notification dated 16.11.2017	xxii - xxv
CHAPTER-1 INTRODUCTORY	1 - 26
• Subordinate judiciary – Its pivotal role in justice system	1
• Uniform Pay Structure and Allowances - Initiatives taken by Supreme Court	2 - 4
• Subordinate Judiciary - Cadre/Working Strength and Designation	5 - 7
• Recruitment and Promotion	8 - 11
• Overview of pendency of cases in District Courts	11
• Constitution of the Commission and the Terms of Reference	12 - 18
• Views and Suggestions	18 - 26
CHAPTER-2 PAY STRUCTURE	27 - 187
• Justification for higher pay scale for judiciary	27 - 28
• Broad features of First National Judicial Pay Commission Recommendations regarding Pay Structure and Pay Scales	29 - 39
• Recommendations of Justice Padmanabhan Commission	40 - 43
• Summary of recommendations of FNJPC & JPC regarding pay	43 - 48
• Issues - Post JPC Report	48 - 52
• Views of the High Courts and Associations as regards Pay Structure	53 - 54
• Views regarding Master Pay Scale	54 - 55
• Views regarding Pay Matrix Model	55 - 56
• Views on Fixed Pay Structure	56
• Views of the State Governments	57 - 59
• Approach of this Commission in evolving a New Pay Scale	59 - 63

• Master Pay Scale-feasibility	64 – 70
• Pay Matrix <ul style="list-style-type: none"> ▪ Fitment/Migration from existing Pay Scale to the New Pay Matrix ▪ Fixation of pay on promotion ▪ Features of New Pay Structure ▪ Why pay matrix for judiciary preferred ▪ Increments ▪ Date of accrual of increment ▪ Dearness Allowance ▪ The new pay structure and the effective date ▪ Arrears of Pay 	71 – 91
• Assured Career Progression <ul style="list-style-type: none"> ▪ Functional cum Financial Upgradation for District Judges 	91 – 100
• Relativities between the revised pay scale of Judicial Officers and the pay of All India Service Officers	101 – 110
• Non functional upgradation for Judicial Officers	111 – 113
• An overview of the judicial remuneration in other countries	113 – 118
• Report of Justice Mohit S. Shah (2015)	119 – 120
• Synopsis of the principles followed and approach adopted by the VII CPC	120 – 127
• Fixed Pay Model <ul style="list-style-type: none"> ▪ Fitment/Migration under Fixed Pay Structure ▪ Merits and Demerits of Fixed Pay Pattern ▪ Note by the Member Shri R. Basant J. on Fixed Pay Model 	128 – 152
• Application of revised pay scales to the Presiding Officers of Industrial Tribunals and Labour Courts	152 – 154
• Judges of Family Courts (in Maharashtra)	155 – 157
• Special Judicial Magistrates	157 – 159
• Financial Implications	160 – 173
• Sharing of Financial Burden	174 – 180
• Summary of Recommendations	180 - 187
• End of Volume-I	188

VOLUME-IA (ANNEXURES)

	Page No.
ANNEXURE-1 TO ANNEXURE IV	1 – 216
<ul style="list-style-type: none"> • ANNEXURE-I <ul style="list-style-type: none"> ▪ Order dated 09.05.2017 of the Supreme Court in All India Judges' Association v UoI & others 	1 – 8
<ul style="list-style-type: none"> • ANNEXURE-II <ul style="list-style-type: none"> ▪ Summary of Views/Suggestions <ul style="list-style-type: none"> ▪ High Courts 9 – 40 ▪ State Governments 40 – 49 ▪ Judicial Officers Associations - Serving and Retired 49 – 111 ▪ Individual Judicial Officers 111 – 129 	9 – 129
<ul style="list-style-type: none"> • ANNEXURE-III <ul style="list-style-type: none"> ▪ Consultation Paper – July 2018 	130 – 198
<ul style="list-style-type: none"> • ANNEXURE-IV <ul style="list-style-type: none"> ▪ Interim Report dated 09.03.2018 ▪ Order of Supreme Court dated 27.03.2018 	199 – 227
<ul style="list-style-type: none"> • End of Volume IA 	228

VOLUME-II

	Page No.
CHAPTER-3 PENSION AND FAMILY PENSION	1 – 65
<ul style="list-style-type: none"> • Pension <ul style="list-style-type: none"> ▪ Summary of Recommendations ▪ Appendix A – OM dated 12.05.2017 	1 – 37
<ul style="list-style-type: none"> • Family Pension <ul style="list-style-type: none"> ▪ Summary of Recommendations 	38 – 39
<ul style="list-style-type: none"> • Additional Quantum of Pension/Family Pension <ul style="list-style-type: none"> ▪ Summary of Recommendations 	40 – 49
<ul style="list-style-type: none"> • Gratuity <ul style="list-style-type: none"> ▪ Retirement/Death Gratuity ▪ Summary of Recommendations 	50 – 52
<ul style="list-style-type: none"> • Retirement Age of Judicial Officers <ul style="list-style-type: none"> ▪ Summary of Recommendations 	53 – 55
<ul style="list-style-type: none"> • Financial Assistance <ul style="list-style-type: none"> ▪ Summary of Recommendations 	56 – 60
<ul style="list-style-type: none"> • Assistance to Pensioners/Family Pensioners <ul style="list-style-type: none"> ▪ Summary of Recommendations 	60 – 64

CHAPTER-4 NATIONAL PENSION SYSTEM	65 – 112
<ul style="list-style-type: none"> ▪ Discussion ▪ Summary of Recommendations ▪ Recent Judgment of Karnataka High Court ▪ Appendix A 	
• End of Volume-II	113

VOLUME-III (ALLOWANCES)

CHAPTER-5	Page No.
<ul style="list-style-type: none"> • Advances - House Building Advance (HBA) <ul style="list-style-type: none"> ▪ Summary of Recommendations ▪ Appendix I – House Building Advance Rules (HBA)-2017 	1 – 9
<ul style="list-style-type: none"> • Children Education Allowance <ul style="list-style-type: none"> ▪ Summary of Recommendations ▪ Appendix I – OM dated 16.08.2017 	10 – 15
<ul style="list-style-type: none"> • City Compensatory Allowance <ul style="list-style-type: none"> ▪ Summary of Recommendations 	16 – 17
<ul style="list-style-type: none"> • Concurrent Charge Allowance <ul style="list-style-type: none"> ▪ Summary of Recommendations 	18 – 20
<ul style="list-style-type: none"> • Conveyance/Transport Allowance <ul style="list-style-type: none"> ▪ Summary of Recommendations 	21 – 34
<ul style="list-style-type: none"> • Dearness Allowance 	35
<ul style="list-style-type: none"> • Earned Leave Encashment <ul style="list-style-type: none"> ▪ Summary of Recommendations 	36 – 39
<ul style="list-style-type: none"> • Electricity and Water Charges <ul style="list-style-type: none"> ▪ Summary of Recommendations 	40 – 43
<ul style="list-style-type: none"> • Higher Qualifications Allowance <ul style="list-style-type: none"> ▪ Summary of Recommendations 	44 – 49
<ul style="list-style-type: none"> • Hill Area/Tough Location Allowance <ul style="list-style-type: none"> ▪ Summary of Recommendations 	50 – 53
<ul style="list-style-type: none"> • Home Orderly Allowance <ul style="list-style-type: none"> ▪ Summary of Recommendations 	54 – 65
<ul style="list-style-type: none"> • House Rent Allowance & Residential Quarters <ul style="list-style-type: none"> ▪ Summary of Recommendations ▪ Appendix I – OM dated 07.07.2017 	66 – 86
<ul style="list-style-type: none"> • Leave Travel Concession (LTC)/Home Travel Concession (HTC) <ul style="list-style-type: none"> ▪ Summary of Recommendations 	87 – 92

<ul style="list-style-type: none"> • Medical Allowance/Medical Facilities <ul style="list-style-type: none"> ▪ Summary of Recommendations ▪ Appendix I – OM dated 09.11.2017 ▪ Appendix II – SRO 152 dated 05.03.2019 of the Govt. of J & K ▪ Appendix III – Sample of Index Card 	93 – 120
<ul style="list-style-type: none"> • Newspaper & Magazine Allowance <ul style="list-style-type: none"> ▪ Summary of Recommendations 	121 - 122
<ul style="list-style-type: none"> • Risk Allowance <ul style="list-style-type: none"> ▪ Summary of Recommendations 	123 – 125
<ul style="list-style-type: none"> • Robe Allowance <ul style="list-style-type: none"> ▪ Summary of Recommendations 	126 – 128
<ul style="list-style-type: none"> • Special Pay for Administrative Work <ul style="list-style-type: none"> ▪ Summary of Recommendations 	129 – 135
<ul style="list-style-type: none"> • Sumptuary Allowance <ul style="list-style-type: none"> ▪ Summary of Recommendations 	136 – 142
<ul style="list-style-type: none"> • Telephone Facility <ul style="list-style-type: none"> ▪ Summary of Recommendations 	143 – 148
<ul style="list-style-type: none"> • Transfer Grant <ul style="list-style-type: none"> ▪ Summary of Recommendations ▪ Appendix I – OM dated 13.07.2017 	149 – 159
<ul style="list-style-type: none"> • End of Volume-III 	160

VOLUME-IV

	Page No.
<ul style="list-style-type: none"> • Consolidated Summary of Recommendations 	1 – 54
<ul style="list-style-type: none"> • Summary of recommendations on Pay Structure 	1 – 8
<ul style="list-style-type: none"> • Summary of recommendations on Pension and Family Pension <ul style="list-style-type: none"> ▪ Pension ▪ Family Pension ▪ Additional Quantum of Pension/Family Pension ▪ Gratuity ▪ Financial Assistance ▪ Assistance to Pensioners/Family Pensioners 	9 – 18
	9 – 10
	11
	12 – 13
	14
	15
	16 – 17
<ul style="list-style-type: none"> • Summary of Recommendations on National Pension System 	18

• Summary of Recommendations on Allowances	19 – 54
▪ Advances – House Building Advance (HBA)	19
▪ Children Education Allowance (CEA)	20 – 21
▪ City Compensatory Allowance (CCA)	22
▪ Concurrent Charge Allowance	23
▪ Conveyance/Transport Allowance	24 – 26
▪ Dearness Allowance	27
▪ Earned Leave Encashment	28
▪ Electricity and Water Charges	29
▪ Higher Qualification	30 – 31
▪ Hill Area/Tough Location Allowance	32
▪ Home Orderly/Domestic Help Allowance	33 – 35
▪ House Rent Allowance and Residential Quarters	36 – 40
▪ Leave Travel Concession (LTC)	41 – 42
▪ Medical Allowance and Medical Facilities	43 – 46
▪ Newspaper/Magazine Allowance	47
▪ Risk Allowance	48
▪ Robe Allowance	49
▪ Special Pay for Administrative Work	50
▪ Sumptuary Allowance	51
▪ Telephone Facility	52 – 53
▪ Transfer Grant	54
• Supplemental Report	55
• End of Volume-IV	56

INDEX TO VOLUME-IA

VOLUME-IA (ANNEXURES)

	Page No.
ANNEXURE-1 TO ANNEXURE IV	1 – 216
• ANNEXURE-I <ul style="list-style-type: none">▪ Order dated 09.05.2017 of the Supreme Court in All India Judges' Association v UoI & others	1 – 8
• ANNEXURE-II <ul style="list-style-type: none">▪ Summary of Views/Suggestions<ul style="list-style-type: none">▪ High Courts▪ State Governments▪ Judicial Officers Associations - Serving and Retired▪ Individual Judicial Officers	9 – 129 9 – 40 40 – 49 49 – 111 111 – 129
• ANNEXURE-III <ul style="list-style-type: none">▪ Consultation Paper – July 2018	130 – 198
• ANNEXURE-IV <ul style="list-style-type: none">▪ Interim Report dated 09.03.2018▪ Order of Supreme Court dated 27.03.2018	199 – 227
• End of Volume IA	228

1

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Certified to be true copy IN THE SUPREME COURT OF INDIA
 Assistant Registrar(Judl.) CIVIL ORIGINAL JURISDICTION
 1905-2-17-2015
 Supreme Court of India WRIT PETITION(C) No. 643/2015

ALL INDIA JUDGES ASSOCIATION Petitioner(s)
 VERSUS
 UNION OF INDIA & ORS. Respondent(s)

O R D E R

This writ petition is filed by All India Judges Association praying as follows:-

"It is, therefore, respectfully prayed that this Hon'ble Court may be pleased:

1. To issue a writ of mandamus or a writ in the nature of mandamus or such other writ/order/direction as may be necessary directing the Respondents to constitute all India Judicial Commission in terms of the representation made by the petitioner to respondent no. 1 on 13/05/2015 to review the service conditions of the judicial officers of subordinate judiciary in India including but not limited to pay scale, retirement age,

pension and other emoluments of the sub-ordinate judiciary from time to time;

2. To issue such orders as may be necessary to direct the Respondent no. 1 to undertake appropriate exercise to ascertain the feasibility of establishing an All India Judicial Services; and

3. To pass such other orders and further orders as may be deemed necessary on the facts and in the circumstances of the case."

Notice was ordered on 14.9.2015. Various States and High Courts, and the Union of India are the parties-respondents to the instant writ petition. All the respondents are served.

By an order dated 8th March, 2017, this Court recorded that for adjudicating the various questions raised by the petitioners in the instant writ petition, certain data is required to be collected and for that purpose, a body competent to collect the data is required to be constituted. The Court also took note of the fact that, on an earlier occasion, such an exercise was undertaken pursuant to the orders of this Court by a Commission, now popularly known as the Shetty

Commission. On the basis of the recommendations of the Shetty Commission, this Court issued various directions, the details of which may not be necessary for the present purpose.

All the learned counsel appearing for the various parties agreed for appointment of a fresh Commission to undertake the exercise. It was also recorded by the order dated 8th March, 2017 that the Government of India would submit draft Terms of Reference for the guidance of the Commission, to be appointed eventually. Government of India has since filed the draft Terms of Reference. Learned counsel for the petitioner also agrees that the various suggestions made in the said draft be the terms and reference to the Commission. The agreed Terms of Reference are as follows:-

- a. To evolve the principles which should govern the structure of pay and other emoluments of Judicial Officers belonging to the sub-ordinate judiciary all over the country.

- b. To examine the present structure of emoluments and conditions of service of Judicial Officers in the states and UT's taking into account the total packet of benefits available to them and make suitable recommendations including post

retirement benefits such as pension etc. having regard among other relevant factors, to the existing relativities in the pay structure between the officers belonging to sub-ordinate judicial services vis-a-vis other civil servant) and mechanism for redressal of grievances in this regard.

c. ... x x x x ...

d. To examine the work methods and work environment as also the variety of allowance and benefits in kind that are available in Judicial Officers in addition to pay and to suggest rationalization and simplification thereof with a view to promoting efficiency in Judicial Administration, optimizing the size of judiciary etc. and to remove anomalies created in implementation of earlier recommendations.

e. To consider and recommend such interim relief as it considers just and proper to all categories of Judicial Officers of all the States/Union Territories. The interim

5
relief, if recommended, shall have to be fully adjusted against and included in the package which may become admissible to the Judicial Officers on the final recommendations of the Commission.

f. To recommend the mechanism for setting up of a permanent mechanism to review the pay and service conditions of members of sub-ordinate judiciary periodically by an independent commission exclusively constituted for the purpose and the composition of such commission should reflect adequate representation on behalf of the judiciary.

The Commission will make its recommendations as soon as feasible. It may consider, if necessary, sending reports on any of the matters as and when the recommendations are finalized. It shall make its recommendations to the State Governments.

The Commission will devise its own procedure and may appoint such advisers, institutional consultants

and experts as it may consider necessary for any particular purpose. It may call for such information and take such evidence as it may consider necessary. All State Governments, UT Administrations and the Ministries/Departments of the Central Government will furnish such information, documents and other assistance as required by the Commission."

In the circumstances, we deem it appropriate to appoint a Commission to be headed by Mr. Justice P. Venkatarama Reddi, a former Judge of this Court, who would act as a Chairman of the Commission, and Mr. R. Basant, a former Judge of the Kerala High Court and a Senior Advocate of this Court, to be the Member of the Commission. The Commission would be assisted by a Secretary who would be chosen by the Commission, preferably a Judicial Officer either in service or retired. In case the Commission decides to choose a serving Judicial Officer of any State, the concerned High Court and the State would make available the services of such an officer and treat such officer to be on deputation to the Commission.

The Chairman would be entitled to draw the

7

same amounts as are admissible towards the salary and other monetary allowances payable to a sitting Judge of this Court. The Member would be entitled to draw the same amounts as are admissible to the salary and the other monetary allowances payable to a sitting Judge of a High Court.

Coming to the Secretary, if a serving Officer is chosen (since we have already directed that such Officer to be treated as an Officer of the Commission), the necessary financial implications will follow. If a retired Officer is chosen, he would be entitled for the same amounts (equivalent to both salary and other allowances) which he had have drawn on the last date of his service.

All payments indicated above shall be made by the Union of India.

It is open for the Commission to devise its own procedures and formulate modalities necessary for accomplishing the task.

We hope and trust that all the respondents-Union of India and States and High Courts, would render all assistance due to the Commission.

The Commission will also indicate to the Union of India as to its requirements of infrastructural support, including the personnel,

if any, necessary for the purpose of carrying on the task. We also deem it appropriate to direct the Union of India to make available the services of one of its Additional Solicitors General to assist the Commission. We have no doubt that the Union of India will render all necessary assistance.

We request the Commission to complete the collection of data and make appropriate recommendations and submit a copy of the same to this Court preferably within a period of 18 months. The Commission shall be at liberty to approach this Court to seek any further clarification or direction to any of the respondents, if felt necessary.

As and when a copy of the report is submitted, the matter to be listed for further orders.

Sdt
.....J.
(J Chelameswar)

Sdt
.....J.
(S Abdul Nazeer)

New Delhi;
May 09, 2017.

SUMMARY OF VIEWS/SUGGESTIONS/REPRESENTATIONS OF HIGH COURTS, GOVERNMENTS AND ASSOCIATIONS AS REGARDS THE PAY/PAY STRUCTURE & PENSION

1. The views/suggestions of High Courts;
2. The views of State Governments regarding pay; and
3. The representations/suggestions of various Associations of Judicial officers (serving and retired) and also individual Judicial Officers (serving and retired) are given hereunder briefly. Regarding allowances and perks, they are adverted to in the course of topic-wise discussion.

1. VIEWS OF HIGH COURTS

(i). The High Courts of Allahabad, Chhattisgarh, Gauhati, Gujarat, Himachal Pradesh, Jharkhand, Karnataka, Madhya Pradesh, Madras, Meghalaya, Orissa, Patna, Rajasthan, Tripura, Uttarakhand, have furnished their responses to the Consultation Paper.

(ii). The Punjab and Haryana High Court has only given a suggestion in regard to the revised Master Pay Scale to be adopted as per the formula applied by Justice Padmanabhan Commission. Further, as regards certain allowances, the High Court has given its brief comments.

(iii). The High Courts of Bombay, Calcutta, Delhi, Kerala and Manipur have not furnished their views on the Consultation Paper. However, at the

consultation conferences, the officials of the Registry were present and participated in the discussion on certain aspects.

(iv). The High Court at Hyderabad for the States of Telangana and Andhra Pradesh, has merely forwarded the representation of the Telangana and Andhra Pradesh Retired Officers Association and A.P. Judicial Officers Association in regard to pay scales, allowances and pension. No views have been expressed by the High Court. However, by a subsequent communication dated 27.10.2018, the Registrar of High Court at Hyderabad furnished the reply to Question 7 of the Consultation Paper regarding ACP Scheme for Civil Judges. In regard to grant of ACP, the High Court has furnished the guidelines in force.

(v). So also, apart from forwarding the representations of the associations of serving and retired Judges, no independent views have been expressed by the High Courts of Jammu and Kashmir and High Court of Sikkim.

I. **ALLAHABAD HIGH COURT**

1.1 Keeping in view the broad principles evolved by FNJPC, the appropriate pay fixation may be as per Annexure B to the Consultation Paper. The annual increment could be around 3%. The starting pay of Civil Judge (Senior Division) is Rs.1,02,800/-. The starting pay of District Judge (Entry Level), District Judge (Selection Grade) and District Judge (Super Time Scale) is

Rs.1,35,000/-, Rs.1,48,500/- and Rs.1,82,200/- respectively. The maximum goes up to Rs.2,24,100/-.

P.N: It needs to be pointed out that the Commission has made it clear in the Consultation Paper that Annexure B is only an illustrative model and it shall not be considered as an indication of the figure proposed to be adopted by the Commission.

1.2 In reply to Question No.2, the High Court suggests that the formula of fixation of minimum pay in Master Pay Scale based on the percentage of increase of High Court Judges' pay as done by the JPC may be taken into account with the comparison of the same by reference to the rationale adopted by FNJPC. It is then said that "the outcome will itself indicate towards adopting the formula prescribed by the JPC.

1.3 If the formula adopted by the JPC in tune with the Mean pay percentages evolved by FNJPC is taken into account, the starting pay of Judicial Officers will be definitely more than what is set out in Annexure B. That is why perhaps the High Court said in reply to question 4 (b) of Consultation paper that "the pay level as proposed 'roughly' by the Commission as in Annexure B may be adopted". Further, in reply to question 4 (a), the High Court made it clear that in the interest of uniformity and rationalisation of pay scales, the pattern of VII CPC may be taken into consideration along with the Master Pay Scale concept. "Annexure B itself is the best example of that", it is stated.

1.4 Thus, the Allahabad High Court seems to be in favour of VII CPC pay matrix as illustrated by Annexure B with appropriate multiplier keeping in view the Master Pay Scale evolved by previous Commissions. The High Court further pointed out that relativities in pay benefits as between the Judicial Officers and other civil servants can be best achieved by ensuring that the Judicial Officers at every entry level are placed on the next pay scale in the same level at which the entry level IAS Officers are placed.

1.5 As regards the fixed pay scale system proposed in paragraph 14.1 of the Consultation Paper, the High Court is not in favour of it. It is said that an officer should be able to get increment in each year of his service.

1.6 As regards ACP, the High Court suggests that in case of delay, one increment every year with applicable DA may be granted and the same is liable to be adjusted later.

1.7 With regard to New Pension Scheme applicable to the officers who joined the Judicial Service on or after 01.04.2005, the High Court suggests that the old pension system ought to be restored keeping in view the future security of the officers. In this context, it is pointed out that the High Court and Supreme Court Judges continue to draw the pension as per the old pension rules.

II. CHHATTISGARH HIGH COURT

2.1 The High Court is of the view that the VII CPC pattern of pay fixation in relation to All India Services Officers is preferable in the interests of uniformity and rationalization of pay scales. The High Court has suggested modification of the figures in the Table at Annexure B of Consultation Paper (Annexure B is the I.R. Table applicable to Judicial Officers of Delhi, following VII CPC).

2.2 To sum up, Civil Judge (Jr. Div.) has been placed at Level 10 (Cell No. 1) with starting pay of Rs.73,200/-. The next stage is Rs.75,400/- after addition of 3% increment. It goes on up to 22nd stage where the maximum is shown Rs.1,36,000/-.

2.3 Civil Judge (Sr. Div.) is placed at Level 12 (Cell No. 1) with the starting pay of Rs.1,02,800/-. The maximum at the 18th stage is shown as Rs.1,70,100/-.

2.4 District Judge (Entry Level), District Judge (Senior Grade) and District Judge (Super Time Scale) are placed in Level 13A, 14 and 15 respectively.

2.5 The pay of District Judge (Entry Level) starts with Rs.1,35,000/- Level 13A (Cell No.1) and ends with Rs.1,92,500/- at the 13th stage.

2.6 District Judge (Selection Grade) starts with Rs.1,48,500/-, Level 14 (Cell No. 1) the maximum being Rs.2,11,800/- at the 13th stage.

2.7 District Judge (Super Time Scale) starts with Rs.1,87,700/-, Level 15 (Cell No. 1) the maximum being Rs.2,24,100/- at the 7th stage.

2.8 The High Court points out that the pay of Judicial officers should be revised on the basis of percentages mentioned in paragraph 7.2 of the Consultation Paper, which were specified by FNJPC and followed by JPC, i.e. 45.3% (at the lowest level) and 91.7% (at the highest level). In answer to question No.6, certain anomalies are pointed out in the pay structure as per Annexure B. It is submitted that looking at the actual Mean Basic Pay, the minimum pay of District Judge (STS) shall be at Rs.1,87,700 and end at Rs.2,24,100. Secondly, in respect of the pay structure of Civil Judges (Junior & Senior Division), it is pointed out that the maximum basic pay of junior pay scale (Rs.1,02,800 - Rs.1,70,100) is higher than the maximum basic pay of senior pay scale (Rs.1,18,500- Rs.1,69,000). To avoid this anomaly, it would be proper to increase the maximum basic pay of Senior division judge by adding at least one increment.

2.9 According to the High Court, the fixed pay system is not proper in view of the existing Service Rules of Judicial Officers.

2.10 The High Court suggests 3% increment as recommended by VII CPC.

2.11 The present rule as to ACP may be continued, the High Court suggests.

III. **GAUHATI HIGH COURT**

3.1 The basic principle laid down by FNJPC that the starting pay of Junior Civil Judge shall be about 12.5% more than that of IAS entry grade officer has to be followed. The methodology and rationale adopted by FNJPC in the fixation of MPS shall be taken into account. The multiplicand of 2.81 applied in fixing the pay of High Court Judges has to be adopted. If so, the starting salary of Civil Judge (JD) will be Rs.77,700/- and the highest salary of District Judge will be Rs.2,24,500/-.

3.2 It is suggested that the Master Pay Scale has to be worked out keeping in view the broad principles laid down by FNJPC as well as the pay scales of All India Service Officers.

3.3 If the pay pattern of VII CPC has to be adopted, the pay scale of Judicial Officers should be higher than the corresponding post of IAS in view of

the principle laid down by the Supreme Court in the review judgment (of 1993) in AIJA case.

3.4 The High Court is also of the view that the static pay methodology as stated in paragraph 14.1 of the Consultation Paper is an innovative method and it can be adopted subject to the following modifications:

S.No.	Designation	Proposed scale
1.	Civil Judge (Junior Division) Entry level for 1 st 5 years	1,00,000
2.	Civil Judge (Junior Division) Middle level for next 3 years	1,20,000
3.	Civil Judge (Junior Division) Senior level	1,35,000
4.	Civil Judge (Senior Division) Entry level for 5 years	1,35,000
5.	Civil Judge (Senior Division) Middle level for next 3 years	1,60,000
6.	Civil Judge (Senior Division) Senior level	1,90,000
7.	District Judge (Entry level) for 5 years	1,90,000
8.	District Judge (Middle level) for 3 years	2,15,000
9.	District Judge (Senior level)	2,24,500

P.N: The above Table is similar to the one drawn up by AIJA.

3.5 The High Court has suggested 3% increment as recommended by VII CPC.

3.6 As regards the ACP benefit, it is suggested that the first ACP should be given to the Judicial Officers automatically and the second ACP on the basis of performance appraisal.

3.7 Further, the High Court suggests that there should not be any cap on percentage basis in Selection Grade and Super Time Scale in District Judges Cadre. However, the High Court can evaluate the performance of the District Judge before granting Selection Grade or Super Time Scale.

IV. **GUJARAT HIGH COURT**

4.1 The SNJPC should go purely by the formula of fixation of minimum pay in Master Pay Scale based on the percentage of increase of High Court Judges' pay, as was done by JPC. The percentages of basic pay shall remain at the same level as specified by FNJPC, i.e. 42.3, 58.5, 71.6, 80 and 91.7 of the High Court Judges' pay. The salary of District Judge (Entry Level) must be equated to the STS of IAS Officer. The High Court is not in favour of adoption of VII CPC pattern of pay fixation.

4.2 It is suggested that the increment may be fixed at 4% and it shall be due on 1st January and 1st July depending on the date of joining or promotion. Then, it is pointed out that IAS Officers are getting two extra increments, i.e. 6% when they are at levels 11, 12 and 13 apart from financial upgradation benefit

every four years. Whereas IAS Officer reaches STS after putting in about 16 years, the Judicial Officers reach this scale almost at the time of retirement.

4.3 We may point out that the Gujarat High Court, while furnishing views on the interim relief, had suggested revised pay scales to be adopted based on the formula evolved by FNJPC as follows:

Cadre	Existing Pay Scale	Proposed Pay Scale
Civil Judge (Junior Division)	27700-770-33090-930-40530-1080-44850	78850-2050-93200-2600-114000-3000-126000
Civil Judge (Senior Division)	39600-930-40530-1080-49170-1240-54130	111400-2600-114000-3000-138000-3500-152000
District Judge (Entry Level)	51650-1240-59090-1390-63260	145000-3500-166000-3900-177700
District Judge (Selection Grade)	57850-1240-59090-1390-67430-1540-70510	162500-3500-166000-3900-189400-4400-198200
District Judge (Super Time Scale)	70510-1540-76670	198200-4400-215800

4.4 In regard to conferment of ACP benefit, the High Court suggests that all Judges who complete five years shall be given ACP as of right without assessing their performance and if ACP is not released on due date, 'special compensation' shall be paid. A guideline must be issued that ACP shall be granted to Judicial Officers like increment subject to departmental enquiry if any initiated against the Officer.

4.5 The High Court supports the fixed pay scale system as per paragraph 14.1 and says that the scales proposed by this Commission at paragraph 14.1 of Consultation Paper are also 'suitable'.

4.6 The High Court pleads for the continuance of old pension scheme for the Judicial Officers appointed after 2003 in order to ensure financial security after retirement. The decision of High Court of Bombay in Vihar Durve has been cited.

V. **HIGH COURT OF HIMACHAL PRADESH**

5.1 The Master Pay Scale as per the recommendation of JPC is more flexible and appropriate as compared to the Fixed Pay Scale as suggested in the Consultation Paper.

5.2 It is commented that the Fixed Pay Scale is stagnative, without there being any incentive of increment.

VI. **JHARKHAND HIGH COURT**

6.1 The methodology adopted by JPC is preferable. However, in order to maintain relativity in pay scales governing Judicial Officers and Civil Service Officers (if this has to be taken into account), the scale of District Judge (Entry Level) should be equivalent to that of IAS (Super Time Scale) as given in VII CPC pay matrix. Likewise, the starting pay of Civil Judge (Jr. Div.) should be

equivalent to that of Junior scale of IAS Officer with increments added to it. Accordingly, other scales should be formulated so that District Judge (STS) could be placed in 16th level of pay matrix instead of 15th level.

6.2 Further, it is suggested that the assignment of Selection Grade and Super Time Scale in District Judge cadre shall be made on time-bound basis instead of going by percentage of total posts of the cadre strength. The benefit of Selection Grade should be given after four years in District Judge cadre and STS after three years in Selection Grade.

6.3 In response to question No.4 relating to VII CPC pattern of fixation of pay for All India Service Officers, it is pointed out that the promotional prospects of a Civil Judge are very different from those of an IAS Officer. Civil Judge, even if she/he starts with more pay, gets stagnated for number of years due to lack of time-bound promotion, whereas it is not so in the case of an IAS Officer. Therefore, it is pointed out that IAS-type pay structure will not be conducive to the interests of Judicial Officers. The Master Pay Scale developed by previous Commission is preferable in all respects. The High Court is against the fixed pay pattern though no reasons are given.

6.4 The appropriate rate of increment is suggested as 3%.

6.5 To avoid delays in giving ACP benefit, the process shall be completed six months before the due date.

VII. KARNATAKA HIGH COURT

7.1 The pay structure of Judicial Officers will have to be evolved considering various factors like qualification, experience, work load in terms of hours of work. The pay structure shall also attract talent into judiciary. The present pay structure appears to be inadequate when compared to the onerous duties and responsibilities.

7.2 The broad principles evolved by FNJPC and accepted by Hon'ble Supreme Court continue to be relevant and the ratio established between pay of Judicial officers and High Court Judges has to be borne in mind while evolving appropriate pay fixation for Judicial officers. Accordingly, it is suggested that the pay fixation of the Judicial officers may be on the basis of 26% enhancement over the basic pay as on 01.01.2016 on merging the admissible DA with pay as on that date and also subsuming 30% interim relief already granted.

7.3 The methodology and rationale adopted by FNJPC in evolving Master pay scale is very much appropriate. Further, the ratio established by FNJPC between the pay of the Judicial officers and High Court Judges shall be one of the determining factors in the preparation of Master pay scale. Considering these aspects, the following Master pay scale is suggested:

77900-2340-89600-2690-103050-3090-118500-3550-136250-4090-156700-
4700-175500-5260-196540-5900-220140

7.4 The rate of increment at each stage of progression has to be taken as 3% of that particular Stage. For example, 3% of 77,900 being 2,337, the increment is shown as 2340 at the first stage.

7.5 The minimum and maximum pay in respect of each category of Judicial officers as per the above Master pay scale has been furnished as follows:

Civil Judge (Jr. Div.): 77900-2340-89600-2690-103050-3090-118500-3550 -129150
 Senior Civil Judge: 112320-3090-118500-3550-136250-4090-152610
 District Judge: 148520-4090-156700-4700-175500-5260-180760
 District Judge (Selection Grade): 166100-4700-175500-5260-196540-5900-202440
 District Judge (Super Time Scale): 202440- 5900-220140

7.6 However, the Mean of the pay scales of District Judge (Selection Grade) and the District Judge (Super Time Scale) shall have a little higher percentage than that specified by FNJPC in relation to the salary of High Court Judges i.e. 1.50% more in the case of District Judge (Selection Grade) and 2.20% more in the case of District Judge (Super Time Scale). This is because their maximum pay in the pay scales evolved by the JPC is slightly lower than the maximum pay of the officers of comparable rank in IAS as per the VI CPC report. Instead of adopting "the Master pay scale or VII CPC", the Master pay scale as proposed above which has the "fitment formula" of 2.81 provided to High Court Judges and also having similar ratios established by FNJPC as between the salaries of Judicial Officers and the salaries of Hon'ble High Court Judges may be considered.

7.7 If the pay scale on the model of Annexure B (based on VII CPC pay Matrix) has to be adopted, the minimum basic pay for various grades of Judicial Officers shall be arrived at by applying the multiplier of 2.81. Accordingly, the minimum basic pay and the appropriate pay level and Cell Number are as follows:

- 1) Civil Judge –Rs.77,700 (Level-10, Cell-3)
- 2) Senior Civil Judge-Rs.1,12,400 (Level -12, Cell -4)
- 3) District Judge (Entry Level)-Rs.1,47,600 (Level-13A, Cell -4)
- 4) District Judge (Selection Grade)-Rs.1,62,300 (Level-14, Cell-4)
- 5) District Judge (STS)-Rs.1,99,100 (Level-15, Cell -4)

7.8 The High Court is not in favour of fixed pay methodology referred to Para 14.1 of the Consultation Paper. It is pointed out that the Judicial Officers may feel stagnated without periodical rise and more so when moving over to higher pay scales.

7.9 As regards ACP, the High Court points out that the delay in conferment of the benefit ACP may be on account of non-availability of confidential reports for the relevant period. The Commission, it is suggested, may consider simplification of procedure regarding grant of ACP.

7.10 The High Court points out in response to Question No.16 that the Special Judicial Magistrates working in Railway Courts and those disposing of petty criminal cases are being paid meager honorarium. The High Court suggests

that it is reasonable to enhance remuneration to Rs.20,000/- per month and to provide conveyance charges for attending the Court.

7.11 As regards the New Pension Scheme, the High Court has referred to the representation of Judicial officers to exclude them from the purview of new pension scheme, the report of Judges committee in this regard and the writ petition pending in the High Court of Karnataka in which recoveries from the salary of Judicial officers towards monthly pension contribution has been stayed. The High Court seems to be of the view that the new pension scheme cannot be imposed on the Judicial Officers entering the service on or after 01.04.2006 and in any case the decision will have to be taken in the light of the judgment in the pending writ petition.

7.12 The High Court is not in favour of utilization of services of retired Judicial Officers in the regular judicial work, but their services may be utilized in other judiciary related work such as Lok Adalat, Mediation, Conciliation etc. The remuneration of such Judicial Officers may not be less than the last pay drawn less pension and with usual admissible allowances. Their retirement benefits need not be withheld in case their services are utilized after retirement.

VIII. **MADHYA PRADESH HIGH COURT**

8.1 The High Court points out that the innovative pay structure (fixed pay pattern) proposed in paragraph 14.1 is ideal for the candidates opting to join

the Judicial service though not for existing members of Judiciary. However, later on, it is stated that the fixed pay structure at paragraph 14.1 may also be beneficial for the present incumbents in office looking to the nature of work and future prospects. While stating that the VII CPC pay pattern of pay fixation “does not appear to be appropriate”, the High Court points out that the Master Pay Scale methodology/formula adopted by JPC may be kept as second option (the first option being the fixed pay scale methodology).

8.2 While commending the Master Pay Scale methodology adopted by FNJPC and JPC, the High Court desires modification to the extent that the highest pay in the cadre of District Judge (Selection Grade) and the District Judge (Super Time Scale) should reach the maximum available for IAS in higher pay scale. In other words, the maximum pay of District Judges of SG and STS shall be suitably increased keeping in view the fact that the HAG officer [just below the rank of Secretary to GOI] gets a maximum of Rs.2,24,100/-. Another disparity pointed out is: “Whereas the District Judge gets SG and STS in the ratio of 25 percent and 10 percent respectively of the sanctioned posts, the IAS Officers are entitled to get pay scale on the basis of their batch of selection”. It is suggested that the same pattern may be adopted for the members of District judiciary.

8.3 Further, it is pointed out that if the Civil Judge is promoted to Higher Judicial Service, he must be given weightage of one year out of five years of service, as is available to the members of State Administrative Service.

8.4 Another suggestion made by the High Court of Madhya Pradesh is that a provision similar to ACP available to Civil Judges shall be extended to the District Judges as well to avoid stagnation in Higher Judicial service. Instead of going by percentages (25%, 10%) for conferring the SG and STS status, there is need to make provision for conferring the said benefit at certain intervals to all the members of particular batch as is available to the members of IAS.

IX. HIGH COURT OF MADRAS

9.1 The pay fixation for Judicial Officers of various ranks could be as per the three methods suggested by SNJPC. The new Master Pay Scale as per the methodology adopted by the JPC shall be: 77840-2160-92960-2590-113680-3030-137920-3460-165600-3880-188880-4330-214860 (arrived at by adopting the factor '2.81') representing proportion of increase of High Court Judges' salary. Based on the new Master Pay Scale, the starting and maximum pay of 5 categories of Judicial Officers works out as follows:

1.	Civil Judge	Rs.77840-125800
2.	Senior Civil Judge	Rs.111080-151770
3.	District Judge (Entry Level)	Rs.144860-177320
4.	District Judge (Selection Grade)	Rs.162140-197520
5.	Judge (Super Time Scale)	Rs.197520-214830

9.2 The ACP Scales for Civil Judge (Jr. & Sr. Div.) have been arrived at as follows:

Civil Judge – I ACP	Rs.92960-2590-113680-3030-128830
Civil Judge – II ACP	Rs.111080-2590-113680-3030-137920-3460-151760
Senior Civil Judge – I ACP	Rs.122770-3030-137920-3460-158680
Senior Civil Judge – II ACP	Rs.144860-177230

9.3 Referring to the pay fixation as per the VII CPC pay matrix, it is commented that it would not be advantageous to the Judicial Officers if the factor '2.57' is applied. However, if the pay matrix is arrived at with the factor '2.81', it would be beneficial to the Judicial Officers. If so, appropriate pay levels for the Judicial Officers based on VII CPC model has been set out in answer to question 4. The starting pay of three categories of Judicial Officers is set out as follows:

Civil Judge (Entry Level) : 78800-185900 (pay level 12 as per VII CPC);
 Civil Judge (Sr. Div.) : 118500-214100 (level 13);
 District Judge (Entry Level): 144900-177230
 District Judge (SG) : 162200-197600 and
 District Judge (STS) : 197600-215100

9.4 As regards the fixed pay scale, it is pointed out that though the starting pay is higher than the other two models, the lack of periodical increments would result in new entrants and seniors being treated alike. It is suggested that the first method based on the formula followed by JPC would be more appropriate in fixation of pay. However, while answering question '8', it is merely stated that "this innovative method is desirable in terms of better monetary benefits".

9.5 While reiterating that the methodology adopted by JPC is beneficial to the Judicial Officers and the present pay revision can be on the same lines, it is pointed out that “the best way is to fix the pay of the Judicial Officers on par or higher than that of relative civil service officers cadres”.

9.6 The rate of increment of 3% would be appropriate.

9.7 As regards anomalies, in answer to question ‘6’, it is pointed out that the pay scales (existing/proposed of the Judicial Officers who are in II ACP Scale of Senior Civil Judge and the District Judge (Entry Level) are identical.

X. **MEGHALAYA HIGH COURT**

10.1 Fixed pay pattern proposed in paragraph 14.1 seems to be appropriate and worth considering. This innovative pay structure (with higher starting pay but without increments operative for a certain number of years) would be exclusively Judiciary-centric. Alternatively, it is indicated that the formula of fixation of minimum pay in Master Pay Scale based on the percentage of increase of High Court Judges’ pay as was done by JPC appears to be more appropriate for Judicial Officers.

10.2 The principle followed by FNJPC by taking into account the pay scales of All India service officers for fixing the bench mark for the pay scales of Judicial offices is useful.

10.3 Even if one goes by the VII CPC pay matrix, the observations of the Supreme Court in AIJA case (AIR 2002 SC 1752) that the equivalence of District Judge (Entry Level) should be to IAS (STS) Officer should be adhered to.

10.4 As regards the rate of increment, the formula adopted by JPC with proportionate increase shall be worked out. The VII CPC pay structure will give an indication of the pay scales to be fixed for Judicial Officers.

XI. **ORISSA HIGH COURT**

11.1 The High Court is in favour of following the formula evolved by FNJPC and followed by JPC. The minimum pay in the Master Pay Scale (MPS) shall be fixed based on the percentage of increase of High Court Judges' salary. It is pointed out that the relativities were kept in view by FNJPC. The High Court is of the view that the VII CPC pay pattern is not appropriate as the Judges are not Government employees.

11.2 The suggested pay structure (Mean Pay) at the entry level for Civil Judge (Jr. Div.): is 1,05,000/-[⊕], Civil Judge (Sr. Div.): 1,32,000/- and District Judge: 1,61,000/-. As regards, District Judge (Selection Grade) and District Judge (Super Time Scale), Rs.1,80,000/- and Rs.2,06,500/- is suggested.

11.3 The rate of increment is suggested as 4% of basic pay.

[⊕] may be a mistake, it ought to have been Rs.102000/-

11.4 The High Court is not in favour of fixed pay scale methodology.

11.5 The Judicial Officers appointed after 01.01.2005 should also be governed by the old Pension Rules.

XII. PATNA HIGH COURT

12.1 The High Court suggests an appropriate pay fixation method so that the pay structure of Judicial Officers is in accordance with the observations of the Supreme Court and FNJPC recommendations. The High Court says that the pay matrix structure as devised by VII CPC "appears more appropriate", albeit with more innovation. It may be held to increase the salary of the Judicial Officers at regular intervals. The High Court suggests the following pay structure for various categories/levels of Judicial Officers, broadly conforming to the recommendations of FNJPC and the pay matrix structure evolved by VII CPC.

Civil Judge (Junior Division)	-	Rs.77900/-	-	3%	-	Rs.1,25,800/-
ACP (I)	-	Rs.93,000/-	-	3%	-	Rs.1,28,500/-
ACP (II)	-	Rs.1,11,100/-	-	3%	-	Rs.1,53,300/-
Civil Judge (Senior Division)	-	Rs.1,11,000/-	-	3%	-	Rs.1,53,300/-
ACP (I)	-	Rs.1,21,200/-	-	3%	-	Rs.1,57,900/-
ACP (II)	-	Rs.1,44,600/-	-	3%	-	Rs.1,77,600/-
District Judge (Entry Level)	-	Rs.1,44,600/-	-	3%	-	Rs.1,77,600/-
District Judge (Selection Grade)	-	Rs.1,62,600/-	-	3%	-	Rs.1,99,600/-
District Judge (Super Time Scale)	-	Rs.1,99,600/-	-	3%	-	Rs.2,24,400/-

12.2 A Table giving 46 incremental stages has been furnished. The increase in number of incremental stages is perhaps to provide for higher

maximum to the District Judges in STS. The revision of salary it is pointed out shall be from 01.01.2016. The rate of increment has been proposed at 3% and shall be due on 1st January and 1st July every year depending on the date of joining or promotion in that half of the year.

12.3 In regard to fixed pay pattern, it appears that the High Court is not in favour of the same and would like to go by VII CPC/FNJPC pay fixation model. The process of grant of ACP shall be initiated six months prior to the date from which the officer becomes eligible and the process needs to be completed within three months after the date of entitlement.

XIII. **RAJASTHAN HIGH COURT**

13.1 Firstly, the High Court is in favour of continuing the formula/methodology adopted by FNJPC. Keeping in view the principle that the pay increase of Judicial Officers shall be proportionate to the increase of High Court Judges' pay, it is pointed out that the percentages worked out by FNJPC vis-à-vis the salary of High Court Judges need to be followed. A Table has been given proposing the revised pay scale on the basis of the fitment factor/multiple of 2.81 (representing the increase of pay of High Court Judges). Accordingly, it is submitted that the officers at various levels should get the pay as per two types of calculations hereunder:

	(E)	(F)
CJ (Entry Level)	77837-125804	77895-125910
CJ (ACP-I)	92983-127799	93162-127913
CJ (ACP-II)	111079-151768	111173-151898
SCJ (Entry Level)	111079-151768	111173-151898
SCJ (ACP-I)	1227569-158681	122873-158805
SCJ (ACP-II)	144856-177227	144968-177368
DJ (Entry Level)	144856-177227	144968-177368
DJ (SG)	162137-197515	162293-197683
DJ (STS)	197515-214825	197685-216293

13.2 The High Court then points out that as per the above Chart, there is no substantial difference in the two proposed pay scales i.e., applying the fitment factor/multiple of 2.81 and the Mean Basic Pay percentage formula of FNJPC. Having given the Master Pay Scale as per the formula of FNJPC with incremental stages, the High Court suggested the total number of stages to be reduced to 41 instead of 44 with only three stages at final stage, so as to maintain the ratio of percentage as specified by FNJPC and also to meet out the expectations of Judicial Officers for an annual increment at justifiable level. The increments are calculated at 2.80%.

13.3 As regards the fixed pay scale pattern, the High Court is not in favour of it. The High Court comments that it results in stagnancy in emoluments and will be counter-productive.

13.4 The High Court comments that the discontinuance of old pension scheme has become a matter of serious concern and the NPS would create financial insecurity.

XIV. TRIPURA HIGH COURT

14.1 The High Court supports the idea of fixed pay system adverted to in paragraph 14.1. The High Court also says in response to question no.8 that the 'scale' suggested in paragraph 14.1 of the Consultation Paper seems to be appropriate. While supporting the fixed pay structure, the High Court points out the shortfall in such system by reason of the fact that there will be no difference between the seniors and junior officers in the same cadre. Newcomers would be benefited while the senior officers may feel that they have been deprived of financial benefit in spite of their seniority. Therefore, it is suggested that the pay fixation shall be such that the senior gets higher pay than the juniors in the same cadre in case the fixed pay scale system is adopted.

14.2 If the fixed pay system proposed in paragraph 14.1 is not recommended, the Commission may adopt the formula of fixation of minimum pay in Master Pay Scale, based on the percentage of increase in the High Court Judges' pay, as was done by JPC.

14.3 While evolving the new pay structure on consideration of the relativities in respect of pay scales governing Judicial Officers and other Civil

Service Officers, the Commission may take note of the pay and allowances being paid to officers of both the services while providing for appropriate increase in the pay scales of Judicial Officers and recommend appropriate increase in the pay scales of Judicial Officers.

14.4 The rate of increment shall be 3% as suggested in Annexure B of the Consultation Paper.

14.5 As regards ACP scales, it is suggested that the benefit of I ACP should be automatically given to the Judicial Officers on completion of five years of service and the II ACP can be conferred on the basis of appraisal of the work and performance.

XV. HIGH COURT OF UTTARAKHAND

15.1 Keeping in view the principle of equivalence between the District Judge (Entry Level) with an IAS Officer of STS (which was spelt out by the Supreme Court in AIJA case, 2002) and the present pay scales of IAS Officers (as per the VII CPC Report), a new formula has to be evolved so as to ensure that the maximum pay of District Judge goes upto Rs.2,24,400/-, which the IAS STS Officer gets at present. Otherwise, the maximum salary (at the highest level of District Judge) will remain at Rs.2,15,100/-.

15.2 Percentage formula to fix salary of Judicial Officers whenever salary of High Court Judges increases “has brought down the salaries of Judicial Officers compared with the salaries of IAS Officers”. It is pointed out that an anomaly has arisen in respect of pay scales of District Judges (of SG & STS rank) after the Central Government revised the pay of All India service officers at top level in view of VI CPC recommendations. As regards the relativities factor, it is stated that the pay structure in respect of the cadres of Judicial Officers should be determined on the basis of the principle laid down by the Supreme Court in AIJA case 2002, that the District Judge’s pay level should be at par with an STS IAS Officer. It would be appropriate if the pay structure of Judicial Officers is fixed in accordance with the model adopted by VII CPC and whenever there is a revision of pay of Central Government officials pursuant to CPC recommendations, the same should be given effect to in respect of Judicial Officers also.

15.3 3% of basic pay as annual increment, as recommended by VII CPC, shall be applied to the Judicial Officers also.

15.4 Fixed pay scale system is not a desirable alternative. It would be appropriate if the pay structure of Judicial Officers is devised as per the model adopted by VII CPC.

15.5 As regards ACP benefit, to avoid delays, a cut-off date may be fixed as 31st of March every year to assess as to how many officers are eligible for ACP scale and the order regarding grant of ACP should be issued thereafter without delay.

XVI. PUNJAB & HARYANA HIGH COURT

16.1 The High Court suggests that the following Master Pay Scale as per the formula adopted by JPC would be appropriate.

77840-2160-92960-2590-113680-3030-137920-3640-165600-3800-188880-4330-214860.

16.2 There are no comments in regard to other modes of pay fixation or on aspects related to pension:

XVII. HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

17.1 Except forwarding the representation of the Telangana and Andhra Pradesh Retired Officers Association, and A.P. Judicial Officers Association, the High Court has not expressed any views.

17.2 However, in the subsequent letter dated 27.10.2018, the Registrar of High Court has furnished information regarding the guidelines issued by the Court for the grant of ACP scales to the senior and junior civil Judges as per the

guidelines, in a block of 5 years, he/she shall have been graded satisfactory at least 5 times and shall not have been rated as poor for more than twice. The other conditions that no departmental or criminal proceedings shall be pending against the officer on charges of misconduct, moral turpitude, lack of integrity or dereliction of duty.

XVIII. HIGH COURT OF JAMMU & KASHMIR

18.1 Apart from forwarding representation of the Associations (serving and retired Judges), no independent views have been furnished by the High Court.

XIX. CALCUTTA HIGH COURT

19.1 The Registrar Judicial (Services) of the High Court of Calcutta, by his letter dated 03.10.2018, merely forwarded the information sent in response to the questionnaire sent by the Commission before the release of Consultation Paper. No views on the Consultation Paper have been offered.

XX. HIGH COURT OF SIKKIM

20.1 The High Court forwarded the suggestions of Judicial officers of Sikkim.

21. **SUGGESIONS OF JUDICIAL OFFICERS OF SIKKIM (FORWARDED BY HIGH COURT OF SIKKIM)**

21.1 The appropriate pay fixation, according to the Judicial Officers of Sikkim should be such that it is relatively on the higher side when compared to the starting pay of All India Services. It may be kept at least 30% higher compared to the officials in executive branch of civil service (fixed as per VII CPC report).

21.2 The Judicial Officers of Sikkim suggest that the methodology adopted by FNJPC should be taken into account in the fixation of Master Pay Scale by maintaining a higher starting pay when compared to entry pay scale of All India Service officers and at the same time, the percentage of increase of High Court Judges pay should also be taken into account in determining the Master pay scale so that the difference does not widen. The pay scales of All India Service officers (not State Government officers) should be considered by the Commission. While suggesting that the Master pay scale should be continued, it is also suggested that the VII CPC pattern of pay fixation is preferable. The Judicial Officers of Sikkim have also stated that the "fixed pay model in Master pay scales without increments operative for certain number of years" in tune with the pay model applicable to the Judges of the High Court is a viable alternative and commendable. The pay for each category of officers is suggested as follows:

Civil Judge (Jr. Div.)	:	Rs.1,00,000/-
Civil Judge (Jr. Div.) 1 st stage ACP	:	Rs.1,10,000/-
Civil Judge (Jr. Div.) 2 nd stage ACP	:	Rs.1,20,000/-
Civil Judge (Sr. Div.)	:	Rs.1,35,000/-
Civil Judge (Sr. Div.) 1 st stage ACP	:	Rs.1,50,000/-
Civil Judge (Sr. Div.) 2 nd stage ACP	:	Rs.1,65,000/-
District Judge (Entry Level)	:	Rs.1,85,000/-
District Judge (Selection Grade)	:	Rs.2,05,000/-
District Judge (Super Time Scale)	:	Rs.2,24,000/-

21.3 It is suggested that the benefit of ACP shall be made automatic without there being the need to wait after the prescribed period. The Departmental Promotional Committee needs to be constituted to give effect to ACP scheme without any delay.

21.4 The rate of increment is suggested as 5% on basic pay annually for all ranks and grades.

21.5 As regards New Pension Scheme, it is submitted that it ought not to be given effect to in view of the meager rates of return. It is pointed out that the old pension scheme guaranteed financial security on retirement.

22. **VIEWS OF CHIEF JUDGE, PUDUCHERRY (FORWARDED BY THE GOVERNMENT, LAW DEPARTMENT)**

22.1 The Law Department of the Government has forwarded the views of Chief Judge, Puducherry on the subject of pay, pension and allowances. The Chief Judge, Puducherry has suggested that 'the Commission should go purely by the formula of fixation of minimum pay in Master Pay Scale based on

percentage of increase of High Court Judges' pay as was done by JPC. According to him, 3% of the total salary shall be the increment. Further, it is stated in reply to Question No.8 that the 'model scale' mentioned in Para 14.1 of Consultation Paper can be adopted. Further, he stated that the new pension scheme is more beneficial, however, it is not elaborated.

2. VIEWS RECEIVED FROM STATE GOVERNMENTS

I. GOVERNMENT OF KARNATAKA

1.1 The broad principles evolved by FNJPC are relevant even today and the ratio established between the pay of Judicial Officers and the High Court Judges is to be borne in mind while evolving the appropriate pay fixation.

1.2 Accordingly, the pay fixation of Judicial Officers may be on the basis of 26% enhancement over the basic pay as on 01.01.2016 and merging the admissible DA on pay as on 01.01.2016 and also subsuming the 30% I.R. recommended by SNJPC.

1.3 Incidentally, it may be mentioned that the High Court of Karnataka has made a similar suggestion. The details of pay fixation as per the above principle are then set out category/rank-wise. For instance, for Civil Judge (JD), the following calculation is made applying the above principle:

CIVIL JUDGE:

Existing pay scale	-	27700-700-33090-920-40450-1080-44770
Mean basic pay	-	36235
26% enhancement	-	9421
DA as on 01.01.2016	-	45294
IR at 30%	-	10871
Total	-	1,01,821

This amount will be 45.25% of the salary of High Court Judge which is nearer to 45.3% prescribed by FNJPC.

1.4 The methodology and rationale adopted by FNJPC in evolving the Master Pay Scale is very much appropriate. Further, the proportion of increase of High Court Judges' pay shall be 'one of the determining factors' in the preparation of Master Pay Scale.

1.5 Considering the above aspects, the following MPS is suggested:

77900-2340-89600-2690-103050-3090-118500-3550-136250-156700-4700-175500-5260-196540-5900-220140

1.6 The rate of increment at each stage of progression to be taken as 3%, eg: 3% of 77900 is 2337 and, hence, increment is shown as 2340.

1.7 On the basis of the above MPS, it is suggested to carve out the following pay scales of Judicial Officers of various ranks and grades:

Civil Judge : 77900-2340-89600-2690-103050-3090-118500-3550-129150
 Senior Civil Judge : 1123320-3090-118500-3550-136250-4090-152610
 District Judge : 148520-4090-156700-4700-175500-5260-180760
 District Judge (SG) : 166100-4700-175500-5260-196540-5900-202440
 District Judge (STS): 202440-5900-220140

1.8 It is pointed out that the mean of this pay scale works out to the same percentages as those specified by FNJPC, i.e. 45.3, 58.50, 71.60, 80.00 and 91.70%.

1.9 It is submitted that the mean of the pay scales of District Judge (Selection Grade) and District Judge (Super Time Scale) shall have a little higher percentage than the one specified by FNJPC in relation to the salary of High Court Judges.

1.10 The FNJPC has considered the pay scales of All India Officers (as per 5th CPC) for a limited purpose only and there is no recommendation to maintain any ratio between the Judicial Officers and All India Officers. The comparison in salaries shall not be between the Judicial Officers and administrative Executives, and, therefore, the question of taking into consideration the pay scales of All India Service Officers with appropriate increase or equations may not arise. If the pay scale pattern of VII CPC is to be adopted, the basic pay shall have to be multiplied by 2.81 representing the quantum of increase of the High Court Judges' pay.

1.11 Keeping the same in view, the Judicial Officers have to be placed in the following pay levels given by VII CPC:

Civil Judge	– Rs. 77,700 (Level-10, Cell-12)
Senior Civil Judge	– Rs.1,12,400 (Level-12, Cell-13)
District Judge (Entry Level)	– Rs.1,47,600 (Level-13A, Cell-5)
District Judge (Selection Grade)	– Rs.1,62,300 (Level-14, Cell-5)
District Judge (Super Time Scale)	– Rs.1,99,100 (Level-15, Cell-4)

1.12 The same minimum basic pay for Civil Judges and District Judges (Entry Level) may have to be given to new entrants also to attract talent into the Judiciary. Then the pay scale should start with the above minimum basic pay Rs.77,700/- and which may result in increase in ratios established by FNJPC between the pay of Judicial Officers and pay of High Court Judges.

1.13 The appropriate rate of increments may be 3% of basic pay as proposed by VII CPC to All India Officers. The pay structure should take into account various features peculiar to Judiciary such as workload, experience, onerous duties and responsibilities etc. and appropriate pay structure is required to be fulfilled.

1.14 In regard to fixed pay system adverted to in paragraph 14.1 of Consultation paper, the Government agrees that it is a desirable alternative if it is automatic after completion of stipulated period. In this regard, the pay as suggested by the Commission may be considered.

II. **GOVERNMENT OF MANIPUR**

2.1 At the outset, the Government projects the problem of acute financial constraint faced by the State and in view of the huge financial implications for the State, the Central Government's assistance is very much needed. It would be proper if the extra financial liability is shared with the Centre.

2.2 In response to the questionnaire, it is stated that the methodology adopted by FNJPC in the fixation of Master Pay Scale may be taken into account. However, it is stated that the VII CPC pattern is preferable. The fitment can be done for the Judicial Officers from level 10 onwards. The fitment factor and index of rationale (for arriving at the pay matrix as adopted in the VII CPC may not be applicable in toto for the Judicial Officers as the existing pay structure for Judicial services vary drastically from the VI CPC pay structure).

2.3 3% annual increment is suggested to maintain uniformity. The Government is not in favour of Fixed Pay Structure adverted in paragraph 14.1. It is stated that the existing system of annual increments is preferable. Though fixed pay pattern may look attractive initially, the stagnancy in pay over the period of years may cause dissatisfaction.

III. **GOVERNMENT OF MEGHALAYA**

3.1 Pay Matrix System (evolved by VII CPC) can be adopted with 'open ended scale'. The methodology and rationale adopted by FNJPC may be taken into account in the fixation of Matrix Pay Scale. However, it is suggested that the revised pay scale shall be worked out on the basis of the State factor of 2.68 (instead of 2.81). The Government is not in favour of fixed pay pattern adverted to in paragraph 14.1 of the Consultation Paper.

IV. GOVERNMENT OF RAJASTHAN

4.1 The formula of multiplier of 2.57 recommended by VII CPC is appropriate and it may be adopted for fitment of pay fixation of Judicial Officers. The comparative table giving the existing pay scales and the suggested pay scales for Judicial Service Officers with the corresponding IAS scales/grades are furnished.

S.No.	Name of the post	Existing pay scales	Pay Scales as per fitment factor of 2.57	Name of All India Service Scale	Pay Scale as per VII CPC (Entry Pay)
1.	Civil Judge (Entry Level)	27700-44770	71200-115100	Ordinary Scale	56100
2.	Civil Judge (ACP I)	33090-45480	85100-116900	-	-
3.	Civil Judge (ACP II)	39530-54010	101600-138900	Senior Time Scale	67700
4.	Sr. Civil Judge (Entry Level)	39530-54010	101600-138900	Junior Administrative Grade	78800
5.	Sr. Civil Judge (ACP I)	43690-56470	112300-145200	-	-
6.	Sr. Civil Judge (ACP II)	51500-63070	132500-162100	-	-
7.	District Judge (Entry Level)	51500-63070	132500-162100	Selection Scale	123100
8.	District Judge (SG)	57700-70290	148300-180700	Super Time	144200
9.	District Judge (ST)	70290-76450	182200-224100	HAG	182200

4.2 The Government suggested that the retirement age may be kept at 60 years at par with All India Service and State Administrative Service.

4.3 It is also suggested that the pay level in pay matrix, annual grade increments and ACP recommended by VIIth CPC is appropriate and may also be adopted for Judicial service.

4.4 Increment at the rate of 3% of basic pay has been suggested.

V. **GOVERNMENT OF BIHAR (FINANCE DEPARTMENT)**

5.1 The Secretary (Expenditure) has pointed out that if the initial pay for entry level post of Civil Judge, Junior Division is taken as Rs.1,00,000/- (as per the fixed pay pattern), it would be 1.78 times higher than the entry level pay of IAS and twice higher than the entry level pay of the officers of State Administrative Service. As the entry level pay of IAS has been fixed at Rs.56,100/- at level 10 w.e.f. 01.01.2016, it would be appropriate if the pay of the entry level in judicial service is fixed at Rs.63,100/- by adding 4 increments to the entry level pay of IAS. It works out to 12.5% higher than the pay of IAS and it will be in tune with the recommendation of FNJPC which fixed the initial pay of entry level Judicial officer at Rs.8000 - 13,500 which represents 12.5% increase over the pay granted to Group A officer at the entry level of all India service. In other words, the pay scale at entry level post in the State judicial service shall be commensurate to the entry level of IAS in level 10 and as in the past 12.5% increase above the initial pay scale of IAS can be granted to the Judicial officer at the lowest level with effect from 01.01.2016. Similarly, for the

promotional posts, the State Government is of the view that 12.5% higher than the pay scale of equivalent promotional post in IAS would be proper. It is submitted that if the starting pay of Judicial officer is fixed as Rs.1,00,000/-, it will be too high and will have adverse effect on the morale of IAS and State Service Officers. It would also open up the floodgates of demands for higher pay scales by other sections of officers.

6. The State Governments of Punjab and Uttarakhand have forwarded the views of the High Courts and have not furnished their independent views.

7. The Government of Tripura has forwarded the representation of the Tripura Judicial Officers Association. The Government has not expressed any views.

8. The Government of Himachal Pradesh, while enclosing the High Court's comments/suggestions in the matter, stated that at this stage, comments of the State Govt. cannot be offered till the final recommendations are received.

9. **VIEWS SENT BY LEGAL REMEMBRANCER-CUM SECRETARY TO LAW AND LEGISLATURE DEPARTMENT, HARYANA (In individual capacity)**

9.1 The illustrative model of pay as stated in paragraph 14.1 of the Consultation Paper needs to be modified as follows:

S.No.	Designation	Proposed Scale
1.	Civil Judge (Junior Division) Entry Level for 1 st 5 years	100000
2.	Civil Judge (Junior Division) Middle Level for next 5 years	110000
3.	Civil Judge (Junior Division) Senior Level for next 5 years	120000
4.	Civil Judge (Senior Division) Entry Level for 5 years	135000
5.	Civil Judge (Senior Division) Middle Level for next 5 years	150000
6.	Civil Judge (Senior Division) Senior Level for next 5 years	165000
7.	District Judge (Entry Level) for 5 years	185000
8.	District Judge (Middle Level) for next 5 years	205000
9.	District Judge (Senior Level) for next 5 years	224000
10.	District Judge (Senior most Level)	224900

9.2 It is submitted that "this table amply serves the purpose with regard to fixation of new pay of the members of the District Judiciary". Then, it is pointed out that after the VII CPC Report, many officers in the designation of Addl. Chief Secretary are drawing fixed pay of Rs.2.25 lakhs, which is also the pay attached to the single post of Chief Secretary. Accordingly, there is a need to provide that the senior most District and Sessions Judges draw marginally less than the above fixed pay scale and it could be Rs.2,24,000/-. It is suggested that in the case of Judicial Officers., discharging multiple functions – dealing with civil and criminal matters on original and appellate side, it is proper to make them eligible for special pay of Rs.10,000/- per month for Civil Judges/

Magistrates/Rent Controllers and Rs.15,000/- per month for District Judges/ Sessions Judges/rent appellate authorities.

III. SUGGESTIONS AND SUBMISSIONS OF ASSOCIATIONS

1. ALL INDIA JUDGES ASSOCIATION

1.1 Fixing minimum and maximum pay: There is no difficulty in determining maximum pay, because we have to adhere to two principles adverted to by FNJPC, i.e. (i) the highest salary should be lower than the HC Judge's pay (ii) it shall not be less than the highest salary of IAS Officer next below the rank of Cabinet Secretary.

1.2 Therefore the highest salary of District Judge (Super Time Scale) should be the maximum pay in 16th layer of VII CPC Table i.e. Rs.2,24,400/-.

1.3 For the determination of minimum salary, the multiplier of 2.81 (specified in VII CPC Report) shall be the starting pay of Civil Judge (Jr. Div.). Therefore, Rs.27,700/- x 2.81 will result in the figure of Rs.77,837/-, say Rs.77,900/-. Pay structure can thus be determined by applying the multiplier of 2.81 and increment of 3 % p.a. Accordingly, the new pay scale shall be as follows:

Civil Judge (Jr. Div.)	:	77,900 – 3% - 1,25,800
ACP (I)	:	93,000 – 3% - 1,28,500
ACP (II)	:	1,11,000 – 3% - 1,53,300

Civil Judge (Sr. Div.)	:	1,11,000 – 3% - 1,53,300
ACP (I)	:	1,21,200 – 3% - 1,57,900
ACP (II)	:	1,46,600 – 3% - 1,77,600
District Judge (Entry Level)	:	1,44,600 – 3% - 1,77,600
District Judge (SG)	:	1,62,600 – 3% - 1,99,600
District Judge (STS)	:	1,99,600 – 3% - 2,24,400

1.4 The Association requests the Commission to introduce a new concept to determine the salary and allowances by departing from the recommendations of FNJPC if necessary.

1.5 Inter alia, it is pointed out that the existing salaries were not structured to keep the scales of Judicial Officers higher than IAS officers, though the Supreme Court observed (in 2002 AIJA case) that the pay of Entry level Dist. Judge shall be equated to that of Super Time Scale of IAS. It is stated that a percentage formula linked to the increase of salary of HC Judge has brought down the salaries of Judicial Officers as compared to the salaries of IAS Officers. Considering these drawbacks, it is necessary to evolve more practical method to restructure the salary of Judicial Officers.

1.6 In Table I, 44 pay stages as proposed by FNJPC plus two more stages – 45 & 46 – in order to provide for higher maximum going upto Rs.2,24,250/- for District Judge (Super Time Scale) are given. As a corollary, it

is suggested that the Judicial Officers shall be placed in the corresponding stage of the pay scale by multiplying the present salary by 2.81.

PN: The proposed increment given in the table starting from Rs.2,170 does not exactly work out to 3%. It is somewhat less.

1.7 It is also suggested that the increment shall be due on 1st January and 1st July depending on the date of joining or promotion in that half year.

1.8 ACP Pay: It is suggested that the High Court can create some benchmark to deny financial upgradation rather than prescribing a benchmark to grant ACP scale. In other words, after completion of five years of service, all Judges in the cadre of Civil Judge (Junior or Senior Division) will get financial upgradation except those whose performance is not found upto the mark.

1.9 It is also suggested that similar norms may be followed while conferring Selection Grade and STS to the District Judges.

2. **COMMENTS OF GENERAL SECRETARY AIJA (DR. AJAY NATHANI)**

2.1 In view of the change in circumstances, especially the pay rise of officers of IAS and the salary and facilities of Legislators, a new methodology shall be worked out and the methodology adopted by Justice Shetty Commission needs to be revisited.

2.2 Having quoted the observations of Supreme Court, he submits:

While the Commission has to certainly take into account the salaries and allowances of IAS, the salary of Subordinate Judiciary should in no circumstances be less than the salary of Executive at any stage.

2.3 One of the possible ways to work out the salary of the Judges is by adopting the pay matrix of VII CPC; however, the lowest and highest salary shall be worked out in such a manner that the overall pay scale should be on the higher side as compared to the salary of the Executive officials.

2.4 Then, it is submitted that the appropriate pay of Judicial Officers shall be arrived at by adopting the multiplicand of 2.81 (applied to the Secretary to GOI). Therefore, the starting salary of Civil Judge shall be Rs.77,700/- and the highest salary of District Judge shall be Rs.2,24,500/-. The intermediate stages of salary may be worked out accordingly.

2.5 Regarding ACP, the principle to be followed shall be "grant is a rule and denial is an exception". The Judicial Officers after completing prescribed years of service shall start getting ACP scale unless there is any adverse entry in the service record.

2.6 Re: Fixed pay pattern: It is a welcome suggestion. The static pay shall be the average pay of the pay scale of the particular cadre. As the structure of the Judiciary like other institutions is of pyramidal nature, that is to say, there are more number of posts in lower cadre and considerable decrease of

posts in the higher cadre, the rise in salary is one of the incentives, which drives the officer to perform better.

2.7 Normally, a Judge recruited as Civil Judge continues in that capacity for not more than 10 years. However, if he continues in that cadre for more than 10 years, he must be able to get at least financial benefit equivalent to entry level of the promotional cadre. By virtue of this principle, it is better that the salary of third stage of Civil Judge (ACP II) and entry level pay scale of Senior Civil Judge shall be the same. Similarly, the third stage pay scale of Senior Civil Judge (ACP II) and the pay scale of District Judge (entry level) shall be the same.

2.8 The District Judge (STS) being the highest grade, very few Judges reach this level and some of them are in that scale only for a year or two. It is, therefore, necessary that the static salary at the exit level should be the highest salary. Hence, static salary of Rs.2,24,500/- for District Judges (STS) is suggested.

2.9 Fixed/static pay suggested in the Consultation Paper may be modified as follows:

S.No.	Designation	Proposed Scale
1.	Civil Judge (Junior Division) Entry Level for 1 st 5 years	100000
2.	Civil Judge (Junior Division) Middle Level for next 3 years	120000

3.	Civil Judge (Junior Division) Senior Level	135000
4.	Civil Judge (Senior Division) Entry Level for 5 years	135000
5.	Civil Judge (Senior Division) Middle Level for next 3 years	160000
6.	Civil Judge (Senior Division) Senior Level	190000
7.	District Judge (Entry Level) for 5 years	190000
8.	District Judge (Middle Level) for 3 years	215000
9.	District Judge (Senior Level)	224500

2.10 Incidentally, the static pay system will encourage meritorious law graduates to join Judiciary in the cadre of Civil Judge.

2.11 In a separate Note given by Dr. Ajay Nathani, General Secretary of AIJA, a Table of calculations based on pay matrix formulated by VII CPC has been furnished. The same is extracted below:

Civil Judge	Civil Judge (1 st ACP)	Civil Judge (2 nd ACP)	Sr. Civil Judge	Civil Judge (Sr. Div. 1 st ACP)	Civil Judge (Sr. Div. 2 nd ACP)	District Judge	District Judge (SG)	District Judge (STS)
77700	93800	112400	112400	125800	147600	147600	167200	199100
80000	96600	115800	115800	129600	152000	152000	172200	205100
82400	99500	119300	119300	133500	156600	156600	177400	211300
84900	102500	122900	122900	137500	161300	161300	182700	217600
87400	105600	126600	126600	141600	166100	166100	188200	224400
90000	108800	130400	130400	145800	171100	171100	193800	
92700	112100	134300	134300	150200	176200	176200	199600	
95500	115500	138300	138300	154700	181500	181500	205600	
98400	119000	142400	142400	159300	186900	186900	211800	
101400	122600	146700	146700	164100	192500	192500		
104400	126300	151100	151100	169000				
107500	130100	155600	155600					
110700	134000	160300	160300					

114000	138000	165100	165100					
117400	142100	170100	170100					
120900								
124500								
128200								
132000								
136000								

2.12 He points out that while adopting the new system, it is necessary to have to make comparable assessment of salary arrived at through mean pay formula (evolved by the earlier Pay Commissions) and the VII Pay Commission matrix. Accordingly, he states that the multiplicand of 2.81 shall be applied to the mean pay arrived at. If so, the starting pay of Junior Civil Judge comes to Rs.77,877/-. This pay will fit into the 12th stage of level 10 of VII CPC pattern which is 77,700/-. 20 stages in that pay scale with annual increment of 3% (little more or less) are then set out.

2.13 It is pointed out that injustice done to judiciary by denying increment at 3% and keeping the basic pay confined to 44 stages can be done away with by adopting the above pay structure. The higher salary of District Judge (STS) has been arrived at as 2,24,400/-. It is noticed that for Civil Judge (Junior Division), 20 stages are given and 15 stages each for first ACP and second ACP are given. The pay of Junior Civil Judge/second ACP and the pay of Senior Civil Judge in all 15 stages is the same as that of Civil Judge/ second ACP; so also, the pay of District Judge (entry level) is the same as that of Senior Civil Judge in second ACP at all the 10 stages. The pay of District Judge starts at

1,47,600/- which is the 6th stage in level 13A of VII CPC pay matrix. The pay of District Judge Selection Grade has to be 1,67,200, according to the learned author of the note and 9 stages are set out in that rank. The pay 1,67,200/- is at 6th stage of 14 level in the pay matrix of VII CPC. Then the starting pay of District Judge (STS) 1,99,100/- has been picked up from level 15 (4th stage- 1,99,100/-) to 2,24,100/- which is the pay range of level 15 in the pay matrix of VII CPC. Then, the maximum pay at the 5th and last stage of District Judge (STS) is shown as 2,24,400/- as per the said Table. This is the maximum last stage pay in level 16 of VII CPC pay matrix of 2,24,400/- (nominally less than High Court Judges' salary). It appears that the Table is drawn in such a way as to ensure that the District Judge of top level (STS) gets maximum pay as that of IAS officer in the pay level of 16 (above HAG level), the next pay level being the fixed pay of 2,25,000/- applicable to the Secretary to Government of India (at par with the High Court Judges' fixed pay).

3. **ALL INDIA RETIRED JUDGES ASSOCIATION (AIRJA)**

3.1 The principles laid down by Justice Shetty Commission which were followed by JPC have to be kept in view. However, it is submitted that the percentages fixed by Justice Shetty Commission based on the salary of HC Judge need to be raised "in order to offset the adverse effect of the prevailing widespread frustration amongst Judicial Officers due to bleak promotional avenues." A suitable upward revision of the multiplier is therefore required.

3.2 The minimum of the Master Scale which is presently Rs.27,700/- should at least become Rs.77,837/- with effect from 01.01.2016 (through the application of the multiplier 2.81). The ceiling shall be raised to Rs.2,24,500/-, which shall be the maximum allowed to District Judges (STS) as it has been done in Delhi, by way of interim revision.

3.3 The proposed revised pay scales (starting and maximum pay) are given as under:

Civil Judge (Jr. Div.)	: Rs. 77,837/- - Rs.1,25,803/-
Civil Judge (Sr. Div.)	: Rs.1,10,080/- - Rs.1,51,770/-
District Judge (Entry Level)	: Rs.1,44,855/- - Rs.1,77,227/-
District Judge (SG)	: Rs.1,62,137/- - Rs.1,97,515/-
District Judge (STS)	: Rs.1,97,515/- - Rs.2,14,824/-

3.4 Then, it is pleaded that there should be suitable upscaling of percentages so as to devise the Master scale at Rs.77,837/- - Rs.2,24,500/- with an increment of 3% of the basic pay w.e.f. 01.01.2016. If a Judge is held up at the maximum of a scale, he/she should continue to get the said increment of 3% till he/she reaches the maximum of the Master pay scale.

3.5 The chart of revised pay scales of each category of Judicial Officers on the application of multiplier of 2.81 and the increment at 3% of basic pay has been furnished in Chapter III at page 19. The same is similar to the one given by AIJA. However, the Assn. pleads for suitable upward revision of the multiplier 2.81 in order to afford effective pecuniary relief to the District Judiciary.

3.6 In the supplementary memorandum, it is stated that the innovative proposal of fixed pay as set out in paragraph 14.1 (pages 37 and 38 of the Consultation Paper) prima facie appears to be quite attractive, particularly in regard to the pension based thereon.

3.7 The All India Retired Judges Association have handed over representations on 17.11.2018 and on 09.02.2019 in which a comparative Table indicating the difference between the revised pay based on Master pay/Mean pay methodology by taking the quantum of increase at 2.81 times as the basis and the proposed fixed pay model set out in Para 14.1 of Consultation Paper is furnished. The comparative figures relating to various ranks of officers from 1st to 44th stages are furnished therein.

3.8 According to the Table, when compared to the uniform increase at 2.81 times commensurate with the quantum of increase of High Court Judges' salary, the rate of increase in the case of fixed pay model indicated in Para 14.1 of the Consultation Paper will be in the range of 3.03 to 3.63 times.

3.9 The comparative pay for Civil Judge (Junior Division) from entry level to senior level up to 15th year is shown in the Table. Then follows, the Civil Judge (Sr. Division) pay starting from 16th year to 30th year, assuming that he enters the senior level in 26th year. Thereafter, the comparative pay scale/pay of

District Judges of the 3 grades i.e. entry level, middle level and senior level are set out from 31st year to 44th year.

3.10 The revised Master pay scale as per JPC formula is given as follows:

77840-2160-92960-2590-113680-3030-137920-3460-165600-3880-18880-4330-214860

3.11 The Association suggests commutation of pension for Judicial Officer to be allowed at the maximum of 50% at par with the High Court Judges. It is pointed out that the Central Government has been allowing commutation up to 40% pursuant to the recommendation of V CPC. Further, the Association pleads for reducing the lock-in period for commuted pension and to restore the full pension after 10 years instead of 15 years.

3.12 In the summarized submissions filed on 09.02,2019, the Association pleads for a suitable multiplier to be applied for the revision of pay/family pension as on 31.12.2015 "and also to remove any anomaly regarding the officers retiring after 01.01.2016 by giving an option of 50% formula" or the "multiplier formula", whichever is beneficial to the pensioner/family pensioner.

3.13 Regarding pension, the increase in the percentage of additional pension from the age of 65 years onwards has been suggested. The additional

quantum of pension/family pension to be allowed from 65 years onwards is set out as under:

65 years	: 10% of basic revised pension/family pension
70 years	: 20%
75 years	: 30%
80 years	: 40%
85 years	: 50%
90 years	: 70%
95 years	: 90%
100 years	: 100%

3.14 It is suggested that the additional pension may be raised from the beginning of each age bracket (and not at the end of the same). It is also suggested that, if, at the time of retirement, an officer is holding a post carrying special pay, then, that pay shall be made a part of the "last salary drawn" for the purpose of computing the pension of that officer.

3.15 The Association pleads for the restoration of full pension after 10 years, thereby reducing the lock-in period from 15 to 10 years and such step would help the old-age pensioners who need greater financial assistance.

3.16 **NOTE ON COMPUTATION OF FIXED PAY (Given by Mr. N.Sukumaran, office bearer of AIRJA on 09.02.2019)**

3.16.1 The scales of pay shown in Annexure B to Consultation Paper based on multiplier of 2.57 shall be modified by adopting the multiplier as 2.81. While stating that the fixed pay proposed with tentative figures given in Para

14.1 of the Consultation Paper is a welcome step, he suggests a particular methodology computing the fixed pay at various levels which results in much higher increase of pay at every level.

3.16.2 The manner of calculation is this:

The Super Time Scale of District Judges pay shall be fixed at 2,24,100 as shown in Annexure B. It works out to 99.6% of the High Court Judges' salary- That means, in terms of percentage, the increase for District Judges (Super Time Scale) works out to 7.9% when compared to the percentage worked out by FNJPC i.e., 91.7%. According to him, there must be corresponding increase at the rate of 7.9% for the other 4 categories of officers i.e., for District Judges (Selection Grade), District Judges (Entry Level), Civil Judges (Senior Division) and Civil Judges (Junior Division). The revised percentages for each category could therefore be 53.2, 66.4, 79.5, 87.9 and 99.6; (the percentages specified by FNJPC are 45.3, 58.5, 71.6, 80 and 91.7).

3.16.3 It is pointed out that no special reasons are given in FNJPC for fixation of such percentages. According to him, it would be appropriate to make upward revision of percentages as per the following Table:

Civil Judges (Junior)	Civil Judges (Senior)	District Judges (Entry)	District Judges (Selection Grade)	District Judges (Super Time Scale)
60%	80%	90%	95%	99.6%
1,35,000/-	1,80,000/-	2,02,500/-	2,13,750/-	2,24,100/-

4. **U.P.JUDICIAL SERVICES ASSOCIATION**

4.1 The Association has reiterated the views of All India Judges Association (AIJA) that a new formula shall be evolved to vary the percentages (specified in FNJPC report) so that the District Judges in higher grades shall get more pay in tune with the higher pay benefits the senior IAS officers are getting as per the VI and VII CPC recommendations. While submitting that the minimum pay shall not be less than Rs.77,837 (i.e. 27,700 multiplied by 2.81 times which is the rate of increase of High Court Judges' salary), and the annual increment shall be 3%, the following pay scales are suggested by the Association.

Civil Judge (Jr. Div.)	-	77900-3%-125800
Civil Judge (Jr. Div.) ACP (I)	-	93000-3%-128500
Civil Judge (Jr. Div.) ACP(II)	-	111000-3%-153300
Civil Judge (Sr. Div.)	-	111000-3%-153300
Civil Judge (Sr. Div.)ACP (I)	-	121200-3%-157900
Civil Judge (Sr. Div.)ACP (II)	-	144600-3%-177600
District Judge (Entry Level)	-	144600-3% -177600
District Judge (SG)	-	162600-3% -199600
District Judge (STS)	-	199600-3% -224500

4.2 Accordingly, the proposed Master pay scale starting from 77,900 and going up to the maximum 2,24,500 is furnished in a Table. The Table contains 44 stages. The increment varies between 2.95 and 3.06. There is slight increase (of about 1%) in the percentage of Mean basic pay spelt out in FNJPC report vis-à-vis the cadre of Civil Judges Junior and Senior Division. However, as

regards the District Judge (Super Time Scale), about 2½ percentage increase in Mean basic pay has been suggested. The Association suggests that the District Judge (Super Time Scale) has to be placed in the pay of 199600-224500.

4.3 The Association states that the fixed pay system adverted to at para 14.1 of the Consultation Paper is a welcome suggestion. In this regard, the same view as expressed by AIJA has been adopted. The proposed static pay for each category/grade is furnished as follows:

S.No.	Designation	Proposed scale
1.	Civil Judge(Junior Division) entry level for 1 st 5 years	100000
2.	Civil Judge (Junior Division)/middle level for next 5 years	120000
3.	Civil Judge(Junior Division) senior level	135000
4.	Civil Judge (Senior Division) entry level for 5 years	135000
5.	Civil Judge (Senior Division) middle level for next 5 years	160000
6.	Civil Judge (Senior Division) senior level for 5 years	190000
7.	District Judge (entry level) for 5 years	190000
8.	District Judge(middle level) for 3 years	215000
9.	District Judge (senior level)	224500

4.4 The Association then suggests that in tune with the ACP concept extended to Civil Judges (Junior and Senior Division), the District Judges may also be conferred Selection Grade and Super Time Scale on time bound basis i.e.

after 3 years of service as District Judge (entry level) and 3 years of service as District Judge in Selection Grade.

4.5 As regards ACP scheme, it is submitted that the scheme should be such as to afford reasonable opportunity to all the officers, in the grade to get financial upgradation in a time-frame. The revised ACP scales and the scales to be applied to District Judges getting upgradation on functional basis viz. to Selection Grade and Super Time Scale have been set out in the Table at pages 9 and 10 of the representation.

4.6 It is pointed out that in view of the fact that the IAS STS Officer gets Rs.2,24,000/- as per the VII CPC pay matrix, a new formula has to be evolved so that the maximum salary in the hierarchy is stepped up from Rs.2,15,000/- to Rs.2,24,400/-.

4.7 The Association suggests that option shall be given to the Judicial Officers appointed after 31.12.2003 to choose between the old system of pension plus old PF Scheme or New Pension Scheme implemented from the year 2004. It is pointed out that the NPS does not truly and completely satisfy the typical requirements of Judges' financial security aspect.

4.8 The Association is not in favour of offering any incentives for the students of National Law Schools to join the Judicial service. The premise that such Law graduates can make better contribution than others has been criticised.

5. **U.P. RETIRED JUDGES' ASSOCIATION**

5.1 The Association suggests that the Super Time Scale of District Judge should start from Rs.2,11,800/- which is the last pay stage of Selection Grade. It is then suggested that the Super Time Scale (maximum) shall be fixed at Rs.2,24,100/- and the retired Judicial officers (District Judges) including the retirees prior to 01.01.2006 may be given the pension equivalent to 50% of 2,24,100/-.

5.2 It is submitted that there shall be 20% increase in pension after the age of 70 years and thereafter at the interval of 5 years.

6. **MADHYA PRADESH NYAYADHISH SANGH**

6.1 Uniformity in pay structure, allowances and other service conditions for the Judges of all the States ought to be maintained.

6.2 The formula for determining the pay scale as prescribed by FNIJC needs to be revisited and appropriately amended in order to ensure that the matrix of pay scales and the maximum of highest pay scale for the District Judiciary are not on the lower side in comparison to the pay scale of the Executive branch as it happened after the VI CPC report.

6.3 The Association is in favour of the innovative fixed pay structure proposed in Para 14.1 of the Consultation Paper. The proposed fixed pay model

prepared by All India Retired Judges Association (prepared by AIRJA, Technical Member and submitted to SNJPC on 17.11.2018 at Chandigarh is acceptable to the Judges of M.P. Association. Further, it is suggested that there shall be deemed promotion in the relevant cadre from the date the vacancy arises and the High Courts may be empowered to relax the relevant service conditions in this regard.

6.4 The Association further submits that if it is not feasible to adopt the innovative pay structure proposed at Para No.14.1, the Master pay scale as per the formula adopted by JPC may be kept as second option subject to modification that the highest pay in the cadre of the District Judge, Selection Grade and Super Time Scale should reach the maximum as applicable to IAS in higher pay levels.

6.5 Then, in answer to question No.4 of Consultation paper, it is suggested that the VII CPC pattern of fixation of pay needs to be appropriately applied keeping in view the present pay structure of IAS officers so that the Judges are not put to any disadvantage.

6.6 The increment of 3.2% to 3.5% on the basic pay is suggested.

6.7 It is then pointed out that in keeping with higher grades for IAS officers that came into force pursuant to VI CPC report, no matching grades were created for the judiciary.

6.8 In view of the limited number of Selection Grade and Super Time Scale posts available in District Judges' cadre, the members of Higher Judicial Service are facing stagnation. Therefore, it is necessary to grant the pay scale of Selection Grade and Super Time Scale on completion of prescribed period of service, if the District Judges have good record of service and in this context, the ACP scheme has been referred to.

6.9 By reason of special drive launched by all the States/High Courts to fill-up the backlog of vacancies, the Judges in HJS cadre (District Judge rank officers) will be facing stagnation on account of large batch of younger Judges being recruited. It is therefore suggested that a policy of batch-wise parity or non-functional pay grades at all levels of District Judiciary including higher judicial service needs to be introduced. This suggestion may be duly considered having regard to the fact that the vacancies at the higher/top level are limited. Then, it is submitted that the grant of non-functional grade/ACPs and annual increment should be with effect from 1st January of the relevant year in which the Judicial officer becomes eligible just as in the case of IAS. The minimum period for grant of ACPs should also be rationalized on the lines of All India Services, right from the Junior Civil Judges to District Judges cadre.

6.10 On the analogy of special grade given to Additional Chief Secretary of IAS, it is suggested that the maximum pay of Rs.2,24,100/- and Rs.2,24,400/-

may be given to the District Judges in the ratio of 5% and 2.5% respectively of the total cadre of Higher Judicial Service of the State.

6.11 A member of State Administrative Service, on getting into IAS, gets weightage of one year's seniority in the block of 5 years of service. A Civil Judge should also be extended similar weightage while inducting him into HJS cadre.

6.12 The revision of allowances and other facilities for the District Judiciary shall be done keeping in view the ratio of pay increase of High Court Judges.

6.13 The superannuation of the Judges may be increased to 62 years in view of the higher life expectancy. The precedent of State of Madhya Pradesh raising the age of superannuation for its employees to 62 has been cited in this context. It is submitted that an anomalous situation has arisen on account of this.

7. FORMER JUDGES' WELFARE ASSOCIATION, M.P.

7.1 The Association has proposed pay scales for various categories/ ranks of Judicial officers as per the Charts C1/C2 enclosed with the representation. The starting pay has been arrived at by applying multiplicand of 3.07 times. The starting pay of Civil Judge (Jr. Div.) is suggested as Rs.85,800/-, that of Civil Judge (Sr. Div.) as 1,18,500/- and those related to District Judges as

1,44,200/- and 1,82,200 and Rs.2,05,400/-, the maximum pay of District Judge (STS) being 2,24,400/-. Thus, it is suggested that pay levels 11th and 16th of VII CPC pay matrix shall be applied.

7.2 It is pleaded that the pension should be increased every 5 years, starting from 65 years at 5%, for 70 years at 10%, for 75 years at 15%, for 80 years 25% and so on.

8. WEST BENGAL JUDICIAL SERVICE ASSOCIATION

8.1 No major change is required in regard to principles governing the pay fixation. However, it must be ensured that the pay fixation does not fall below the corresponding scales of civil servants of the Central Government.

8.2 The following pay scales would be appropriate keeping in mind the vertical cap with reference to the salary of High Court Judges.

Civil Judge (Jr. Div.)	-	77900-3%-125800
ACP (I)	-	93000-3% -128500
ACP (II)	-	111000-3%- 153300
Civil Judge (Sr. Div.)	-	111000-3%-153300
ACP (I)	-	121200-3%-157900
ACP (II)	-	144600-3%-177600
District Judge (Entry Level)	-	144600-3%-177600
District Judge (Selection Grade)	-	162600-3%-199600
District Judge (Super Time Scale)	-	199600-3%-224400

8.3 It is suggested that the grant of ACP should be time bound and shall not be denied unless there is an adverse entry as to the integrity of the officer.

8.4 In order to avoid delays in conferment of ACP, a time bound mechanism needs to be adopted and a uniform policy has to be evolved by the High Court for deciding the entitlement to ACP to avoid subjectivity.

8.5 The Association reiterates that the pay model followed by FNJPC has to be adopted.

8.6 The Association does not favour the pay fixation with reference to the pay matrix of VII CPC and the illustrative pay fixation based on the VII CPC model as given in Annexure B.

8.7 The Association does not favour the proposed alternative method of pay fixation in terms of 14.1 of the Consultation Paper (i.e. fixed pay model).

9. **WEST BENGAL JUDGES FORUM**

9.1 After referring to the fixed pay methodology mentioned in the Consultation Paper, the Association proposes the pay scale with higher starting pay with the addition of increments for 1st two years "to make initial pay more attractive" for the talented law graduates and lawyers. The Association suggests that the percentages specified by FNJPC and applied by JPC (described by the Association as "the base point of basic pay") shall be enhanced as follows:

Civil Judge (Jr. Div.)	50.3% (instead of 45.3)
Civil Judge (Sr. Div.)	63.5% (instead of 58.5)
District Judge (Entry Level)	82.6% (instead of 71.6)

9.2 As the District Judges get promoted almost at the fag end of their career, the increase in the base point of the basic from 71.6 to 82.6 is desirable. It is pointed out that having regard to the fact that in-service Judges get promotion as District Judges after going through two selection processes and the lawyers having more than 7 years of experience with fairly good income are appointed as District Judges, it is appropriate to increase the base point of basic to 82.6% (of High Court Judges' salary).

9.3 Regarding the fixed pay model, adverted to in Para 14.1 of the Consultation Paper, it is commented that the illustrative model given by the Commission covers a span of 45 years which is not justified. As there is no scope for any Judge to remain in service for 45 years, the Association suggests the span of 25 to 30 years for the fixation of pay levels.

9.4 The Association has given illustrative model, according to which, the Judicial Officer gets into the next level i.e. middle and senior levels every 3 years.

9.5 The Association states that it is in favour of granting more benefit to the junior judges in comparison to their senior counterparts. Therefore, at every level of entry, the Association proposes 2 (two) increments.

9.6 In conformity with the percentages proposed by the Association (referred to earlier) and the 3 year rule, the Association has given a category-wise chart specifying the pay and increments as follows:

S.No.	Designation	Scale
1.	Civil Judge (Jr. Div.) Entry Level for first 3 years	113175 – 3395 – 116570 – 3497 – 120067
2.	Civil Judge (Jr. Div.) Middle Level for first 3 years	123670 – 3710 – 127380 – 3821 – 131201
3.	Civil Judge (Jr. Div.) Senior Level for first 3 years	135138 – 4054 – 139192
4.	Civil Judge (Sr. Div.) Entry Level for first 3 years	142875 – 4286 – 147161 – 4414 – 151575
5.	Civil Judge (Sr. Div.) Medium Level for first 3 years	156123 – 4683 – 160806
6.	Civil Judge (Sr. Div.) Senior Level for first 3 years	165631 – 4968 – 170599
7.	District Judge Entry Level for first 3 years	185024 – 5550 – 190574 – 5717 – 196291
8.	District Judge Medium Level for first 3 years	202180 – 6064 – 208244 – 6247 – 214491
9.	District Judge (Senior Level)	224000

9.7 For District Judges at Senior Level, from 1st year onwards, a fixed pay of Rs.2,24,000/- has been proposed.

9.8 The Association advocates abolition of Selection Grade and Super Time Scale and introduction of time bound scales at middle and senior levels to avoid stagnation in the cadre of District Judge.

9.9 The Association suggests 3% increment.

9.10 The Association submits that having regard to the proposals they have made, there is no need to continue with ACP scheme as all the scales are time bound and remain only for three years.

9.11 The Association strongly 'opposes' the introduction or continuation of New Pension Scheme (NPS) for the members of the District judiciary. It is pointed out that it will act as a deterrent for the talented young members of the Bar to join the service. The Association wants the gratuity amount to be raised to Rs.30 lakhs as against 20 lakhs recommended by the VII CPC. Further, enhancement of retirement age to 62 with the corresponding increase for the High Court Judges has been suggested.

10. **WEST BENGAL JUDICIAL OFFICERS DEMOCRATIC ASSOCIATION**

10.1 The Association suggests introduction of higher starting pay with advance increments for the first 2 years in order to make initial pay more attractive for the talented graduates and lawyers. Accordingly, the Association suggests the increase of percentages suggested by FNJPC. The Association

submits that the Civil Judge shall be allowed to draw 50.3% of High Court Judge's pay instead of 45.3% and Civil Judge (Senior Division) shall draw 63.5% instead of 58.5%. Further, it is suggested that the pay of District Judge at Entry Level shall be equivalent to 82.6% of salary of High Court Judge. Regarding fixed pay structure referred to in 14.1 of Consultation Paper, it is commented that the time span of 45 years is too long and instead the pay scales shall be evolved by taking the span of 25 to 30 years as the basis. The suggested pay scales of each category of Judicial Officers has been given in the form of 9 Charts. It is pointed out that in fixing the pay structure, the Association is in favour of granting more benefits to the Junior Judges in comparison to their senior counterparts. Methodology of new pay structure proposed has been given in Para 2.9 of the representation.

10.2 The Association suggests 3% increment.

11. **FORMER JUDGES ASSOCIATION RAJASTHAN**

11.1 In response to the Consultation Paper, the Association sent a representation dated 20.08.2018. While endorsing the fixed pay model proposed in para 14.1 of the Consultation Paper, the Association had furnished a master pay scale starting from Rs.1 lakh to Rs.2,26,000/- with increments of Rs.3,000/- at unspecified intervals.

12. **WELFARE SOCIETY OF FORMER JUDGES, RAJASTHAN (JAIPUR)**

12.1 The suggestions regarding the pension: The concept of One-Rank-One-Pension which is being applied to Army pensioners shall be applied to retired Judicial Officers also. The additional pension starting from 65 years has been suggested. The percentage of additional pension proposed starts at 5% for those aged 65-70 years. The percentage of increase suggested for every 5 years thereafter is 10, 15, 20, 30, 40 and 50% upto 100 years.

12.2 The idea of deployment of retired judicial officers upto the age of 70 years has been supported. It is further suggested that if a retired judicial officer is re-appointed, the payment of terminal benefits shall not be deferred.

13. **SOCIETY FOR FORMER JUDGES ASSOCIATION, RAJASTHAN, JAIPUR**

13.1 The Master pay scale of Judicial Officers of all ranks and grades as per the principles evolved by FNJPC is furnished as under:

Rs.77840-2160-92960-2590-113680-3030-137920-3460-166500-3880-188880-4330-214860

13.2 The Association submits that the starting and maximum pay of five categories of Judicial Officers as per the above "matrix pay scale" works out to:

Civil Judge (Junior Division)	:	Rs.77840-125800
Civil Judge (Senior Division)	:	Rs.111080-151770

District Judge (Entry Level)	:	Rs.144860-177230
District Judge (Selection Grade)	:	Rs.162140-197520
District Judge (Super Time Scale)	:	Rs.197520-214830

13.3 The Association submits that in view of the introduction of new grades for IAS officers viz. HAG and HAG+ by the VII CPC, the methodology applied by FNJPC needs to be revisited and the anomaly in regard to the pay of District Judge (Entry Level) and the District Judge (Super Time Scale) has to be removed. It is also suggested that the VII Pay Commission's pay matrix may be taken into consideration and the pay structure of Judicial Officers of various cadres and ranks may be suitably enhanced.

13.4 The fixed pay model illustratively given by the Commission is acceptable to the Association. The Table given in Para 14.1 of Consultation Paper has been extracted by the Association.

13.5 The Association suggests 3% increment as per the recommendation of the VII CPC. The scheme of ACP shall ensure reasonable opportunity to all the officers in the grade to get financial upgradation in a time frame in view of the limited number of posts and lack of promotional opportunities. On completion of 5 years in the cadre of Civil Judge (Junior Division or Senior Division as the case may be), they shall be able to get financial upgradation automatically except those whose performance is not found to be up to the mark by the High Court.

13.6 As regards pension, the same suggestion that has been put forward by AIRJA has been reiterated. There shall be parity in the calculation of pension irrespective of date of retirement. The Association adverts to the VII Pay Commission Report at Para 10.1.67 which has been accepted by the Government of India (Ministry of Personnel, Department of Pension OM dated 12.05.2017). In effect, the Association proposes the payment of pension on the principle of OROP applicable to Armed personnel. The Judgment of Supreme Court in Union of India v S.P.S.Vains (Retd.) has been referred to in this context. The issue involved in that case was whether there could be disparity in the pension payable to the officers of same rank who had retired prior to the introduction of revised pay scales and those who retired thereafter.

13.7 The Association seeks for additional pension from the age of 70 and it cites the precedents in this regard in the States of Madhya Pradesh, Maharashtra and Bihar. The additional pension shall be 10% from 70 to 75 years and thereafter for every five years, the increase shall be 20%: 30%: 40% and 50% (50% for those between 90 and 100 years) and after 100 years, it shall remain at 100%.

13.8 The Association submits that the quantum of gratuity/death cum retirement gratuity shall be raised to Rs.20 lakhs.

13.9 The Association refers to the VII CPC report at Paragraph 10.1.67 and submits that on the same lines, One Rank and One Pension (OROP) scheme shall be implemented as in the case of Army personnel. It is pointed out that in this regard, the VII CPC report has been accepted by the Government of India (Department of Personnel, PG and Pensioners).

13.10 The Association is in favour of the fixed pay model referred to in 14.1 of the Consultation Paper.

14. **BIHAR JUDICIAL OFFICERS ASSOCIATION**

14.1 Though it was observed by the Supreme Court that the salary of District Judge (Entry Level) should be equated to that of STS of IAS, this was 'overlooked' in the FNJPC Report.

14.2 Percentage formula based on the increase in the salary of HC Judges has brought down the salaries of Judicial Officers as compared to salaries of IAS Officers. If this format is further followed, it will further reduce the salaries of Judicial Officers. In view of this situation, the innovative pay structure involving higher starting pay without increments operative for certain number of years should be evolved for the Judiciary. Such approach will ensure distinct identity of judicial pay structure (as noted in the Consultation Paper) and will also draw the talented law graduates and lawyers to the Judiciary. The IAS Officers are placed in 7 scales of pay and they get financial upgradation every 4 to 5

years. An IAS Officer reaches STS in 16 years whereas a Judicial Officer may not get STS even after service of 30 years. It is then stated that an arrangement of conferring 'extra increment' raises salary to optimum level and ensures highest salary in 18th level to all officers. It is then suggested that a total new methodology of pay structure should be put in place for subordinate judiciary. If VII CPC pattern is followed, the highest salary of District Judge (Super Time Scale) would be the highest salary in the 16th layer, i.e. Rs.2,24,000/-. It is stated that VII CPC has formulated a multiple of 2.81 for determining the salary (this statement seems to be with reference to the pay of an IAS (STS) officer. The pay structure can be determined as follows, after multiplying the initial pay of Rs.27,700/- (determined by JPC) with 2.81. The revised pay scales are then suggested as follows:

Civil Judge (Junior Division)	-	77900-3%-125800
ACP (I)	-	93000-3%-128500
ACP (II)	-	111000-3%-153300
Civil Judge (Senior Division)	-	111000-3%-153300
ACP (I)	-	121200-3%-157900
ACP (II)	-	144600-3%-177600
District Judge (Entry Level)	-	144600-3%-177600
District Judge (Selection Grade)	-	162600-3%-199600
District Judge (Super Time Scale)	-	199600-3%-224400

14.3 The increment suggested is 2.81 times more than the existing increment. 45 incremental stages are given for all categories of officers and in

the 46th stage, the maximum without further increments is shown as Rs.2,24,250/-, which would be applicable to the District Judge (Super Time Scale).

14.4 The rate of increment is suggested as 3% due on 1st January and 1st July of every year depending on the date of joining or promotion in the relevant half year.

14.5 Regarding ACP, it is submitted that the denial of financial upgradation in the first five years of service may have an adverse effect on the Judges. The first five years, it is pointed out, is "the period of improvisation". Expressing concern over the delays in granting ACP benefit, it is submitted that the process of grant of ACP needs to be initiated 6 months prior to the date from which an officer becomes eligible and the entire process of granting ACP is to be completed within three months from the date of entitlement.

15. **BIHAR EX-JUDICIAL OFFICERS' ASSOCIATION (STATE UNIT OF ALL INDIA RETIRED JUDGES ASSOCIATION)**

15.1 The Association is in agreement with the Central Memorandum Volume-I regarding pay scales, pensionary benefits, medical and domestic help allowances.

15.2 Bihar unit fully endorses the proposal of AIRJA to continue the formula adopted by FNJPC and by JPC with regard to pay matrix contained in

Annexure A and B to the Consultation Paper, it is submitted that the same will not be workable for the reasons:

- (i) the maximum pay of 2,24,100 as given in Column 15 of Annexure B for the Super Time Scale District Judges comes to 99.6% of 2,25,000 (HC Judges salary). This ratio goes against what has been laid down in FNJPC report followed by JPC report.
- (ii) annual increment differs year-wise.
- (iii) the present scale of Rs.70,290 – 76,450 covers 4 increments, whereas the Table referred to in Annexure B coincides with 7 increments.
- (iv) Likewise, the number of increments in level 13 A and 14 in regard to District Judges comes to 12 each, whereas the present pay structure contains 9 increments each. It is pointed out that the fitment of the present scale with the proposed scale given in Annexure B will therefore be a problem. As regards the other columns in Annexure B, it is pointed out that the anomaly is apparent in respect of levels 10, 11 and 12. While the figures of increments come to 21+17+17, the present working scales for Civil Judges (Junior Division and Senior Division) together cover only 35 increments.

15.3 Therefore, it is submitted that the Master pay scale is workable and the same may be considered in right perspective. A chart containing the Master pay scale with the corresponding stages of the pay scales of FNJPC and JPC and proposed stages based on 2.81 multiplier w.e.f.1-1-2016 has been attached as Annexure 2 to the Memorandum.

16. **KERALA JUDICIAL OFFICERS ASSOCIATION (KJOA)**

16.1 The VII CPC fixed the maximum pay of STS IAS Officer at Rs.2,24,000/-. In AIJA case (2002), the Supreme Court noted that the GOI's stand of equating the District Judge (Entry Level) with the scale of pay of Selection Grade IAS Officer was not correct and the proper equation should have been between the District Judge (Entry Level) and the STS level IAS Officer. It is on that basis that the scale of pay of should be determined upwards and downwards. The Court also observed "the scales of pay proposed by Shetty Commission appear to us to be somewhat lower on the average than the scale of pay recommended for IAS Officers."

16.2 Having adverted to the above observations, the KJOA points out that the maximum scale of pay of STS IAS Officer being Rs.2,24 lakhs, if the ratio of 91.7% (as arrived at by FNJPC and JPC) is adopted, the upper limit of the salary of District Judge (Super Time Scale) has to be up to Rs.2,15,000/- only. This, in effect, goes against the observations of the apex Court. In order to avoid this

anomaly, the (pay) ratio of District Judge (Super Time Scale) has to be further enhanced. For that purpose, while maintaining 44 stages of the running Master scale fixed by FNJPC and JPC, the rate of increase has to be modified by adopting the Mean pay at 93.96% of the revised pay of the High Court Judge. At the same time, the maximum of the Master scale has to be kept below the revised salary of High Court Judge.

16.3 Further, the workload of the judges of the District Judiciary has increased considerably after 01.01.1996. Low Judge-Population ratio has added to the immense workload of Judicial Officers. Apart from that, attractive pay is one of the incentives that encourages talented law graduates to join the Judiciary as Civil Judges (Jr. Div.). Therefore, it would be proper to enhance the Mean pay by 2% on the average in the pay scales of various levels.

16.4 The percentages of Mean basic pay of five ranks of Judicial Officers has been suggested as follows:

Civil Judge (Jr. Div.)	46.28% (as against 45.3 prescribed by FNJPC)
Civil Judge (Sr. Div.)	60.18% (as against 50.5)
District Judge (Entry Level)	74.16% (as against 71.6)
District Judge (SG)	83.09% (as against 80%)
District Judge (STS)	95.64% (as against 91.7)
Proposed Mean pay	Rs.36235, 46770, 57310, 63995 & 73370/-.

16.5 Accordingly, the Master pay scale evolved by the Kerala Judicial Officers' Association is as follows:

78,850-2,250-94,600-2750-1,16,600-3,200-1,42,200-3,700-1,71,800-4,100-
1,96,400-4695-2,24,570

16.6 It has 44 stages with fixed quantum increments starting at Rs.2250/-.

16.7 As regards the fixed pay pattern adverted to in paragraph 14.1 of the Consultation Paper, the Association considers it as a desirable alternative. However, it needs to be ensured that throughout the service of an officer, there should be no pay loss when compared to the pay that would have been drawn by the Judicial officer (increased as per the present system of maintaining the ratio with the pay of the Judges of High Court) so that the Judicial officers may not lose increment and DA to the accrued increment cumulatively arrived at for the next several years.

16.8 The Association also suggests recasting the running Master scale in 41 stages starting from Rs.81,100 to 2,24,600 keeping in view the need to attract talented youngsters to take to judicial career, the mounting work load and the need to rectify the anomaly in the scale of pay of the District Judge (STS).

16.9 Pension: As regards the calculation of pension, it is suggested that the State Rules for the time being in force may be applied to Judicial officers of respective States or Union Territories. The pension shall be determined with reference to last pay drawn so that the benefit of increments drawn is not denied to the pensioner. As regards the restoration of commuted pension, the qualifying years of service for full pension and gratuity, the Association submits that there is no need for changing of existing rules.

16.10 It is suggested that in view of the precarious financial position of the State of Kerala especially in view of the recent calamity of floods, the financial assistance from the Central Government to meet a part of expenditure (on account of revised pay) is suggested.

16.11 The ACP scheme as well as financial upgradation on functional basis applicable to the District Judges ought to be continued subject to revision of existing ACP scales. It is suggested that the District Judges having 5 years of service may be given selection grade to the extent of 35% of the cadre strength and the Super Time Scale may be given to the District Judge on completion of 3 years of service in Selection Grade. The increase of ceiling to 15% of the cadre strength is suggested in respect of District Judges (STS).

17. **KERALA RETIRED JUDGES ASSOCIATION**

17.1 The Association has suggested the upward revision of the mean pay percentages at 55.3, 68.5, 81.6, 90 and 99.55 for the two categories of Civil Judges and three grades of District Judges respectively. Further, the Association submits that the idea of fixed pay model indicated in Para 14.1 of Consultation Paper is desirable though it needs to be enhanced on the basis of Annexure B, SI.No.9. In regard to additional pension, it is submitted that the percentages shall be 20%, 40%, 60%, 80% and 100% for the age groups 80 years and 100 years.

17.2 It is pointed out that in Kerala the State pensioners are allowed restoration of commuted portion of pension after 12 years whereas in the case of Judicial Officers it is restored after 15 years only.

17.3 It is also submitted that the senior Selection Grade District Judges who retired before 01.01.1996 (who are few in number) deserve to be considered as Super Time Scale retired District Judges and they be allowed enhanced pension from 01.01.1996.

18. **KARNATAKA STATE JUDICIAL OFFICERS ASSOCIATION**

18.1 The Association suggests the increase of percentage of the Mean Basic Pay at various levels as stated below, by applying the multiplicand of

2.81% (representing the increase in the salary of High Court Judges). However, the increase in the percentage of Mean Basic Pay while maintaining the 2.81 multiplicand is proposed as per the following Table:

S. No.	Post	Existing Pay	Proposed Pay	
		Mean Basic Pay	Average Pay	Mean Basic Pay
1.	Civil Judge (Jr. Div.)	45.3%	Rs.36235	50%
2.	Civil Judge (Sr. Div.)	58.5%	Rs.46770	62%
3.	District Judge (Entry Level)	71.6%	Rs.57310	75%
4.	District Judge (SG)	80%	Rs.63995	85%
5.	District Judge (STS)	91.7%	Rs.73370	96%

18.2 This increase is suggested primarily for the reason that the pay of IAS Officer in STS has become Rs.2.24 lakhs pursuant to the VII CPC Report. If the ratio of 91.7% percent as recommended by the earlier Commissions is adopted, then the upper limit of the District Judge (STS) will be confined to Rs.2.15 lakhs only and it would be contrary to the observations of the Supreme Court in (2002) 4 SCC 247 at paragraph 18. This anomaly can be removed by increasing the ratio of 91.7% adopted by the FNJPC and JPC.

18.3 The revised pay scales worked out as per the methodology adopted by FNJPC and JPC which are set out in paragraph 24 are shown in the form of

Table after applying the multiplicand of 2.81 and the increment of 3% per annum: As per the Table, the Civil Judge (Jr. Div.) pay scale starts at Rs.77,900/- subject to the maximum of Rs.1,25,800/-. The Civil Judge (Sr. Div.) pay scale will be Rs.1,11,080/- subject to maximum of Rs.1,51,770/-. The District Judge (Entry Level) will get Rs.1,45,136/- subject to the maximum of Rs.1,77,760/-. The District Judge (STS) gets starting pay of Rs.1,98,133/- and subject to the maximum of Rs.2,15,242/-. In order to avoid the anomaly pointed out above, the Association states that it proposes the Master Pay Scale consisting of 46 layers of pay structure starting from Rs.77,900/- and ending with Rs.2,24,250/-, by applying the percentage indicated in the Table given above.

18.4 As regards the fixed pay scale model mentioned in paragraph 14.1 of the Consultation Paper, the Association submits that it is acceptable to them although the Association expressed its reservations in relation to this pay model while submitting its earlier response. However, the modification is suggested by reducing the number of years between one pay level and another from 5 to 3 years, especially for the reason that a person enters the judicial service at an age higher than that of the IAS Officer. Accordingly, the following table is given:

S.No.	Designation	Proposed Scale
1.	Civil Judge (Junior Division) First Entry Level for 1 st 3 years	100000
2.	Civil Judge (Junior Division) Second Level for next 3 years	110000
3.	Civil Judge (Junior Division)	120000

	Third Senior Level for next 3 years	
4.	Civil Judge (Junior Division) Fourth Entry Level for 3 years	130000
5.	Civil Judge (Senior Division) First Level for next 3 years	145000
6.	Civil Judge (Senior Division) Second Level for next 3 years	155000
7.	Civil Judge (Senior Division) Third Level for next 3 years	165000
8.	Civil Judge (Senior Division) Fourth Level	175000
9.	District Judge (Entry Level) for next 3 years	185000
10.	District Judge (Middle Level)	205000
11.	District Judge (Senior Level)	224000

18.5 The reasons given in the Consultation Paper for proposing this innovative fixed pay structure have been cited in support of this viewpoint.

18.6 Comments in regard to New Contributory Pension Scheme:
The disadvantages and drawbacks of new pension scheme made applicable to the Judicial Officers with effect from 01.04.2006 have been highlighted as under:

18.6.1 First of all, it is pointed out that the Government of Karnataka issued an order dated 29.03.2010 introducing the new pension scheme for the State Government employees appointed on or after 01.04.2006. The Judicial Officers did not come within the purview of the said Government order. As late as 30.09.2010, the Government of Karnataka issued orders revising the pension and family pension of retired Judicial Officers following the Order of Hon'ble

Supreme Court based on JPC report. The Judicial Officers who joined the service after 01.04.2006 were not told and they could not have foreseen that the new pension scheme will be made applicable to them with retrospective effect from 01.04.2006. However, in the year 2011, the Government of Karnataka sought to implement the new pension scheme to the Judicial Officers entering service on or after 01.04.2006. Pursuant to the representation made by the Karnataka Judicial Officers' Association and the Civil Judges of 2008 batch, the High Court of Karnataka constituted a Committee of Hon'ble Judges. The Committee in its report dated 23.12.2011 recorded the opinion that the new pension scheme of the State Government shall not be made applicable to the Judicial Officers. The Committee was of the view that the Judicial Officers cannot be made to contribute part of their basic salary as per the new pension scheme inasmuch as it goes against the Order of the Hon'ble Supreme Court approving the report of JPC regarding payment of 50% of last drawn salary of Judges to be given as pension and that the same shall be implemented in letter and spirit.

18.7 Then, the Association has enumerated the disadvantages and drawbacks that flow from the operation of new pension scheme as follows:

18.7.1 60% of the accumulated amount will be paid in lumpsum on superannuation. The remaining 40% will be utilized for paying the monthly pension. There is no clarity as to how much pension will be paid monthly till the death. If the 40% of accumulated amount is exhausted, what follows?

18.8 Family pension is not provided for under the new scheme. Only lumpsum up to the maximum of 30 times of monthly emoluments are admissible to the family/dependents.

18.9 Hike in the cost of living and diminished value of money are not taken into account. The amount likely to be paid after 25 years (as annuity) will be very meager and too low. Investments made in equity funds etc. may not yield adequate returns and moreover it is subject to risks. The future of Judicial Officer and his/her dependents thus becomes totally insecure.

18.10 The scheme is unscientific. The life span of an officer being uncertain, it is not clear as to how 40% of the accumulated pension will be disbursed monthly.

P.N: It appears that Writ Petition (Civil) No.193 of 2011 filed by Kerala Magistrates Judicial Association and others is pending before the Hon'ble Supreme Court. In the interlocutory application, an order was passed that no recovery shall be made from the Judicial Officers who were appointed after 01.01.2006, on the basis of the Government of Karnataka Notification dated 29.03.2010. Now, the final judgment of Karnataka High Court has also been pronounced.

19. **ANDHRA PRADESH JUDICIAL OFFICERS ASSOCIATION**

19.1 In tune with what has been said by AIJOA, the A.P. Association points out that the gap between the highest salary of District Judges and High Court Judges is increasing if the pay scales are worked out by using the principles laid down by the previous Commissions. The gap is likely to rise to nearly Rs.15,000/- per month. Further, if the revision of pay sales is based on similar principles as laid down by Justice Shetty Commission, the pay scales of the Judges will be lower as compared to the pay scales of officers of civil services. (In saying so, perhaps the A.P. Association has in view the pay scales of District Judges in comparison with the pay scales of officers at higher levels of IAS). The Association urges the Commission to evolve its own method to determine the pay scales of Judges keeping in view the broad principles laid down by the Apex Court in AIJA case (AIR 1992 SC 165 and AIR 1993 SC 2493).

19.2 The A.P. Association then suggests to workout the salary of Judges by adopting the pay matrix of VII CPC while ensuring that the lowest salary and highest salary shall be worked out in such a manner that either of pay scale should be on the higher side as compared to the salary of the executive. This seems to be in reiteration of the suggestion made by AIJA. The models adopted by Justice Shetty Commission, it is commented, have become obsolete with the change in circumstances. (However, this sweeping comment has not been elaborated). While pointing out that the multiplicand of 2.57 adopted in Table 5

of Annexure A to the Consultation Paper (VII CPC pay matrix), it is submitted that the suitable multiplicand shall be at 2.81. If so, the starting salary of Civil Judge shall be Rs.77,700/- and the highest salary of District Judge shall be Rs.2,24,500/- and the intermediate stages of salary have to be worked out accordingly. The Association suggests that the rate of increment shall be 3% as recommended by VII CPC. No response is given to question No.8 relating to the fixed pay scale pattern referred to in paragraph 14.1 of the Consultation Paper.

19.3 While pleading for timely sanction of ACP scales, the Association pleads for increase of Selection Grade of STS posts to 40% and 20% respectively and the reduction of the minimum period of service from 5 to 4 years and 3 to 2 years. Further, it is suggested that a system like ACP scales should be introduced for District Judges also, so that the majority of those who are not in a position to reach Selection Grade and Super Time Scale would be able to get higher monetary benefits.

20. **A.P. STATE RETIRED JUDICIAL OFFICERS ASSOCIATION**

20.1 The Association proposes additional quantum of pension from the age of 70 onwards as follows:

70-75: 10%, 75-80: 20%, 80-85: 30%, 85-90: 40%, 90-100:50%, above 100: 100%.

It is pointed out that the Government of A.P. is allowing the additional pension at the age of 75, 80, 85, 90, 95 and 100 years at the rates 15%, 20%, 25%, 30%, 35% and 50%.

20.2 In case of family pension, as against the existing 30% pension for family pensioners, the Association suggests 50% of pension for the family pensioners for 7 years from the date of death of the pensioner including perks and allowances at the same rate.

20.3 The idea of retired Judicial Officers being reemployed to man the existing vacant posts with last drawn pay and allowances without increment has been strongly supported.

20.4 The Association further represents that the pension and allowances to the Pensioners shall be exempt from Income Tax.

21. **RETIRED JUDICIAL OFFICERS ASSOCIATION OF A.P.**

21.1 The additional pension and the age and percentage as suggested by AP State Retired Judicial Officers Association has been reiterated. It is pointed out that the Government of A.P., is allowing additional pension at the age of 75, 80, 85, 90, 95 and 100 at the rates of 15, 20, 25, 30, 35 and 50%. As regards the family pensioners also, the suggestion made by AP State Retired Judicial Officers Association has been reiterated.

21.2 The Association further represents that the pension and allowances to the pensioners shall be exempt from Income Tax.

22. **REPRESENTATION GIVEN BY GENERAL SECRETARY OF A.P. STATE RETIRED JUDICIAL OFFICERS ASSOCIATION AT VISAKHAPATNAM**

22.1 The Association suggests pay hike of 2.8 times more than the present emoluments whether it be salary or pension. They request substantial enhancement of medical allowance and domestic help allowance (to the extent of about Rs.15000/- per month), grant of Rs.15000/- for purchase of cell phone and Rs.1,000/- per month towards call charges has been sought. It is pointed out that retired Judicial Officers are facing problems in processing the medical reimbursement bills. Therefore, it is suggested that a Liaison officer at District Court level may be nominated to assist the retired officers. It is submitted that the retired Judicial Officers who take up special assignments in the Tribunals shall be allowed to continue till the age of 70 years.

23. **TELANGANA JUDGES' ASSOCIATION**

23.1 The Association submits that the grant of ACP scale should be automatic, after completion of 5 years of service and the appraisal of work and performance as a pre-condition ought to be dispensed with.

24. **TELANGANA STATE RETIRED JUDICIAL OFFICERS ASSOCIATION**

24.1 The additional pension and the age and percentage as suggested by AP State Retired Judicial Officers Association has been reiterated. It is pointed out that the Government of A.P., is allowing additional pension at the age of 75, 80, 85, 90, 95 and 100 at the rates of 15, 20, 25, 30, 35 and 50%. As regards the family pensioners also, suggestion made by AP State Retired Judicial Officers Association has been reiterated.

24.2 The Association further represents that the pension and allowances to the pensioners shall be exempt from Income Tax.

25. **GUJARAT JUDICIAL SERVICE ASSOCIATION**

25.1 The Gujarat Judicial Service Association has suggested pay revision formula as per the recommendations of Justice Shetty Commission. The Master Pay Scale suggested is :

78850-2050-93200-2600-114000-3000-138000-3500-166000-3900-189400-
4400-215800

25.2 The Cadre-wise pay scales are as under:

Civil Judge (Jr. Div.)	: 78850-2050-93200-2600-114000-3000-126000
Civil Judge (Sr. Div.)	: 111400-2600-114000-3000-138000-3500-152000
District Judge (Entry Level)	: 145000-3500-166000-3900-177700
District Judge (SG)	: 162500-3500-166000-3900-189400-4400-198200
District Judge (STS)	: 198200-4400-215800

25.3 As regards the Pension structure, it is suggested that the revised pension of the retired Judicial Officers should not be less than 50% of the minimum pay of the revised pay of the post held by him at the time of his retirement and the DA should be payable at the Central Rules.

25.4 Additional Quantum of Pension is suggested as :

65 to 70 years	:	10%
70 to 80 years	:	20%
80 to 85 years	:	30%
85 to 90 years	:	40%
90 to 95 years	:	50%
95 and more	:	100%

25.5 It has also been suggested that New Defined Contributory Pension Scheme, 2005 should not be applicable to the Judicial Officers and they should be governed by the Old Pension and Provident Fund Scheme.

26. **GUJARAT STATE RETIRED JUDGES' ASSOCIATION**

26.1 It is submitted that the benefit of revised pay scale should be available to the past pensioners and further, the benefit of 50% pension based on the minimum pay of the ACP scales should be given to the past pensioners.

26.2 In the earlier representation, the Association expressed its views regarding pay and allowances.

27. **GUJARAT JUDICIAL SERVICE ASSOCIATION**

27.1 The Gujarat Judicial Service Association has suggested pay revision formula as per the recommendations of Justice Shetty Commission. The Master Pay Scale suggested is :

78850-2050-93200-2600-114000-3000-138000-3500-166000-3900-189400-4400-215800

27.2 The Cadre-wise pay scales are as under:

Civil Judge (Jr. Div.)	: 78850-2050-93200-2600-114000-3000-126000
Civil Judge (Sr. Div.)	: 111400-2600-114000-3000-138000-3500-152000
District Judge (Entry Level)	: 145000-3500-166000-3900-177700
District Judge (SG)	: 162500-3500-166000-3900-189400-4400-198200
District Judge (STS)	: 198200-4400-215800

27.3 The Association did not say anything about the pay matrix and the fixed pay as stated in para 14.1 of the Consultation Paper.

28. **ASSAM JUDICIAL SERVICE ASSOCIATION**

28.1 It is suggested that the Master Pay Scale has to be worked out keeping in view the broad principles laid down by FNJPC and the pay scales of All India Service officers. In no case, the pay scale of Judicial Officers shall be less than that of Executive. The Association suggests that the pay increase shall be in the same proportion as the increase of pay of the High Court Judges and therefore, the multiplicand of 2.81 times shall be applied. Accordingly, the

starting salary of Civil Judge (Jr. Div.) shall be 77,700/- and the highest salary of District Judge shall be Rs.2,24,500/-. As regards increment, 3% added to pay + increment already earned is suggested. It is then submitted that the first ACP should be given to the Judicial Officers automatically.

28.2 As regards the fixed pay scale system adverted to in Para 14.1 of the Consultation Paper, the Association suggests modification thereof by furnishing a Chart with 9 pay scales starting from one lakh and ending with 2,24,500/-.

29. **ALL ASSAM RETIRED JUDGES ASSOCIATION, GUWAHATI**

29.1 The Association refers to the principles laid down by FNJPC as regards the revised rate of pension and the calculation thereof and submits that the same shall be recommended for implementation. The Association pleads for increase in the percentage of additional quantum of pension on the basis of age factor.

30. **NAGALAND JUDICIAL OFFICERS' ASSOCIATION**

30.1 The Association refers to the views expressed by the All India Judges Association and submits that the Commission should adopt a new methodology to work out the salary and allowances of District Judiciary and

further, the salary of Judges should not be less than the salary of the executive at the corresponding stage. As regards the increment, 3% is suggested.

31. ODISSA RETIRED JUDGES ASSOCIATION

31.1 The Association has drawn up a Chart showing the revised pay scales to be adopted by applying the multiplier of 2.81 to the existing pay. As per the Chart, the pay of Civil Judge (Junior Division) is Rs.77,840/--1,25,800/-. The pay scale of District Judge Super Time Scale is 1,97,515/--2,14,825/-. The pay scales of other Judicial Officers within these two ranks are also set out.

31.2 It is pointed out that the pension is calculated in Odissa on the basis of last pay drawn. Accordingly, the modes of calculation of pension have been set out. It is then pointed out that the quantum of pension and additional pension as per VI and VII Pay Commission Reports need to be continued. So also, retirement gratuity and death-cum-retirement benefit as per VII CPC ought to be allowed to the Judicial Officers. The Association, in a subsequent representation has supported the fixed pay pattern indicated in Para 14.1 of Consultation Paper. The Association has highlighted the disparity in pay scale particularly at the beginning stage, as between the Selection Grade and Super Time Scale District Judges and pointed out the need to minimise the same. According to the Association, it can be done if the pay of District Judge (Selection Grade) starts at Rs.1,77,230/- i.e. the maximum scale of stage for Entry Level

District Judge. The scale of District Judge (STS) shall then start at Rs.1,97,520/. The Association has then made submissions on the premise that the pension is calculated on the basis of minimum pay scale. Then, it is pointed out that Annexure B to the Consultation Paper [which is the Table drawn up for the purpose of interim relief based on the pay matrix of the VII CPC] is not acceptable in the interest of pensioners and family pensioners. The Association submits that the innovative pay structure with fixed pay and higher starting pay, referred to in Para 14.1 of the Consultation Paper is the most desirable alternative. However, certain modifications have been suggested to the fixed pay model. It is submitted that the percentage of the mean of the basic pay of the District Judge Selection Grade has to be enhanced from 80% to 85% of the salary of the High Court Judge.

32. **TAMIL NADU JUDICIAL OFFICERS ASSOCIATION**

32.1 The Tamil Nadu Association is in favour of fixed pay referred to in paragraph 14.1 of the Consultation Paper as it turns out to be more beneficial than the Master Pay Scale evolved by FNJPC. If the fixed pay structure is adopted, the incentive for higher qualification can be granted in the form of allowances instead of increments (Rs.5,000/- per month for those who obtain Master's Degree in Law and Rs.10,000/- per month to those who obtain Doctorate) till the retirement of officer.

32.2 If the pay structure proposed in paragraph 14.1 is not recommended, there is a need to avoid the situation of STS District Judges getting less pay than the pay of Chief Secretaries. It is submitted that this result can be achieved only by increasing the salary of High Court Judges upto Rs.2,40,000/- per month.

33. TAMIL NADU RETIRED JUDGES WELFARE ASSOCIATION

33.1 The ratio (percentage) formulated by FNJPC and adopted by JPC has to be adopted for the purpose of fixation of pay scales and pension from 01.01.2016. By applying this principle, the basic pay of Judicial Officers is as under:

Category	Basic Pay to start with	Pension: (50%)
Civil Judge (Jr. Div.)	Rs.1,01,925/- (45.3% of High Court Judge Pay Rs.2,25,000/-)	Rs.50,960/-
Civil Judge (Sr. Div.)	Rs.1,31,625/- (58.5% of High Court Judge Pay)	Rs.65,810/-
District Judge (Entry Level)	Rs.1,61,105/- (71.6% of High Court Judge Pay)	Rs.80,550/-
District judge (Selection Grade)	Rs.1,80,000/- (80% of High Court Judge Pay)	Rs.90,000/-
District judge (Super Time Scale)	Rs.2,06,325/- (91.7% of High Court Judge Pay)	Rs.1,03,160/-

P.N: It needs to be mentioned here that the Association apparently equated the mean basic pay to the starting pay in the proposed revised pay scales. The FNJPC or the JPC has never said that the mean basic pay in the Master Pay Scale shall be adopted as the starting pay.

33.2 As regards the fixed pay model indicated in paragraph 14.1 of the Consultation Paper, it seems to be acceptable to the Association provided other Associations of serving and retired officers are in favour of it.

34. **TRIPURA JUDICIAL OFFICERS' ASSOCIATION**

34.1 Fixed pay system mentioned in Para 14.1 of Consultation Paper would be the ideal pay scale for the Judicial Officers. The only pitfall is that there will be no pay difference between a senior and junior officer in the same grade. Newcomers will be benefited while old guard may feel dissatisfied. Therefore, it is urged that the pay fixation should be done in such a way that seniors get higher pay than juniors, even if it be nominal. The Association does not expect or suggest wide variation of pay when compared to their counterparts in All India Services. However, the edge provided by FNJPC should be retained to attract talent. The Association has given a Table suggesting the scales as per FNJPC formula read with the pay matrix of VII CPC which is extracted below:

Grade	Scale as per FNJPC Formula	Proposed Pay Matrix
III (Entry) III (ACP-I)	77910-125920	67700-208700 (Level 11)
II (Entry) III (ACP-II)	111180-151910	118500-214100 (Level 12 and 13)
GR-I (Entry) GR-II (ACP-II)	144990-177390	144200-218200 (Level 13A and 14)
GR-I (SG)	162290-197690	182200-224100 (Level 15)
GR-I (ST)	197690-215020	205400-224400 (Level 16)

35. **TRIPURA RETIRED JUDGES ASSOCIATION**

35.1 Apart from endorsing the suggestions made by AIRJA, generally, the Association submits that the broad principle evolved by FNJPC and JPC in regard to pay fixation of Judicial Officers of various ranks and grades ought to be maintained. At the same time, it is stated that the Association is not in favour of adopting the Master pay scale system or the pay matrix evolved by the VII CPC. Then, it is stated that the Association supports the suggestion of AIRJA in this regard (which is not clear). In response to question No.4B of Consultation Paper, the Association says that it supports the view of AIRJA in this regard i.e. regarding pay fixation on the methodology of VII CPC pay matrix.

36. **HIMACHAL PRADESH HIGHER JUDICIAL OFFICERS ASSOCIATION**

36.1 The percentages (42.3, 58.5, 71.6, 80.0 and 91.7) of the mean basic pay of various ranks of Judicial Officers as recommended by FNJPC require reconsideration in view of the fact that the Judicial Officers recruited as Civil Judges have "scant chance" of getting elevated to the High Court. The percentages shall be substituted as follows: 45, 60, 75, 85 and 95 of the salary of High Court Judges.

36.2 The annual increment of 3% may be provided. The idea of fixed pay scales referred to in paragraph 14.1 of the Consultation Paper is quite

innovative and it is acceptable. The pay scales and allowances should be higher than those prescribed for IAS Officers having regard to the nature of functions exercised by the Judges.

37. DELHI JUDICIAL SERVICE ASSOCIATION

37.1 The main thrust of representation submitted on 22.10.2018 was in regard to the New Pension Scheme effective from 01.01.2004 for the officers recruited after that day in NCT of Delhi. The recent order issued by Government of Maharashtra giving option to Judicial Officers to opt for old pension scheme instead of NPS and the judgment of Bombay High Court in Vihar Durve's case has been referred to. It is pointed out that the same option should be given to all the members of Judicial service as they cannot be compared to other services. The new pension scheme has been characterized as discriminatory and arbitrary. It does not take into account the peculiar job conditions of Judges and fails to provide financial stability after their retirement. In order to avoid stagnation and to ensure reasonable career progression and financial upgradation for civil Judges (Junior and Senior Division), the ACP scheme for all categories of officers is commended. The ACP, it is pointed out, shall not be restricted to the percentage of posts of the cadre. The ACP benefit shall be extended on time bound basis. In regard to pay fixation, there are no specific comments.

38. J & K JUDICIAL OFFICERS ASSOCIATION

38.1 The views/suggestions regarding pay fixation are almost the same as those put forward by AIJA and the General Secretary of AIJA. The summary of the views of AIJA and its General Secretary has been given at the outset. The two options for working out the Master Pay Scale set out by AIJA are also set out by J & K Association. The broad principles/criteria adverted to in the representation of AIJA and its General Secretary are reiterated. Therefore we may avoid repetition. It is pointed out that in view of introduction of residuary pay scale for the IAS Officers (other than STS), it is necessary that the highest pay of District Judges in the STS should reach almost the same level and it shall be Rs.2,24,500/-. The highest salary of District Judge (STS) should be the highest salary in the 16th layer of the pay matrix of VII CPC, i.e. Rs.2,24,000/-. In order to arrive at this figure of Rs.2,24,000/-, the Association suggests the pay scale similar to that suggested by AIJA. The starting salary of Civil Judge shall be Rs.77,900/-. Intermittent stages of the salary have to be worked out accordingly.

38.2 The rate of annual increment shall be 3% as recommended by the VII CPC.

38.3 It is suggested that if the VII CPC pay matrix is taken as the basis, the multiple of 2.81 shall be applied and the starting pay of Civil Judge (Junior Division) shall be fixed at the pay level of Rs.77,900/-.

38.4 The J & K Association also supports the view of AIJA that the fixed pay scale is a welcome suggestion. However, the Table given in paragraph 14.1 of the CP needs to be modified on the same lines as proposed in the comments of General Secretary of AIJA. With regard to ACP, as suggested by AIJA, the principle that the "grant is the rule and denial is an exception" should be followed.

39. **GOA JUDICIAL OFFICERS ASSOCIATION**

39.1 In regard to pay fixation, no specific suggestions have been made; however, as regards ACP, it is submitted that it needs to be conferred as of right and only in case of pending disciplinary enquiry or for other cogent reasons, the benefit can be denied.

40. **ALL MANIPUR JUDICIAL OFFICERS ASSOCIATION:**

40.1 Considering the rate of increase of pay of the High Court Judges, the minimum pay scale for Judicial Officers at the lowest level shall be Rs.77,840/- as specified in paragraph 14 of the Consultation Paper. The fitment of Junior Civil Judge level 10 with the starting pay of Rs.73,200/- as per

Annexure B is inappropriate. As the salary of the High Court and Supreme Court Judges is a fixed sum, in contra-distinction to Administrative Executive, the same pattern needs to be followed in the case of Judicial Officers by adopting the fixed pay system referred to in paragraph 14.1.

40.2 The pay scale as given in paragraph 14.1 tentatively is not in consonance with the pay fixation done by JPC, which reiterated and fixed the pay scale of Judicial Officers in terms of percentage, i.e. 45.3, 58.5, 71.6, 80 and 91.7 percent.

40.3 1st ACP shall be given on time-bound basis. The fixed pay specified in para 14.1 is quite inappropriate. The old pension scheme is to be retained for the Judicial Officers appointed in 2004 and thereafter in view of the decision of the Bombay High Court. Grade III and Grade II Officers may also be given chance to compete in limited departmental examination and direct recruitment examination for higher Judiciary.

41. J & K Retired Judges' Association, Goa Retired Judges Association and Mizoram Judicial Service Association made representations regarding certain allowances and amenities.

42. **HARYANA JUDGES ASSOCIATION**

42.1 The Association submits that the adoption of principles laid down by Justice Shetty Commission will have the effect of reducing the pay scales of

Judicial Officers when compared to the pay scales of Administrative Service Officers and therefore, requested the Commission to evolve its own method to determine the pay scales keeping in view the broad principles laid down by the Apex Court.

42.2 It has been suggested that adopting the pay matrix of VII CPC is the best possible way to work out the salary of the Judges. The starting salary should be Rs. 77,700/- and the highest salary of District Judge Cadre could be Rs. 2,24,500/- and the intermittent stages to be worked out accordingly.

42.3 The structure of salary by taking the multiplicand of 2.81 and increment of 3% per annum has been worked out as follows:

Civil Judge (Jr. Div.) Entry Level	:	77900 - 3% - 125800
ACP-I	:	93000 - 3% - 128500
ACP-II	:	111000 - 3% - 153300
Civil Judge (Sr. Div.) Entry Level	:	111000 - 3% - 153300
ACP-I	:	121200 - 3% - 157900
ACP-II	:	144600 - 3% - 177600
District Judge (Entry Level)	:	144600 - 3% - 177600
District Judge (SG)	:	162600 - 3% - 199600
District Judge (STS)	:	199600 - 3% - 224500

42.4 Annual Increment is suggested to be @ 3% with two dates 1st January and 1st July, depending on the date of appointment, promotion and financial upgradation.

42.5 Fixed Pay Structure of para 14.1 of the Consultation Paper stated to be innovative starting with higher pay without increments for a certain number of years. The Association suggested the fixed pay structure as :

S.No.	Designation	Proposed Scale
1.	Civil Judge (Junior Division) Entry Level for 1 st 5 years	100000
2.	Civil Judge (Junior Division) Middle Level for next 5 years	120000
3.	Civil Judge (Junior Division) Senior Level	135000
4.	Civil Judge (Senior Division) Entry Level for 5 years	135000
5.	Civil Judge (Senior Division) Middle Level for next 5 years	160000
6.	Civil Judge (Senior Division) Senior Level	190000
7.	District Judge (Entry Level) for 5 years	190000
8.	District Judge (Middle Level) for 3 years	215000
9.	District Judge (Senior Level)	224500

42.6 The Association suggests the Fixed Pay Structure to be as follows:

S.No.	Designation	Proposed scale
1.	Civil Judge(Junior Division) entry level for 1 st 5 years	100000
2.	Civil Judge (Junior Division)/middle level for next 5 years	120000
3.	Civil Judge(Junior Division) senior level	135000
4.	Civil Judge (Senior Division) entry level for 5 years	135000

5.	Civil Judge (Senior Division) middle level for next 5 years	160000
6.	Civil Judge (Senior Division) senior level for 5 years	190000
7.	District Judge (entry level) for 5 years	190000
8.	District Judge(middle level) for 3 years	215000
9.	District Judge (senior level)	224500

42.7 As regards pension, it is stated that officers appointed after 31.12.2003 at different levels in the judicial service may be given the option to choose between Old System of Pension, PF and other related benefits or New Pension Scheme (NPS).

43. **SEVA NIVRUTH NYAYADISH KALYAN ASSOCIATION, MERRUT** has sent a representation dated 05.02.2018 on the subject of Domestic Servant Allowance and Medical Allowance.

44. **VIEWS/SUGGESTIONS OF THE INDIVIDUAL JUDICIAL OFFICERS – BOTH SERVING AND RETIRED**

SERVING OFFICERS

Name Of Officer	Views/Suggestions/Demands
DELHI	
1) Shri Naveen K Kashyap	<ul style="list-style-type: none"> • Pay Matrix of VII CPC may be adopted for Pay Revision or Fixed Pay Matrix. • For initial pay multiplier of 2.81 to be applied. • Increment @ 3%. • Two dates of increment - 1st January and 1st July. • Medical Facilities

	<ul style="list-style-type: none"> ➤ Medical Allowance Rs. 5000/-per month. ➤ Medical Allowance to be tax free. ➤ Medical reimbursement as per actual medical bill. ➤ Cashless medical facilities. • Electricity and water charges – 100% reimbursement instead of 50%. • Home Orderly Allowance – <ul style="list-style-type: none"> ➤ District Judges – Minimum wages of three semi skilled workers. ➤ Additional District Judges – Minimum wages for two semi skilled workers. ➤ Civil Judges – Minimum wages for one semi skilled semi worker. ➤ Liberty to appoint worker of his own choice. • Two newspaper and two magazines may be allowed for all Judges. • CCA – As recommended by FNJPC. • Robe Allowance @ Rs. 15,000/- every year. • Washing Allowance <ul style="list-style-type: none"> District & Session Judge – Rs. 3000/- per month. Additional District Judges – Rs. 2500/- per month. Civil Judges – Rs. 1500/- per month. • Sumptuary Allowance <ul style="list-style-type: none"> District Judge – 50% Civil Judge (Sr. Div.) – 37.5% Civil Judge (Jr. Div.) – 25% of sumptuary allowance of High Court Judge. • Hill Allowance – 10% of basic pay. • Risk Allowance – Comprehensive insurance cover to be provided. • LTC/HTC <ul style="list-style-type: none"> ➤ Travel by air for all ranks. ➤ LTC to be available once in every two years. ➤ HTC – every year. ➤ One Month Pay for not availing LTC. ➤ LTC <ol style="list-style-type: none"> 1) To SAARC countries. 2) To other countries once in four years. • Special Pay – 10% of the basic pay. • Concurrent Charge Allowance @ 20%. • Encashment of leave <ul style="list-style-type: none"> ➤ Maximum limit to be raised to 365 days.
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	<ul style="list-style-type: none"> ➤ Encashment during service to be tax free. • Medical leave – to be made encashable. • Transfer Grant <ul style="list-style-type: none"> ➤ Recommendation of FNJPC is to continue. ➤ Transportation of household as per actual. ➤ Priority in admission in schools. • House Furnishing Allowance Rs. 1,00,000/- on every transfer. • HRA and Related issue – <ul style="list-style-type: none"> ➤ Recommendation of FNJPC to continue. ➤ HRA as per Central Government rate. ➤ Earmarked houses for Judicial Officers. • Telephone Facility <ul style="list-style-type: none"> ➤ Landline phone with unlimited internet package. ➤ Mobile phone as per Delhi pattern. ➤ Unlimited data package on mobile phone. • Working on holiday <ul style="list-style-type: none"> ➤ Compensatory leave or one day basic plus DA. • Children education Allowance – 10% of the basic pay per month per child or actual whichever is less. • Paternity Leave – two months. • Camp Office Allowance – Rs. 5,00,000/- every 5 years. • Spectacle Allowance – 75% of what is being allowed to High Court Judge. • Pension – Old Pension Scheme to continue instead of New Pension Scheme. • Deputation allowance – 10% of the basic pay. • All the allowances to be increased by 25% when ever DA reaches 50%. • Electronic Devices Allowance @ Rs. 2,00,000/- every 3 years.
2) Shri Rakesh Kumar Singh	<ul style="list-style-type: none"> • Medical Allowance Rs. 3500/- per month. • Robe Allowance – Rs. 12,000/- once in three years. • Washing Allowance – Rs. 1750 per month. • City Compensatory Allowance – <ul style="list-style-type: none"> ➤ Cities Rates X 6% Y 4.5% Z 3% of the basic pay, per month. • Sumptuary Allowance –

	<ul style="list-style-type: none"> ➤ District Judge – 5.97% ➤ Civil Judge (Sr. Div.) – 5.83% ➤ Civil Judge (Jr. Div.) – 5.55% <p style="text-align: center;">of the basic pay, per month.</p>
GUJARAT	
1) Shri Bhupendra P Munshi	<ul style="list-style-type: none"> • Pension to be fixed on the basis of One Rank One Pension. • Pre 96 retirees to be at par with post 96 retirees.
2) Shri P.I. Prajapati	<ul style="list-style-type: none"> • Advance increments for higher qualification to be made available on promotion or placement in higher pay scale.
3) Shri A.P. Randhir	<ul style="list-style-type: none"> • Advance increments for higher qualification to be made available on promotion or placement in higher pay scale.
4) Shri N.M. Vyas and others	<ul style="list-style-type: none"> • Air conditioners to be installed in every Court room in District Courts. • Court hours in morning from April to June every year. • May be exempted from wearing black coat and permitted to wear black half coat (Cotty) during summers.
HARYANA	
1) Shri Mangalesh Kumar Chaubey	<ul style="list-style-type: none"> • ACP – just like an IAS. • Medical facilities to be commensurate with that of High Court Judge.
2) Shri Kuldeep Jain	<ul style="list-style-type: none"> • Revision of pay as per fixed pay model – from Rs. 1,00,000 to Rs. 24,900/- • Sumptuary Allowance for Superior Judicial Service Officer – Rs. 20,000/- • Robe Allowance Rs. 15,000/- in three years. • LTC once in a year or one month pay in lieu thereof. • Medical Allowance Rs. 10,000/- per month. • CCA – Town of Segment <ul style="list-style-type: none"> A – Rs. 10,000/- B – Rs. 7,000/- C – Rs. 5,000/- • Non Practicing Allowance at reasonable amount. • Special Pay <ul style="list-style-type: none"> District Judges – Rs. 15,000/- per month. Civil Judges/Rent Controllers – Rs. 10,000/- per month. • Domestic Help at minimum wages as provided under labor laws. To be income tax free.

	<ul style="list-style-type: none"> • Leave encashed during service to be in addition to the maximum leave encashment at the time of retirement.
HIMACHAL PRADESH	
1) Shri J. K. Sharma	<ul style="list-style-type: none"> • Hill Allowance may be abolished. • Higher Qualification Allowance PhD. lump sum Rs. 50,000/- LLM lump sum Rs. 40,000/-
JHARKHAND	
1) Shri Md. Abdul Naseer	<ul style="list-style-type: none"> • Benefits of 5 years or actual practice at bar be given to the lower Judiciary for the purposes of Pension and other benefits.
KERALA	
1) Dr. John Varghese	<ul style="list-style-type: none"> • ACP to be automatic and to be withheld on basis of Disciplinary Enquiry. • Full pay and allowances to be given during the training period. • Training period should be counted for the purposes of ACP for Officers recruited prior to 2017. • Foreign Training Programmes to be organized so that Officers get at least One Foreign Training Programme while in a particular Grade. • Apart from advance increments for higher education incentives in the nature of sabbaticals, scholarship for foreign/Indian Judicial Management Programme may be extended.
MADHYA PRADESH	
1) Shri Suresh Singh	<ul style="list-style-type: none"> • Leave Encashment to be tax free • Sumptuary Allowance to be tax free.
2) Shri Sandeep Sharma and others	<ul style="list-style-type: none"> • Benefit of Old Pension Scheme (OPS) to be extended to officers appointed after 2005 instead of New Pension Scheme (NPS).
MAHARASHTRA	
1) Shri Rajesh Pavaskar	<ul style="list-style-type: none"> • Promoted District Judges to be placed above the direct recruits on the seniority. • Seats to be reserved in aided schools for the children of Judicial Officers. • Retirement age increased to 65 years. • Furniture Allowance Rs. 1,00,000/- for every 5 years. • Petrol/ diesel- 150 liters for car, 50 liters for scooter. • Reimbursement of fuel charges to Officers provided with Government vehicles

	<ul style="list-style-type: none"> • Domestic Help Allowance Rs. 5000/- per month. • Laundry Allowance Rs. 2000/- per month. • Robe Allowance Rs. 15,000/- in every 3 years. • Broad band connection up to Rs. 2000/- per month. • Landline Telephone- Free calls 3000. • Medical Allowance Rs. 5000/- • Sumptuary Allowance Rs. 10,000/- • LTC to foreign country once in 5 years. • Magazine/Journal Rs. 250/- per month.
2) Ms. Sameena Khan and others	<ul style="list-style-type: none"> • Three advance increments for higher qualification to be extended to the Judges of Labor and Industrial Court (Ex- Cadre). • The Ex- cadre Judges of The Labor/Industrial court to be included in the gradation list of District Judges and Civil Judges Sr. Level.
3) Shri S. G. Dabadgaonkar	<ul style="list-style-type: none"> • Interim Relief to be granted to Ex Cadre Judges of Industrial/Labour/Co-operative Courts.
4) Shri Sachin S Patil and others from Nasik, Maharashtra.	<ul style="list-style-type: none"> • Revision of pay to be as per telescopic pay structure evolved by FNJPC. • Increment @ 3%. • Increase in percentage formula for up gradation of salary. • Pay of District Judge Super Time Scale to be symbolically low than the pay of High Court Judges. • Increments @ 3% per annum. • Time limit to be fixed for making assessment of work and if not done within the time limit benefit of ACP to be automatic. • The percentage of Selection Grade and Super Time Scale in District Judge Cadre to be increase to 50% and 60% respectively. • Fuel Allowance to be doubled. • Driver Allowance @ minimum wages for skilled labor. • Sumptuary Allowance District Judge – 50% Civil Judge (Sr. Div.) – 37.5% Civil Judge (Jr. Div.) – 25% of sumptuary allowance of High Court Judge. • LTC/HTC as per the Central government Rules. • One month pay in lieu of LTC/HTC. • LTC to SAARC countries. • Medical Allowance Rs. 5000/- per month.

	<ul style="list-style-type: none"> • Medical reimbursement as per actual medical bills. • Cashless facility. • Electricity and water charges – 100% reimbursement. • Home Orderly Allowance – minimum wages for skilled worker. • Telephone <ul style="list-style-type: none"> ➤ Landline with unlimited internet facility. ➤ Mobile Phone with unlimited data package. Or ➤ Rs 8000/- per month. • Special Pay for Administrative work Rs. 5000/- per month. • Concurrent Charge Allowance to be available for working beyond the period of 10 days. • Robe Allowance Rs. 15,000/- per annum. • Washing and maintenance allowance Rs. 1000/- per month. • 30 days leave encashment every year. • Maximum limit to be raised to 500 days leave encashment at the time retirement. • Casual leave 12 per year. • Paternity leave – 2 months. • Medical leave to be made encashable. • House Furnishing Allowance Rs. 1,00,000/- on every transfer. • Deputation allowance -10% of basic pay. • Home loan to be interest free for house equal to type 5 Government accommodations. • Reservation for Judicial Officers in Housing Developing Schemes. • Children Education Allowance – Rs 5000/- per month or actual fee paid. • Children of Judges be given admission in public schools on priority basis. • Office Maintenance Allowance Rs.10,000/- per month. • Handicapped Allowance -10% of basic pay • Home library allowance Rs. 10,000/- per month. • NPS to abolish and Old Pension Scheme to be continued. • All the allowances be increased by 25% when ever DA reaches 50%. • Gratuity as per VII CPC.
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	<ul style="list-style-type: none"> • Vacation Allowance half month pay for foregoing vacation of 2 weeks. • Increments for higher qualifications as per FNJPC.
5) Shri Kundan M Kayangude and others 6) Shri B. N. Chikne and others from Ahmad Nagar, Maharashtra	SAME AS SACHIN S PATIL
TAMIL NADU	
1) Ms. A. Balkis	<ul style="list-style-type: none"> • Family Pension for dependent family members.
2) Shri K. R. Jothi	<ul style="list-style-type: none"> • Domestic helpers to be provided. • Post of Office Assistant to be converted as Driver Cum Assistant.
3) Shri G. Radhakrishnan	<ul style="list-style-type: none"> • Benefit of Old Pension Scheme (OPS) to be extended to officers appointed after 2005 instead of New Pension Scheme (NPS). • Decent Residential Accommodation. • Official Car. • Condition for grant of HBA to be relaxed. • Preference to be given in admission to school in cases of transfer. • Vacancies in District Judiciary to be filled up promptly. • Timely grant of ACP. • Health Scheme to provide for the Judicial Officers, Family and Parents. • Medical Advance in cases of emergency. • Education Allowance to the children of Judges. • Concurrent Charge Allowance to be 20% of the pay. • Provision for allotment of house or site.
4) Dr. Maria	<ul style="list-style-type: none"> • Domestic Help to be provided at residence. • Three advance increments for Higher Education at all the stages.
TELANGANA	
1) Shri Pattabhi Rama Rao	<ul style="list-style-type: none"> • Guidelines for premature retirement at the age of 50, 55 and 58 be laid down. • Additional casual leaves for Women Judicial Officers • Cadre of Judicial Educators from the Judicial Officer. • Establishment of National Institute for Justice Studies.

	<ul style="list-style-type: none"> Uniform Service condition with annual health check up.
UTTARAKHAND	
1) Shri Mithilesh Jha	<ul style="list-style-type: none"> The percentage of District Judges (SG) and District Judges (STS) be removed and every Officer have input 5years/10 years of satisfactory service be given the benefit of Selection Grade/Super Time Scale. Retirement age to be 62 years. Designations to be uniform throughout India. Universal/Central guidelines for promotion. Air travel facility to all Judicial Officers.
2) Shri Ritesh Kumar Srivastava and others	<ul style="list-style-type: none"> Levels akin to VII CPC be fixed for Judicial Officers to take the benefits of Government orders on various allowances.
3) Shri Ritesh Kumar Srivastava and others	<ul style="list-style-type: none"> Medical Facilities – <ul style="list-style-type: none"> ➤ As available to Members of All India Service and Political Executive. ➤ Full reimbursement of actual expenses incurred.
4) Ms. Kahkasha Khan	<ul style="list-style-type: none"> District Judge – three stenographers Other Judicial Officers two Stenographer knowing Hindi and English stenography. Adequate man power to keep the premises clean. Telephone Facility – <ul style="list-style-type: none"> ➤ Telephone connection with broad band connectivity both at office and residence. ➤ User Rs. 1000/- per month for residence and as per actual for office. ➤ Mobile handset ➤ District Judges – Rs. 20,000/- ➤ Civil Judges Rs. 10,000/- every three years. Photo copiers to be made available in District Courts – adequate budget with provided. District Judge (STS) be allowed higher salaries after 3 years. <ul style="list-style-type: none"> ➤ Vertical Cap – salary of the Chief District Judge of the High Court. Independent vehicle for every District Judge Rank Officer. <ul style="list-style-type: none"> ➤ Personal journeys in official car up to 500 km per month. TA for Official duties Rs. 1000/- per day. Home Orderly Allowance –

	<ul style="list-style-type: none"> ➤ District Judge – minimum wages for two unskilled workers. ➤ Civil Judges – minimum wages for one unskilled worker. • District Judges to be provided official residential accommodation. • Medical facilities – <ul style="list-style-type: none"> ➤ Medical Allowance Rs. 10,000/- per month. ➤ Medical reimbursement not to be treated as income and should be tax free. ➤ Cashless facility for treatment in private empanelled hospital. • Home Library Allowance – Rs. 5000/- per month revisable @ 30% every three years. • Dress Allowance – Rs. 2000/- per month revisable @ 30% every three years. • HRA – <ul style="list-style-type: none"> ➤ Monetary cap to be removed. ➤ To be available minimum @ 20% of basic salary. • Procedure for issuance of rent assessment certificates SDM/PWD Engineers to be expedited and may be issued within 15 days Or HRA @ 30% of basic plus DA. • Transfer Grant – <ul style="list-style-type: none"> ➤ One month basic pay plus DA. ➤ Transportation of goods as per actuals. • Hill Allowance- Rs. 3000/- to 5000/- per month. • Health Allowance – Rs. 3000/- per month. • Newspaper and Magazine Allowance – Rs. 1000/- per month to be revised every three years. • Study Leave – One year on full pay for higher study in India or Foreign University. • Children Education Allowance – Interest free loan facility for higher education. • Advances – <ul style="list-style-type: none"> ➤ For vehicle Rs. 8,00,000/- ➤ For house Rs. 50,00,000/- • Security – <ul style="list-style-type: none"> ➤ Personal security officers for every Judicial Officer of District Judge Cadre. ➤ Security arrangements to be made in Court and residence of the Officers.
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	<ul style="list-style-type: none"> • Vacations – <ul style="list-style-type: none"> ➤ Optional ➤ Encashment for non availing the vacations. • Incentive for higher qualification – three increments instead of two.
5) Shri Ashutosh Kumar Mishra	<ul style="list-style-type: none"> • Medical Facilities – <ul style="list-style-type: none"> ➤ As available to Members of All India Service and Political Executive. ➤ Full reimbursement of actual expenses incurred.
6) Shri D.S. Adhikari	<ul style="list-style-type: none"> • Medical Facilities – <ul style="list-style-type: none"> ➤ As available to Members of All India Service and Political Executive. ➤ Full reimbursement of actual expenses incurred.
7) Shri Anjushree Juyal	<ul style="list-style-type: none"> • Husband and wife in two adjoining States to be posted in the adjoining border Districts of the two States.
8) Shri Seema Dugrakoti	<ul style="list-style-type: none"> • Husband and wife in two adjoining States to be posted in the adjoining border Districts of the two States.
9) Ms. Chhavi Bansal	<ul style="list-style-type: none"> • Old Pension Scheme to be continued instead of New Pension Scheme.
10) Shri Imran Mohd. Khan and others	<ul style="list-style-type: none"> • Old Pension Scheme to be continued instead of New Pension Scheme.
11) Shri Ritesh Kumar Srivastava	<ul style="list-style-type: none"> • Old Pension Scheme to be continued instead of New Pension Scheme.
12) Ms. Pratibha Tiwari	<ul style="list-style-type: none"> • Old Pension Scheme to be continued instead of New Pension Scheme. • Pool Car Facility with security guard. • Instead of summer vacation annual vacation of 10 days. • Compensatory leave for working on holiday. • Child care leave to sanctioned by District Judge. • Child care leave of six months to be extended to male Judicial Officers. • Retirement age to be raised 62/65 years.
UTTAR PRADESH	
1) Shri R. N. Pandey	<ul style="list-style-type: none"> • The percentage of pay fixed by the Pay Commission to be change. • The pay of Judicial Officers to be Rs. 400 – 500 less than the salary of the High Court Judge. • Sumptuary Allowance to be increased three times. • Medical Allowance Rs. 10,000/-

	<ul style="list-style-type: none"> • Electricity charges up to Rs. 6000 units per annum • Newspaper and magazine Allowance Rs. 500/- • Home cum, office orderly allowance Rs. 18,000/- per month. • Leave encashment to be made tax free.
2) Shri Krishna Kumar	<ul style="list-style-type: none"> • Home cum office orderly/driver to be provided. • Pool car facility to be maintained with one or two spare driver. • Judicial Officers to be permitted to go for higher studies. • Judicial Officers with 10 years experience to be considered for elevation to the High Court.
3) Shri Yash Singh Lodh	<ul style="list-style-type: none"> • Increase in percentage formula for up gradation of salary. • Pay of District Judge Super Timer Scale to be symbolically low than the pay of High Court Judges. • Increments @ 3% per annum. • Time limit to be fixed for making assessment of work and if not done within the time limit benefit of ACP to be automatic. • The percentage of Selection Grade and Super Time Scale in District Judge Cadre to be increase to 50% and 60% respectively. • Fuel Allowance to be doubled. • Driver Allowance @ minimum wages for skilled labor. • Sumptuary Allowance <ul style="list-style-type: none"> District Judge – 50% Civil Judge (Sr. Div.) – 37.5% Civil Judge (Jr. Div.) – 25% of sumptuary allowance of High Court Judge. • LTC/HTC as per the Central government Rules. • One month pay in lieu of LTC/HTC. • LTC to SAARC countries. • Medical Allowance Rs. 5000/- per month. • Medical reimbursement as per actual medical bills. • Cashless facility. • Electricity and water charges – 100% reimbursement. • Home Orderly Allowance – minimum wages for skilled worker. • Telephone <ul style="list-style-type: none"> ➤ Landline with unlimited internet facility. ➤ Mobile Phone with unlimited data package.

	<p style="text-align: center;">Or</p> <p style="text-align: center;">➤ Rs 8000/- per month.</p> <ul style="list-style-type: none"> • Special Pay for Administrative work Rs. 5000/- per month. • Concurrent Charge Allowance to be available for working beyond the period of 10 days. • Robe Allowance Rs. 15,000/- per annum. • Washing and maintenance allowance Rs. 1000/- per month. • 30 days leave encashment every year. • Maximum limit to be raised to 500 days leave encashment at the time of retirement. • Casual leave 12 per year. • Paternity leave – 2 months. • Medical leave to be made encashable. • House Furnishing Allowance Rs. 1,00,000/- on every transfer. • Deputation allowance -10% of basic pay. • Home loan to be interest free for house equal to type 5 Government accommodations. • Reservation for Judicial Officers in Housing Developing Schemes. • Children Education Allowance – Rs 5000/- per month or actual fee paid. • Children of Judges be given admission in public schools on priority basis. • Office Maintenance Allowance Rs.10,000/- per month. • Handicapped Allowance -10% of basic pay • Home library allowance Rs. 10,000/- per month. • NPS to abolish and Old Pension Scheme to be continued. • All the allowances be increased by 25% when ever DA reaches 50%.
4) Shri Vijay Kumar Dugrakoti	<ul style="list-style-type: none"> • Husband and wife both Judicial Officers in different States to be posted in nearest station.
5) Shri Raj Kumar Singh	<ul style="list-style-type: none"> • Benefit of Practice @ bar to be extended to the direct recruit District Judges for the purposes of Pension. • NPS scheme to be made non applicable to Judicial Officers. • Age of retirement be increased by 5 years. • Services of Retired Judicial Officers to be utilized for deputation in different State Government

	departments/Registrar of Tribunals.
6) Shri Vijay Dugrakoti	<ul style="list-style-type: none"> • Husband and wife in two adjoining States to be posted in the adjoining border Districts of the two States.
7) Shri Gunendar Parkash	<ul style="list-style-type: none"> • Non Functional Up gradation (NFU) on the pattern of IAS Officers be made applicable to Judicial Officers.
WEST BENGAL	
1) Shri Gourab Gosh	<ul style="list-style-type: none"> • Government to ensure adequate allotment of funds at the beginning of each financial year to District Judiciary for payment of legitimate dues of the Judges. • Parity in official infra structure provided to the Executive Officers and Judicial Officers. • 20% to 30% of yearly Court fee collection to be granted as incentive to every Court. • Litigant welfare fund to be created. • Common minimum standard for every Court room and chamber. • Priority in allotting Government accommodation. • Cost of District Principal Judge to be made purely administrative. • Two Stenographers to be provided in every Court. • Two Judicial Officers of each cadre to be kept as reserve Judicial Officer to handle the work of Courts on leave. • Civil Judge Cadre be given HRA at the same rate as the District Judges. • 5% of basic pay to be given on working on holiday. • 50% of DA to be merged with salary when DA exceeds 100%. • Composite transfer grant to be 1.5 times of basic pay. • Transport Allowance Rs. 20,000/- and to be tax free if pool car facility is not avail. • Allowance of Rs. 2000/- per month for purchase of law magazines and newspaper. • Sumptuary Allowance District Judges - Rs. 15,000/- Civil Judge Sr. Div. – Rs. 10,000/- Civil Judge Jr. Div. – Rs. 10,000/- • Cashless medical facility for medical treatment. • Robe Allowance Rs. 10,000/- once in two years. • Reimbursement of electricity charges 75%.

	<ul style="list-style-type: none"> • Advance increment for higher qualification to be available with retrospective effect. • Children Education Allowance as per Central Government Rules. • Medical Allowance Rs. 5000/-. • Furniture Allowance Rs. 2,00,000/- every two years. • Office Bearers of Association to be granted 6 days special leave.
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RETIRED OFFICERS

Name Of Officer	Views/Suggestions/Demands
ANDHRA PRADESH	
1) Shri J. Shayma Sundara Rao and D. Dharma Rao	<ul style="list-style-type: none"> • Pension to be revised by 2.8 times. • Medical Allowance- Rs. 10,000/- per month. • Domestic Help Allowance- Rs. 10,000/- per month. • Mobile Handset - Rs. 15,000/- • Communication Allowance - Rs. 1000/- • Pilgrimage Allowance - Rs. 20,000/- • Robe Allowance for Special Magistrates as to regular Judicial Officers. • Liaison Officers at District Court level to coordinate with Retired Judicial Officers. • Addition Pension from the age of 70 years.
2) Shri T. Narayana Reddy	<ul style="list-style-type: none"> • Medical facilities to be the same as for High Court Judges. • Interim relief to be available on additional quantum of pension.
3) Shri T. Muthyamaiah	<ul style="list-style-type: none"> • Pension to be revised at 50% of revised scale. • Medical Reimbursement- Credit letter for total amount of treatment instead of 80%. • Medical bills to processed expeditiously. • Domestic Help Allowance - Rs. 6500/- • Medical Allowance- Rs. 4000/- • Domestic Help Allowance and Medical Allowance to be tax free. • Additional pension @ of 10% at the age of 75.
BIHAR	
1) Shri Nand Kumar Srivastava	<ul style="list-style-type: none"> • Benefits likely to be extended w. e. f. 01.01.2016 to be extended to those who have retired on 31.12.2015. • Domestic Help Allowance to be tax free.
2) Shri Choudhary B. K Rai	

3) Shri Damodar Prasad	<ul style="list-style-type: none"> • Pay and Pension to be enhanced in the same proportion in which the pension of the High Court has been increased. • Servant Allowance Rs. 15,000/-. • Medical Allowance Rs. 7000/- • Addition Pension to be at the age of 65 years @ of 10%.
4) Shri Vishveshwar Nath Mishra and others	<ul style="list-style-type: none"> • Benefit of Practice @ bar to be extended to the direct recruit District Judges for the purposes of Pension.
KARNATAKA	
1) Shri H. M. Bharathesh	<ul style="list-style-type: none"> • Stagnation Increment to be added in last from pay for computing pension. • Medical Allowance Pensioners - Rs. 10,000/- Family Pensioners – Rs. 8000/- • Medical Expenses to be reimbursed to the family pensioners. • Domestic help Allowance Pensioners - Rs. 10,000/- Family Pensioners – Rs. 5000/- • Secretarial Allowance Rs. 1000/- per month.
2) Shri S. M. Channappanavar	<ul style="list-style-type: none"> • Interim Relief to be granted on earned leave encashment.
3) Shri N R Kanchi	<ul style="list-style-type: none"> • Pre 96 Retirees having put in 6 years of service to be given pension in District Judge Selection Grade.
4) Shri V Padmanabha Kedilaya	<ul style="list-style-type: none"> • Pre 96 Retirees to be given benefit of Selection Grade and Super Time Scale for pension.
5) Shri S. G. Kashimath	<ul style="list-style-type: none"> • Officers who have retired between 1.1.2006 and 1.9.2008 be given pension @ of 50% of pay of the post at the time of retirement.
6) Shri M. K. Purohit	<ul style="list-style-type: none"> • Civil Judges having put in 9 years of services be given Entry Scale of next level including District Judges.
7) Shri D. S. Muttur	<ul style="list-style-type: none"> • Medical facilities – at par with Legislatures • LTC to be extended to Retired Judicial Officers.
KERALA	
1) Shri Thomas Pallickapampil	<ul style="list-style-type: none"> • Pension – Procedure suggested by VII CPC to be applied. • Domestic Help Allowance – salary of last grade servant around Rs. 30,000/- per month. • Medical Allowance Rs. 5000/- • Restoration of Commuted Pension 10 years.

	<ul style="list-style-type: none"> • Secretarial Allowance Rs. 1000/- per month • Medical bills to be cleared within 2 months.
2) Shri P. Muraleedharan	<ul style="list-style-type: none"> • 50% of the total expenditure for District Judiciary be made by Central government. • Re appointment of the Retired Judicial Officers up to the age of 75 years. • Pension to be income tax free. • Domestic Help Allowance – salary of last grade servant around Rs. 30,000/- per month. • Medical Facilities at par with MLA to be extended to family pensioners. • Medical Allowance Rs. 10,000/- per month.
3) Shri M. C. Sudhakaran	<ul style="list-style-type: none"> • Fuel Allowance Rs. 5000/- per month to pensioners. • Medical Allowance Rs. 20,000/- per month to pensioners. • Domestic Help Allowance – salary of last grade servant around Rs. 30,000/- per month.
MADHYA PRADESH	
1) Shri D. K. Kesharvani	<ul style="list-style-type: none"> • Benefit of Practice @ bar to be extended to the direct recruit District Judges for the purposes of Pension.
2) Shri Avinash Kumar Khare	<ul style="list-style-type: none"> • Benefit of Practice @ bar to be extended to the direct recruit District Judges for the purposes of Pension.
MAHARASHTRA	
1) Shri Vishwa B Chaudhari	<ul style="list-style-type: none"> • Pension to be revised on multiplier basis and not on fixed pay basis.
2) Shri Prakash K Hushing	<ul style="list-style-type: none"> • Pay and Pension Revision as per FNJPC. • Fixed Pay Model not to be followed.
3) Shri T.V. Borse	<ul style="list-style-type: none"> • Fixed Pay formula be not applied to Retired Judicial Officers.
4) Shri S.V. Unde	<ul style="list-style-type: none"> • Pension to be revised on multiplier basis and not on fixed pay basis.
5) Shri S.S. Kande	<ul style="list-style-type: none"> • Non implementation of ACP Granted by notification dated 27.6.2006.
6) Shri W.G. Paunekar and another	<ul style="list-style-type: none"> • Pension to be revised on multiplier basis and not on fixed pay basis.
7) Shri G.M. Kubade and others	<ul style="list-style-type: none"> • The revision of pay to be notionally effective from 1.1.96 in case of pensioners and financial benefits be given w. e. f. 1.1.2016.
8) Shri K.B. Zindare	<ul style="list-style-type: none"> • Pension to be revised on multiplier basis and not on fixed pay basis.
9) Shri Shyam Sundar Garg	<ul style="list-style-type: none"> • Service condition of Retired Judges on re appointment to be improved.

10) Shri A.R. Yardikar	<ul style="list-style-type: none"> The revision of pay to be notionally effective from 1.1.96 in case of pensioners and financial benefits be given w. e. f. 1.1.2016.
11) Shri P.B. Naigaonkar	<ul style="list-style-type: none"> Pay and Pension Revision as per FNJPC. Fixed Pay Model not to be followed.
12) Shri K.S. Sahu	<ul style="list-style-type: none"> Pay and Pension Revision as per FNJPC. Fixed Pay Model not to be followed.
PUNJAB	
1) Shri J. S. Klar and others	<ul style="list-style-type: none"> Specialized category (Members of Consumer Forums, Chairman Permanent Lok Adalat) of Retired Judicial Officers to be allowed allowances at par with Serving Judicial officers.
RAJASTHAN	
1) Shri Umesh Sharma	<ul style="list-style-type: none"> Pensioners to be given notional fixation and their pension should be calculated accordingly. Higher Super Time Scale to be prescribed for a percentage of cost to be determine on the formula applicable to IAS/IPS. Perks and Allowance admissible to IAS to be admissible to Judicial Officers. Reimbursement of water bill and washing allowance to be reconsider. Reimbursement of fuel charges to be enhanced. Capping on electricity bill and telephone services to be on yearly basis. Increment to be given on 1st Jan of every year.
2) Shri Chandra Shri Prakash Singh	<ul style="list-style-type: none"> Pension to be revised by applying multiplier of 2.81 Domestic Help Allowance to be linked with minimum wages of skilled or semi skilled worker prescribed by State Government. Medical allowance to be increased by 6 to 7 times. Allowances to be tax free.
3) Shri Sandeep Sharma	<ul style="list-style-type: none"> District Judge Entry Level to be given Super Time Scale of IAS and pension benefits be given accordingly.
4) Shri Anwar Alam	<ul style="list-style-type: none"> State government to release DA on pension simultaneously with release of DA to Serving Judicial Officers. Domestic help Allowance to be linked with current minimum wages for skilled or semi skilled workers. CGHS facility to be extended to Retired Judicial Officers.

	<ul style="list-style-type: none"> • Medical allowance to pensioners be suitably increased. • Revision of pension to be linked with revision of pay to avoid delay.
TELANGANA	
1) Shri K. Satyanand and others	<ul style="list-style-type: none"> • Grade 1 District Judges prior to Judicial Service Rule 2007 be treated as the one in Super Time Scale.
UTTAR PRADESH	
1) Shri Ashok Kumar	<ul style="list-style-type: none"> • ACP to be stand for 12 years at each level. • ACP to be available after every 4 years. • Domestic Help Allowance to be Rs. 12,500/-. • Pension of pre 96 retirees to be revised as per G.O No. 38/37/2016-P&PW(A) dated 4.8.2016 and 12.5.2017 after giving three notional increments and to pay the arrears. • Medical allowance Rs. 10,000/-.
2) Shri Jai Krishna Tiwari	<ul style="list-style-type: none"> • On reappointment all the allowances available to serving Judicial Officers be made available to Retired Judicial Officers. • Restoration of Commuted Pension in 8 years instead of 15 years.
3) Shri Ramesh Shankar	<ul style="list-style-type: none"> • District & Session Judge to be in Super Time Scale at least from the date of appointment of District & Session Judge. • District Judges to get specified amount (fixed) pay. • Pension to be on the Principle of one rank one pension. • Pay of Higher Judicial Officers to be at parity with the IAS. • Facility of reservation in railways on HOR basis.
4) Shri Rakesh Kumar Upadhyay Band U. C. Pandey	<ul style="list-style-type: none"> • All the allowances available to the Serving Judicial Officers be made available to Retired Judicial Officers on reappointment.

SECOND NATIONAL JUDICIAL PAY COMMISSION

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CONSULTATION PAPER

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Member

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Former Judge of Supreme Court
Chairman

Vinay Kumar Gupta
DHJS
Member Secretary

July 2018

SECOND NATIONAL JUDICIAL PAY COMMISSION
CONSULTATION PAPER

1. INTRODUCTORY:

1.1 The Supreme Court of India, by the order dated 09.05.2017 in W.P.(C) No.643 of 2015 filed by All India Judges Association under Article 32 of the Constitution, appointed this Commission. The terms of reference to the Commission, which have been agreed upon by all concerned including the Government of India, which is the 1st respondent in the said Writ Petition, have been set out in the order of Supreme Court. They are as follows:

- (1) To evolve the principles governing the pay structure and emoluments of Judicial Officers belonging to the Subordinate Judiciary all over the country.
- (2) To examine the present structure of emoluments and conditions of service of Judicial Officers in the States and Union Territories and to make suitable recommendations including post-retirement benefits such as pension, having regard among other relevant factors to the existing relativities in the pay structure between the Officers of Subordinate Judiciary and other civil servants.
- (3) To examine the work methods and work environment and the various allowances and benefits in kind that are available to the Judicial Officers in addition to pay and to suggest rationalization and simplification thereof with a view to promoting efficiency in judicial administration and to remove anomalies (if any) created in implementation of earlier recommendations.

(4) To consider and recommend such interim relief as the Commission considers just and proper to all categories of Judicial Officers.

(5) To make recommendations regarding setting up of a permanent mechanism to review the pay and service conditions of members of Subordinate Judiciary periodically by an independent Commission.

The Supreme Court observed that the Commission may consider, if necessary, sending reports on any of the matters as and when recommendations are finalised. The Commission has been empowered to devise its own procedure and formulate the modalities necessary for accomplishing the task.

1.2 The Commission at its first meeting held on 07.06.2017 decided to designate the Commission as All India Judicial Officers Pay Commission. The Government of India, Ministry of Law & Justice, Department of Justice issued notification no. 19018/01/2017 dated 16.11.2017 and named the Commission as Second National Judicial Pay Commission. Accordingly the name Second National Judicial Pay Commission was adopted.

The Secretary of the Commission, an officer of the rank of District Judge (STS) deputed by High Court of Delhi, assumed office on 16.08.2017.

The Commission addressed letters to the High Courts in August 2017 seeking information/data concerning the aspects relating to pay, allowances and pensionary benefits followed by supplementary questionnaire on some points. Information was also sought from the State Governments regarding the prevalent pay scales and allowances of State Government officials, the periodicity of revisions etc.

1.3 After the revision of pay of High Court Judges, the Commission felt that it would be appropriate to submit a Report on interim relief. Accordingly, the same was submitted to the Supreme Court on 14.03.2018. The Hon'ble Supreme Court by order dated 27.03.2018 accepted the recommendation regarding interim relief (at 30% of the basic pay w.e.f. from 01.01.2016) and directed implementation of the orders in respect of Judicial Officers, as well as pensioners by 30.06.2018.

1.4 With a view to prepare and submit a final report confined to the first two terms of reference, i.e. regarding pay structure/emoluments including allowances and pensionary benefits, this **Consultation Paper** is being released to elicit the views and suggestions of all the stakeholders including the State Governments/U.T. administration.

2. 1st NJPC CONSTITUTED IN 1996 AND THE JP COMMISSION (2009):

2.1 The 1st National Judicial Pay Commission headed by Hon'ble Justice K. Jagannatha Shetty, former Judge of the Supreme Court, was constituted in the year 1996, pursuant to the order of the Supreme Court of India in *All India Judges Association* case [1992 (1) SCC 119] and the further order in the review petition (reported in *AIR 1993 SC 2493*). It will be hereafter referred to as 1st NJPC or Justice Shetty Commission. The said Commission has given a comprehensive report in the year 1999, covering not merely the pay structure, allowances and conditions of service of Judicial Officers, but also various other aspects concerning the Courts and judicial administration.

2.2 Thereafter, a Commission for the revision of scales of pay of members of Subordinate Judiciary was constituted by the Supreme Court of India by the order dated 28.04.2009 in I.A.No. 244 in W.P.(C) No.1022 of 1989. Justice (retd.) E.Padmanabhan headed the Commission. It will be hereafter referred to as JP Commission. The said I.A. was in the Writ Petition originally filed by All India Judges Association, which led to the constitution of the 1st NJPC. The Supreme Court of India observed in the said order dated 28.04.2009 that the salary of the High Court Judges having been revised by passing an Ordinance in January, 2009 (as a sequel to 6th Central Pay Commission's Report), the pay scales of Judicial Officers also required upward revision. For the said purpose, appropriate scales of pay were to be fixed having due regard to the recommendations of Justice Shetty Commission. Keeping in view the recommendations made by 1st NJPC (Justice Shetty Commission) in respect of the pay scales and allowances of the Judicial Officers, Justice Padmanabhan Commission arrived at the new pay scales together with the increments and submitted the report on 17.07.2009. Recommendations were made regarding various allowances/perquisites also. The Commission's report was accepted by Hon'ble Supreme Court by various orders passed between July and September 2010 and all the Governments were required to give effect to the recommendations of the Commission.

2.3 All the States and Union Territories have accordingly given effect to the revised pay scales proposed by Justice Padmanabhan Commission which are presently in force (together with the interim relief

extended recently by virtue of the order of Hon'ble Supreme Court dt. 27.03.2018 in W.P. (C) 643/2015).

2.4 The recommendations of 1st NJPC in regard to revision of pay scales of Judicial Officers were given retrospective effect from 01.01.1996 and the allowances recommended by the Commission were made effective from 01.11.1999. The pay scales and allowances in accordance with the recommendations of Justice Padmanabhan Commission were given effect to from 01.01.2006. By the time Justice Shetty Commission submitted its report, the V CPC scales were in force for the All India Service officers and other Central Government officials and by the time Justice Padmanabhan Commission gave its report, the pay structure recommended by the VI CPC was in force. Now, we have the 7th CPC pay structure.

3. SUBORDINATE JUDICIARY – ITS PIVOTAL ROLE IN JUSTICE SYSTEM :

The Subordinate Judiciary is the backbone of the Judicial system. Most of the common people, especially those living in the rural and *mofussil* areas, know of the Courts at the lowest level in Judicial hierarchy, i.e., the Courts located in *taluka* or *mandal* areas. The “dynamics of judicial processes” are witnessed by the public mostly in these Courts. The Subordinate Courts in the Districts are the eyes and ears of the Judiciary. The image of Judiciary depends much on their efficient functioning and the capacity to dispense justice to the best of their ability. The Subordinate Courts play a prominent role in preserving law and order in the society. It is the public confidence in the Judicial

system that sustains the credibility of the Judiciary. In generating and fostering the public confidence, the role of the District and Subordinate Judiciary is therefore significant. Ensuring adequate emoluments and proper working conditions for the Judges constituting subordinate Judiciary promotes judicial independence which is a basic feature of our Constitution.

4. CADRE STRENGTH AND WORKING STRENGTH:

The sanctioned strength of Judicial Officers constituting the Subordinate Judiciary within the jurisdiction of various High Courts as per the information received in September, 2017 is 22297. However, the working strength is only 16609. Thus, the deficit between the sanctioned strength and working strength is about 5700. The overall deficit comes to about 25%. The Second Class Magistrates/Special Metropolitan Magistrates and Special Judicial Magistrates (appointed on consolidated salary on reemployment under the 13th Finance Commission Scheme) and Judges of temporary Fast Track Courts are not included in the figures given above regarding sanctioned and working strength.

In all the States, the designations of officers are almost the same as suggested by 1st NJPC. However, in Kerala, old designations are still adhered to. The District Judges at entry level are described as Addl. District Judges in some States. The District Judges having the charge of a District are designated as Principal District Judges in many States. To the extent information has been received from the High Courts, on an average, it takes about 17 years for a Junior Civil Judge to reach the position of a District Judge. It depends on the number of Courts, sanctioned cadre strength, the vacancy position and the timely steps taken

for promotion when it is due. However, precise information is lacking in this regard.

4.1 The working strength includes the officers who are sent on deputation to other departments and also the Judges manning Labour Courts and Industrial Tribunals and the Courts set up under the special enactments (Central or State). The highest number of vacancies remain in the States of UP and Bihar which are about 40%. The vacant posts of Civil Judges (Junior Division) who are also posted as First Class Judicial Magistrates is very high in UP, Bihar, Jharkhand, Delhi, Manipur and Tripura. The vacant posts in the States within the jurisdiction of Bombay, Rajasthan, Kerala, HP and Chattisgarh High Courts are at minimal level. According to the information furnished by the Registry of High Court of Calcutta, there are no vacant posts at all. However, it deserves notice that the sanctioned strength in West Bengal is quite low when compared to the size of the State. The details relating to the delays in recruitment and problems associated with the recruitment are not proposed to be examined in the Report under consideration. Probably, it will be the subject-matter of discussion in the next part of the Report. This Report concentrates on pay, allowances and pension.

5. THE JUSTIFICATION FOR DIFFERENT AND UNIFORM PAY STRUCTURE:

5.1 Justice K. Jagannadha Shetty Commission made elaborate reference to the essential characteristics of Judicial office, the special qualifications required for recruitment and the onerous duties and responsibilities required to be performed by the Judges and the personal

sacrifice in terms of secluded life. The Commission stressed on the need to have an appropriately designed remuneration system which must serve as a key feature for recruitment, retention and motivation of Judges to ensure proper administration of justice.

5.2 The justification for higher pay scales for Judicial Officers, when compared to their counterparts in executive branch of civil service is now a matter of history. That the Judges belonging to Subordinate Judiciary shall be treated differently in matters relating to pay, allowances and certain other service conditions and shall not stand in comparison with administrative officers of the State is now a firmly recognised principle. It is only in recognition of this reality, the Supreme Court of India in the landmark judgment in *All India Judges Association v. UOI* [1992 SCC (1) 119, AIR 1992 SC 165], directed the setting up of a separate Judicial Pay Commission for the members of Subordinate Judiciary and issued various other directions regarding the uniformity of service conditions, pay and perks, pension, training etc.. The review petitions filed by the Governments and Union of India were disposed of with certain modifications and clarifications. In the order passed in the review petition, there are significant observations which spell out the justification for treating the members of Judicial service as a distinct class, ruling out the comparison with the executive officers. The Supreme Court, in the review judgment reported in AIR 1993 SC 2493, observed thus:

“The judicial service is not service in the sense of ‘employment’. The judges are not employees. As members of the judiciary, they exercise the sovereign judicial power of the State. They are holders of public offices in the same way as the

members of the Council of Ministers and the members of the legislature.”

xxx xxx xxx “The Judges, at whatever level they may be, represent the State and its authority unlike the administrative executive or the members of the other services. The members of the other services, therefore, cannot be placed on par with the members of the judiciary, either constitutionally or functionally.”

“The distinction between the Judges and the members of the other services has to be constantly kept in mind for yet another important reason. Judicial independence cannot be secured by making mere solemn proclamations about it. It has to be secured both in substance and in practice. It is trite to say that those who are in want cannot be free. Self reliance is the foundation of independence. The society has a stake in ensuring the independence of the judiciary, and no price is heavy to secure it. To keep the judges in want of the essential accoutrements and thus to impede them in the proper discharge of their duties is to impair and whittle away justice itself.”

“As pointed out earlier, the parity in status is no longer between the judiciary and the administrative executive but between the judiciary and the political executive. Under the Constitution, the judiciary is above the administrative executive and any attempt to place it on par with the administrative executive has to be discouraged. The failure to grasp this simple truth is responsible for the contention that the service conditions of the judiciary must be comparable to those of the administrative

executive and any amelioration in the service conditions of the former must necessarily lead to the comparable improvement in the service conditions of the latter.”

The Supreme Court, having said so, also observed thus:

“Further, since the work of the judicial officers throughout the country is of the same nature, the service conditions have to be uniform.”

6. BROAD FEATURES OF 1st NJPC RECOMMENDATIONS REGARDING PAY AND ALLOWANCES:

6.1 The 1st National Judicial Pay Commission, thus, proceeded to determine the uniform pay scales of the three cadres in Judicial service applicable throughout the country. The assistance of various experts was taken by the Commission. The Commission noted that according to the Judges whose responses were sought, the most important criteria to be taken into account were the nature and quantum of work and the morale of Judicial Officers. At paragraph 15.24, the Commission observed as under:

“We have particularly borne in mind the pivotal role of Subordinate Judiciary, essential characteristics of judicial office, special qualifications required for recruitment, onerous duties and responsibilities of the post and personal sacrifice in terms of loneliness and general withdrawal from the community affairs by Judicial Offices. We have taken into consideration the pay scales recommended by the 5th CPC and those that have been

accepted by the Central and State Governments and all other relevant principles which have bearing on the matter for determining the uniform pay structure to the three cadres in Judicial Service.”

6.2 At paragraph 15.26, it was noticed that there was a wide variance in the pay structures prevailing in the various States and Union Territories. It was then observed;

“Judicial officers performing the same or similar nature of work are remunerated differently. We have to remove this incongruity by evolving a uniform/common pay scale, cadre-wise, to Judicial Officers in every State and Union Territory.”

6.3 At paragraph 15.28, the Commission stated that instead of fixed pay scales, they have opted for the telescopic scales to the Judicial Officers. “Telescopic pay scales”, it was observed, “are preferable for the reason that experience in a lower cadre itself is a qualification for promotion to the higher cadre. This principle is also implicit in the recruitment rules of any cadre. Promotion, however, is not always definite or certain. There must therefore, be a mechanism to provide pay scale to the person in the lower cadre, which may correspond at least to the lower reaches of the scale prescribed for promotional cadre. This is in conformity with the principle that an officer in the lower cadre is generally entrusted with more responsible work after some years of experience and that responsibility may be near or more than that of the higher post.”

6.4 Having said so, the 1st NJPC observed at paragraph 15.29 “These aspects could be worked out only when we prepare a **Master Pay Scale** before determining the different pay scales. Hence, we have, at the first instance, gone for the **Master Pay Scale**.”

6.5 The advantages of the Master Pay Scale have been noted in paragraph 15.30: (i) the pay scale would be telescopic in nature. (ii) the pay scale is intended to reward the experienced officers in the lower cadre languishing without promotion (iii) convenient inbuilt incremental structure which would be the basis for working out other pay scales (iv) the officers reaching a particular stage of pay would get the same increment, irrespective of the pay scale attached to their posts (v) the different segments of Master Pay Scale could be formed into different pay scales according to the requirements.

6.6 Paragraph 15.31 of the report is crucial. It sets out the **Master Pay Scale** evolved by the Commission. It is as follows:

Rs.9000-250-10750-300-13150-350-15950-400-19150-450-21850-500-24850

In formulating the Master pay scale and in arriving at the minimum pay scales in each rank, the Commission (1st NJPC) had taken into account the corresponding pay scales of All India Service officers at the entry level, as specifically mentioned at para 15.35. For instance, the starting pay of junior scale IAS Officer such as Assistant Collector/SDM was Rs.8,000/- as per the V CPC recommendations. Rs.1,000/- was added thereto in fixing the minimum of Rs.9,000/-.

The maximum in the Master pay scale, as pointed out at paragraph 15.37, was fixed keeping in view the fact that it shall not

exceed the pay of the High Court Judge. The salary of High Court Judges post - V CPC was Rs.26,000/-, which was described as 'vertical cap' for the purpose of fixation of maximum of highest level officer. The 1st NJPC thus fixed a maximum of Rs.24,850/- in the Master pay scale.

6.7 At paragraph 15.32, as many as 44 pay stages comprised in Master Pay Scale have been listed. The annual increments added every year are reflected in the Table beneath para 15.32. The pay stages begin from Rs.9,000/- and end up at Rs.24,850/-. Thereafter, it was observed that the number of pay scales should be equal to the number of clearly identifiable levels of responsibilities, the identifiable levels in Judicial service being three, i) Civil Judge (Junior Division); (ii) Civil Judge (Senior Division); and (iii) District Judge. Then, at paragraph 15.34, it was stated "Primarily, we have to therefore evolve three pay scales. But, since we have decided to give Assured Career Progression Scales to the first two cadres and Selection Grade Pay and Super Time Scale to the third cadre, we have to prepare 7 (seven) pay scales in all."

6.8 The pay scale of District Judge at entry level was fixed at Rs.16,750/-, the maximum being Rs.20,500/-. The Commission further recommended the Selection Grade Scale and Super Time Scale for District Judges. According to the recommendation, 25 per cent of the cadre posts of District Judges shall be assigned the Selection Grade Scale, the prerequisite for which was five years of service as District Judge. The Commission also recommended that 10 per cent of the cadre strength of District Judges shall be given Super Time Scale if they have put in minimum of three years of service as Selection Grade DJs. The Selection

Grade scale of DJs was fixed at Rs.18750 - 22850, with increments at three stages in between. The Super Time Scale was fixed at Rs.22850 - 500 - 24850. The Selection Grade Scale for DJs recommended by the Commission was slightly more than the Super Time Scale in IAS and the Super Time Scale of District Judges was little above the Super Time Scale of Principal Secretary working in States. Both the scales, i.e., Selection Grade and Super Time Scale were to be given by selection on the basis of merit-cum-seniority.

6.9 At paragraph 15.47, the Commission set out the Chart indicating the **Mean Basic Pay** for the proposed scale of each cadre of Judicial Officers, with reference to the pay of High Court Judges. The Mean Basic Pay of Civil Judge (Junior Division) was arrived at as Rs.11,775/-, that of Civil Judge (Senior Division) as Rs.15,200/- and the Mean Basic Pay of District Judge (Entry level) was arrived at as Rs.18,625/-. The Mean Basic Pay of District Judge - Selection Grade and Super Time Scale respectively was fixed at Rs.20,800/- and Rs.23,850/-.

The following analysis at paragraph 15.48 is important:

“It may be seen from the aforesaid Table and Chart that the mean of the basic pay of Civil Judges (Junior Division), Civil Judges (Senior Division), District Judges (Entry Level), District Judges (Selection Grade) and District Judges (Super Time Scale) works out respectively at 42.3%, 58.5%, 71.6%, 80% and 91.7% of the salary of the High Court Judges.”

P.N: There is an arithmetical error here. It must be 45.3%, as pointed out by JP Commission.

6.10 The rate of increment adopted was discussed by the Commission from paragraphs 15.51 to 15.55. The Commission adopted the system of fixed quantum increments while evolving the Master Pay Scale. The Commission observed that the grant of increment as percentage of basic pay was “operationally inconvenient”. The reasons for adopting a particular rate of increment (s) in the Master Pay Scale were enumerated in paragraph 15.53. At paragraph 15.55, it was observed “it is common knowledge that short time span would give rise to complaints of stagnation, while longer time span results in very slow increase in the pay. To avoid these extremes, we consider that 6 (six) incremental stages would be proper and ideal. At paragraph 15.32, 44 pay stages in the Master Pay Scale starting from Rs.9,000/- upto Rs.24,850/- were set out.

6.11 The minimum and maximum of the revised pay scales was dealt with in paragraphs 15.35 to 15.39, which are extracted hereunder:

“15.35 While fixing the minimum of the Master Pay Scale, we have looked into the pay scales recommended by the 5th CPC to the All India Service Officers at the entry level. We have also considered the qualification prescribed for the post of Civil Judge (Junior Division); consequently, their late entry into the service.”

15.36 “Taking all these and other relevant factors, we have fixed Rs.9,000/- as the minimum of the Master Pay Scale.”

6.12 Accordingly, the following three primary Pay Scales have been determined cadre-wise (vide para 15.38):

CIVIL JUDGES (JR. DIVN.): Rs.9000-250-10750-300-13150-350-14550
CIVIL JUDGES (SR. DIVN.): Rs.12850-300-13150-350-15950-400-17550
DISTRICT JUDGES: Entry Level Rs.16750-400-19150-450-20500

For the Civil Judges, Junior and Senior Division, ACP scales were evolved. So also, for District Judges, functional up-gradation was recommended.

6.13 In formulating the Master Pay Scale and in arriving at the minimum pay scales in each rank, the Commission (1st NJPC) had taken into account the corresponding pay scales of the members of the IAS. At paragraph 15.35, the Commission specifically observed that the pay scales recommended by the V CPC to the All India Service Officers at the entry level were kept in view in fixing the minimum of the Master Pay Scale. At the same time, the Commission made it explicit that the qualifications prescribed for the post of Civil Judge (Junior Division) and consequently their late entry into service were the other factors taken into account.

6.14 It may be noted that as per the V CPC recommendations, Government of India fixed the starting pay of the All India Service officer at the entry level, such as Assistant-Collector/SDM at Rs.8,000/-. Justice Shetty Commission apparently felt that the freshly recruited Civil Judges shall get about Rs.1,000/- more than the minimum pay of All India Service Officers. That is how the starting pay of Civil Judge (Junior Division) was fixed at Rs.9,000/-, which is 12.5% more than the I.A.S. Officer at entry level. Then, the starting pay of Senior Civil Judges was fixed at Rs.12,850/-, which was higher than the pay of Senior scale IAS officer at that point of time. The starting pay of District Judges was fixed

as Rs.16,750/- going up to Rs.20,500/-. This scale of District Judges (Entry level) of Rs.16750 - 400 - 19150 - 450 - 20500 was in between the scale of IAS Selection Grade and Super Time Scale. The pay of District Judge (Super Time Scale) starts with Rs.22,850/- and the maximum proposed was Rs.24,850/- which was well below the limit of High Court Judges' salary of Rs.26,000/- (post V CPC)

6.15 The Supreme Court observed in *All India Judges Association v. Union of India and ors.* (AIR 2002 SC 1752; 2002 (4) SCC 247) that the equivalence of the District Judge (Entry Level) should be with that of IAS (Super Time Scale) and it would not be proper to equate District Judge to Selection Grade IAS Officer because of the longer length of service generally put in by a Civil Judge to reach the highest position of District Judge. The contention on behalf of Union of India to equate the pay of DJ (Entry level) with that of Selection Grade IAS was rejected. However, the 1st NJPC's recommendation as regards the pay scale assigned to the District Judge (Entry level) in between Selection Grade and Super Time Scale IAS was accepted.

7. RECOMMENDATIONS OF JUSTICE PADMANABHAN COMMISSION (JP COMMISSION)

7.1 Following the methodology adopted by the First National Judicial Pay Commission, JP Commission arrived at the Master Scale and the Mean basic pay of Judicial Officers.

Section 2 of Part III at Page No.10 sets out the revised **Master Pay Scale** with effect from 01.01.2006, which is as follows:

Rs.27700-770-33090-920-40450-1080-49090-1230-58930-1380-67210-1540-76450
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The JP Commission stated that the above revised scale will replace the then existing Master Pay Scale which was as under:

Rs.9000-250-10750-300-13150-350-15950-400-19150-450-21850-500-24850

7.2 At page No.8 of the Report, the percentage of Mean basic pay for various categories of Judicial Officers in relation to the revised salary of High Court Judges, was specified as follows:

- Civil Judges (Junior Division) - 45.28% (rounded off to 45.3%);
- Civil Judges (Senior Division) - 58.5%;
- District Judges (Entry Level) - 71.6% ;
- District Judges (Selection Grade) - 80%
- District Judges (Super Time Scale) - 91.7%

The JP Commission thus followed the respective ratios fixed by 1st NJPC in determining the Mean basic pay.

7.3 Page 9 of JP Commission Report contains the following Table working out the Mean basic pay and revised scale of pay for the five categories of Judicial Officers:

S.No.	Name of the Post	Existing Scale of Pay as per FNJPC Mean and % of Rs.26,000/-	Revised Scale of Pay arrived at	Mean of Basic Pay of the proposed scale	% of 80000/-
(I)	(II)	(III)	(IV)	(V)	(VI)
1.	Civil Judge (Junior Division) (Entry Level)	Rs.9000-250-10750-300-13150-350-14550 <hr/> (Rs.11775) (45.3%)	Rs.27700-770-33090-920-40450-1080-44770	Rs.36235	45.3%
2.	Civil Judge (Sr. Division) (Entry Level)	Rs.12850-300-13150-350-15950-400-	Rs.39530-920-40450-1080-49090-1230-	Rs.46770	58.5%

		17550 (Rs.15200) (58.5%)	54010		
3.	District Judge (Entry Level)	Rs.16750-400- 19150-450- 20500 (Rs.18625) (71.6%)	Rs.51550- 1230-58930- 1380-63070	Rs.57310	71.6%
4.	District Judge (Selection Grade)	Rs.18750-400- 19150-450- 21850-500- 22850 (Rs.20800) (80%)	Rs.57700- 1230-58930- 1380-67210- 1540-70290	Rs.63995	80%
5.	District Judge (Super Time Scale)	Rs.22850-500- 24850 (Rs.23850) (91.7%)	Rs.70290- 1540-76450	Rs.73370	91.7%

Thus, the percentage of the Mean basic pay (the average of the minimum and maximum in the timescale of pay) in comparison with the High Court Judges' Salary was indicated in the chart at Page No.9 of the Report in relation to the five ranks of Judicial Officers. As mentioned above, it ranges from 45.3% to 91.7%.

7.4 At page No.11 of Section 2, we find a Table containing the revised pay figures for 1 to 44 stages of the new Master Pay Scale together with the details of increments in the old and revised pay scales for 1 to 44 stages. The annual increment in the proposed/revised pay scale starts from Rs.770/- as against the pre-existing increment of Rs.250/- (as fixed by 1st NJPC) and it ends with Rs.1540/- as against the pre-existing rate of Rs.500/-.

Table II at page No.13 gives the details of existing scales of pay and corresponding revised scales of pay determined on the basis of percentage of increase of High Court Judges' salary as on 01.01.2006. The revised scales of pay – minimum and maximum – worked out in

relation to five categories of Judicial Officers have already been noted at para 7.3 supra.

7.5 Having noted that the revised pay made applicable to High Court Judges by the notification dated 09.01.2009 with effect from 01.01.2006 denotes upward revision of pay by 3.07 times, it was observed by JP Commission at page No.14 that keeping this in view, the corresponding increase in scale of pay needs to be arrived at. JP Commission then observed that “the question of fitment or fixation of pay by giving one or more increment or additional weightage does not arise”. It was further clarified at page No.15 that in the Master Pay Scale, the pay at the existing rate and corresponding revised pay as determined by the Commission found a place for incremental stages 1 to 44 of Table I and hence “the question of fitment does not arise”. Further it was clarified in paragraph 10 of page 15 that in the Master Pay Scale itself, following the recommendation of 1st NJPC, six incremental stages (as revised) were provided for in respect of all the pay scales in Table I and therefore any further increase in annual increment will result in deviation of ratio fixed by the 1st NJPC.

7.6 The Assured Career Progression Scheme was discussed in Section 5 of Part III. The benefit of I and II Stage ACP Scales was recommended for Civil Judges (Junior Division) and Civil Judges (Senior Division) and in so far as District Judges are concerned, the financial upgradation on functional basis to Selection Grade and Super Time Scale was maintained. This recommendation is also based on 1st NJPC report. The revised ACP Scales for Civil Judges (Junior Division) and Civil Judges

(Senior Division) and the financial upgradations for District Judges were given at pages 16 and 17 of the said Report.

8. INCREMENTS:

8.1 As regards increments, the 1st NJPC adopted the system of fixed quantum increments while evolving the Master Pay Scale. The Commission felt that 6 incremental rates would be proper. The Commission observed that short time-span would give rise to complaints of stagnation, while longer time-span would result in very slow increases in the pay. To avoid these two extremes, the Commission proposed 6 incremental rates, which were Rs.250/- upto 7th stage, Rs.300/- from 8th to 15th stage, Rs.350/- from 16th to 23rd stage, Rs.400/- from 24th to 31st stage, Rs.450/- from 32nd to 37th stage and thereafter from 38th to 44th stage at Rs.500/-. The JP Commission also adopted the same pattern. The increments were however increased by applying the multiple of 3.07 equivalent to the quantum of increase in the pay of High Court Judges in 2006. The six incremental rates were arrived at starting from Rs.770/-. They are Rs.770/- upto the 7th stage, Rs.920/- upto 15th stage, Rs.1,080/- upto 23rd stage, Rs.1,230/- upto 31st stage, Rs.1,380/- upto 37th stage and Rs.1,540/- upto 43rd stage. The percentage of increase in the next five stages approximately works out to 16%, 15%, 13%, 11% and 10.5% respectively.

8.2 It may be noted that the 7th CPC added the increments at 3% (with slight variations) uniformly for all ranks every year and the increments keep on adding to the pay and the officer thereby gets into the next stage

of pay level. In other words, the next increment (at 3%) is calculated on the pay plus increment already added.

8.3 Whether in arriving at the Master Pay Scale, the increase in the rate of increment upto the specified number of stages (6 or 7) shall be in the same proportion as the increase in the salary of High Courts Judges is one point which is open to debate keeping in view the fact that the High Court Judge gets fixed pay scale (without increments). What then is the rational basis for fixation of increments? This aspect has to be examined by the Commission.

9. ASSURED CAREER PROGRESSION SCHEME (ACP):

9.1 The grant of ACP scale and functional scale is one of the important recommendations made by 1st NJPC which has been followed by JP Commission (vide Chapter 17). Lack of adequate promotional opportunities in view of the limited number of posts was the main reason that weighed with the Commission in evolving the scheme. ACP system was designed to assure pay progression within the time-bound schedule. With ACP scales, the officer moves into the next higher scale, so that a person of considerable experience may not get stagnated at a particular pay level. The ACP is not linked to the availability of the promotional posts, nor is it on functional basis. It was observed by the Commission that “this scheme is intended to afford reasonable opportunity to all the officers in the grade to get financial upgradation in a time frame”. The ACP scales were recommended in respect of Civil Judge (Junior Division) and Civil Judge (Senior Division). The Civil Judge (Junior Division) would get the first ACP scale, i.e., Rs.10750-300-13150-350-14900, after five years of continuous service and the 2nd ACP scale would

be available to the officers with five years of service thereafter. The scale at the end of 10 years of continuous service was prescribed as Rs.12850-300-13150-350-15950-400-17550. So also, for the Civil Judges (Senior Division), the following ACP scales were prescribed:

Rs.14200-350-15950-400-18350 (after five years of continuous service)
Rs.16750-400-19150-450-20500 (after ten years of continuous service)

9.2 It may be noticed that the maximum of the second level of ACP for Civil Judge (Junior Division) is equivalent to that of Civil Judge (Senior Division) at entry level. So also, the second level of ACP scale for Civil Judge (Senior Division) is equivalent to the pay of District Judge (Entry Level). The Commission (1st NJPC) observed “we have recommended the second ACP with a definite purpose that a Civil Judge (Junior Division) at the end of the 10th year of continuous service shall be able to get the initial pay scale of Civil Judge (Senior Division) to avoid frustration due to stagnation”. However, the Commission introduced an important qualification. “Conferment of benefits by way of ACP should not be automatic, but on the appraisal of their work and performance by a Committee of senior Judges of the High Court.”

9.3 Unfortunately, in a number of States, the benefit of ACP scales has not been extended to the judicial officers on the due date or within a reasonable time thereafter. Years have rolled by with the judicial officers eagerly waiting for conferment of ACP scale with arrears. Lack of timely preparation and scrutiny of ACRs seems to be the main reason behind this delay. The delay in financial sanctions may be another reason. In regard to the officers within the jurisdiction of two major High Courts, it is

noticed that the Junior Civil Judges appointed in 2008 are still waiting for the conferment of ACP scales. In one of the HCs, though the Junior Civil Judges and Senior Civil Judges have completed 10 years of service, neither ACP-1 nor ACP-2 scales have been extended to them. The High Courts on administrative side have to bestow requisite care and attention to avoid such delays. However, it appears (subject to further verification) that arrears are paid (may be in staggered instalments) once the decision is taken.

9.4 As far as the District Judges are concerned, financial upgradation on functional basis has been recommended by the 1st NJPC. The Selection Grade Scale of Rs.18750-400-19150-450-21850-500-22850 would be available to 25% of the cadre posts and to those having 5 years of continuous service as District Judge. Then, a Super Time Scale of Rs.22850-500-24850 was also proposed for District Judges in Selection Grade. This scale would be given to those who have put in not less than 3 years of continuous service as Selection Grade District Judges on the basis of merit cum seniority. Further, the Super Time Scale benefit would be available to the Selection Grade District Judges only to the extent of 10% of the cadre strength of District Judges.

The provision of ACP scales for Civil Judges (Jr. and Sr. Division) and the functional pay scales for District Judges has been followed by JP Commission and the revised pay scales were accordingly arrived at as set out in the Table given above at para 7.3.

10. SYNOPSIS OF THE PRINCIPLES FOLLOWED AND APPROACH ADOPTED BY THE 7TH CPC:

10.1 The pay recommended by 7th CPC for all categories of Central Government civilian employees has been given effect to from 01.01.2016. The methodology adopted by 7th CPC needs to be adverted briefly. The new pay structure in the form of Pay Matrix has been devised “to provide complete transparency regarding pay progression”. It may be noted that prior to 6th CPC, there were pay scales. The 6th CPC had recommended running Pay Bands with Grade pay as status determiner. The 7th CPC has recommended a Pay matrix with distinct pay levels. The level would henceforth be the status determiner as stated in para 5.1.8 of the Report. The 7th CPC thought it fit to dispense with the system of pay bands and grade pay and proposed new functional levels which were arrived at by merging the grade pay with the pay comprised in the relevant pay band. All of the existing levels have been subsumed in the new structure.

10.2 The 7th CPC having observed that the estimation of minimum pay was the first step towards evolving the pay structure, clarified that “in doing so, the approach is to ascertain, by using the most logical and acceptable methodology, what the lowest ranked staff in Government needs to be paid to enable him to meet the minimum expenditure for himself and his family in a dignified manner.” After adverting to the minimum pay estimated by 5th and 6th CPCs, the Commission has estimated minimum pay through the steps enumerated in para 4.2.8. The cost estimated was rounded off to Rs.18,000/- which was the minimum pay recommended by the Commission, operative from 01.01.2016. It represents 2.57 times the minimum pay of Rs.7,000/- fixed by Government of India while implementing the VI CPC’s recommendations

from 01.01.2006. Accordingly, it was observed “basic pay at any level on 01.01.2016 (pay in the pay band + grade pay) would need to be multiplied by 2.57 to fix the pay of an employee in the new pay structure”. At para 4.2.13, the Commission observed that the minimum pay recommended at Rs.18,000/- per month w.e.f. 01.01.2016 is fair and reasonable and the said pay together with other allowances and facilities would ensure a decent standard of living for the lowest ranked employee in the Central Government.

10.3 Pay fixation in the new pay structure was spelt out at para 5.1.28 as follows:

“The fitment of each employee in the new pay matrix is proposed to be done by multiplying his/her basic pay on the date of implementation by a factor of 2.57. The figure so arrived at is to be located in the new pay matrix, in the level that corresponds to the employee’s grade pay on the date of implementation, except in cases where the Commission has recommended a change in the existing grade pay.”

5.1.29: The pay in the new pay matrix is to be fixed in the following manner:

Step 1: Identify Basic Pay (Pay in the pay band plus Grade Pay) drawn by an employee as on the date of implementation. This figure is ‘A’.

Step 2: Multiply ‘A’ with 2.57, round-off to the nearest rupee, and obtain result ‘B’.

Step 3: The figure so arrived at, i.e., 'B' or the next higher figure closest to it in the Level assigned to his/her grade pay, will be the new pay in the new pay matrix. In case the value of 'B' is less than the starting pay of the Level, then the pay will be equal to the starting pay of that level."

10.4 The following observations in the 7th CPC Report at para 5.1.21 also deserve notice:

"The pay matrix comprises two dimensions. It has a "horizontal range" in which each level corresponds to a 'functional role in the hierarchy' and has been assigned the numbers 1, 2, and 3 and so on till 18. The "vertical range" for each level denotes 'pay progression' within that level. These indicate the steps of annual financial progression of three (3) percent within each level. The starting point of the matrix is the minimum pay which has been arrived at based on 15th ILC norms or the Aykroyd formula. This has already been explained in Chapter 4.2."

10.5 Thus, for the purpose of migrating from old to new scales, a common fitment formula of 2.57 over old pay scales across all cadres in Government of India has been adopted. However, for the purpose of assigning appropriate cell/stage falling within the relevant pay level, varying percentages of 2.57 to 2.81 have been applied. For this purpose, upto Group B posts, the multiple of 2.62 was adopted and then for Group A from junior scale to selection grade, 2.67 was prescribed. 2.67 is applicable to officers within the levels 10 and 11. 2.72 was applied for

officers placed in Super Time Scale and above, viz., Secretary to State Governments, and Joint Secretary in GOI. These higher percentages were prescribed keeping in view the higher degree of responsibility and accountability. The pay of Secretary to Government of India is fixed pay without increments. It is 2.25 lakhs (same as the High Court Judges' pay). The pre-existing fixed pay of Rs.80,000/- was multiplied by the factor 2.81. So also, in the case of Cabinet Secretary who was getting the fixed pay of Rs.90,000/-, the said figure was multiplied by 2.78 so as to reach the vertical cap of Rs.2,50,000/-. That is how the Cabinet Secretary gets Rs.2,50,000/- which is also the pay of Supreme Court Judge.

The pay of All India service officers starts from pay level No.10 (Jr. scale applicable to Sub/Asst. Collector) and goes upto pay level No.18, which is Rs.2,50,000/- applicable to Cabinet Secretary.

10.6 A uniform increase of approximately 3% every year has been proposed by the 7th CPC towards annual increment, which keeps adding to the previous year's pay with the increment/increments already earned as reflected in **Table-5**. The Pay Matrix annexed to the report of 7th CPC in so far as it relates to Group 'A' officers is appended as *Annexure A*.

10.7 PAY SCALES IN STATES:

An overview of the pay scales of the officials of State Governments would reveal that in many of the States, the 7th CPC pay pattern has been followed upto a particular level. In Haryana, a civil service junior scale officer gets starting pay of Rs.56,100/- which corresponds to level 10 in the 7th CPC Pay Matrix. A senior scale officer gets Rs.67,700/- (pay level 11). A Selection Grade officer gets Rs.78,800/- falling within pay level No.12 and the officers in Class I

above the Selection Grade get Rs.1,18,500/- (pay level No.13) with effect from 01.01.2016. However, in Punjab, the old pay bands as per VI CPC starting from Rs.15600-39100 upto Rs.37400-67000 with grade pay ranging between Rs.5,400 to 10,000 have been in force from 01.01.2006. In Gujarat, with effect from 01.01.2016, the officers of the Revenue Department (junior scale, senior scale and Selection Grade) are assigned levels 10, 12 and 13 of the 7th CPC Pay Matrix, whereas Class I Apex Scale officer gets the pay corresponding to pay level 13-A of 7th CPC Pay Matrix. The Secretarial Services start from level 10 and go upto pay level 13-A of 7th CPC Pay Matrix. In Uttarakhand, the State Government officials from junior time scale upto above super time scale are placed in levels 10 to 17 of 7th CPC Pay Matrix with effect from 01.01.2017. So also, in Madhya Pradesh, junior time scale, senior time scale and junior administrative grade officers are placed in pay levels 10, 11 and 12 (each category previous pay bands of 15600-39100 with grade pay of 5400, 6600 and 7600). A Selection grade and a Super time scale officer gets pay within levels 13 and 13-A (7th CPC Pay Matrix w.e.f.01.01.2016). In Orissa, the pay scale of Group A officers with effect from 01.01.2016 is Rs.56100-172500 falling within the pay level 10 of 7th CPC Pay Matrix.

The position of pay scales in the States where 7th CPC pay pattern has not been adopted is as follows:

The pay scale of top level officer of State Civil Services in Andhra Pradesh and Telangana after the pay revision in 2013 is Rs.87130-110850. The Special Grade Deputy Collector is in the pay scale of Rs.52590-103290. The pay revision seems to be in process now in

Telangana. In Karnataka, the top pay scale in Revenue Department in Secretarial service has been Rs.40050-56550 from 2012.

In Manipur, the Asst. Dy. Commissioner/Assistant District Magistrate are in highest Pay Bands of Rs.15600-39100 with grade pay of Rs.6,600/-. The Dy. Commissioner is an IAS cadre officer. In Secretariat service, the highest pay of Secretary is Rs.37400-67000 with grade pay of Rs.8700. This is the position from 01.04.2010. In Mizoram, the Super Time Grade A and B are officers placed in Pay Band Rs.37400-67700 with grade pay of Rs.9500/-. The Junior Admn. Grade officer is in the pay band of Rs.15600-39100 with grade pay of Rs.5400/-. In Meghalaya, as per the pay scales which were in effect from 01.01.2007, the pay scale of the entry level Grade A officer is Rs.17000-33690 and the top level officer, i.e. Director gets Rs.31300-46760. The Joint Secretary in Secretariat also gets up to Rs.31300-46760. In Tripura, with effect from 01.04.2017, the entry pay (level 14) of the officers of State Government is Rs.47250 plus Grade Pay of Rs.5400. An officer at level 19 (PB-4) gets Rs.67320 with Grade Pay of Rs.7600. The Apex scale at level 21 goes upto Rs.1,17,000. The entry pay of HAG scale categories is Rs.1,03,730 plus Grade Pay of Rs.8700 and the Apex scale goes upto Rs.1,17,000 with Grade Pay. The information from other States has not been received.

In Meghalaya, the entry level Group A officer gets Rs.17000-33690 and the top officials viz. Director and Joint Secretary are placed in Pay Band Rs.31300-46760. In Manipur, the Assistant, Dy. Commissioner/Assistant District Magistrate is in the Pay Band of Rs.15600-39100 with grade pay of Rs.6,600/-. In Mizoram, the Super

Time Scale Grade A officer is placed in Pay band Rs.37400-67700 with grade pay of Rs.9500/-. Junior grade officer is in the pay band of Rs.15600-39100 with grade pay of Rs.5400/-.

10.8 Having regard to the information received from some of the States lacks clarity, the fact remains that the maximum pay which the State officials get is much less than what the Judicial Officers are presently getting with DA.

However, having regard to the pronouncements of Supreme Court in All India Judges Association cases, the comparison with State Government officials will not be appropriate, more so, when uniform pay scales have to be made applicable to Judicial Officers throughout the country. The comparison could only be with All India service officers and it was on that basis, the 1st NJPC recommended appropriate pay scales for Judicial Officers of all ranks. However, Justice Padmanabhan Commission did not refer to the pay structure of All India Service Officers though the relativities in pay structure between the members of subordinate Judiciary and other civil servants is one of the factors to be considered in terms of clause (b) of the terms of reference and in view of the approach adopted by the Supreme Court in 2002 (4) SCC 247 (vide paragraphs 18 to 20).

11. INTERIM REVISION OF PAY IN DELHI:

11.1 In the NCT of Delhi, after the 7th CPC Report was accepted, the Judicial Officers have been given the benefit of revised pay substantially in accordance with the pay matrix evolved by the 7th CPC. For instance, the Civil Judge (Junior Division) has been placed in level 10. Level 10 has the pay range of Rs.56100-177500 corresponding to the earlier pay

band of Rs.15600-39100 plus grade pay of Rs.5400/-. In that pay range, the Junior Civil Judge has been fitted into the stage/cell No.10 i.e., Rs.73200/- after multiplying the existing basic pay of Rs.27,700/- by the fitment factor of 2.57. It comes to Rs.71,189/- between stage/cell 9 and 10 i.e. Rs.71,100/- and Rs.73,200/-. Therefore, the officer who was not drawing any increment by 01.01.2016 (being fresh recruit) has been assigned to the stage 10 which is a stage above the pay of Rs.71,189/-. Having arrived at the pay as on 01.01.2016, the DA at 2% was made applicable thereon with effect from 01.07.2016. The DA got eventually increased to 7% with effect from 01.01.2018.

11.2 At this stage, the Commission would like to give another concrete illustration as to how the Judicial Officers belonging to DJS and DJHS have been fitted into 7th CPC pay matrix. Let us take the case of Junior Civil Judge (Junior Division) appointed in May 2013. The pay scale starts from Rs.27,700/- which is the starting pay without increment. Then, from 01.05.2014, the Officer became eligible to draw increment. That means, by 1st May 2014, he got the increment of Rs.770/-, the pay thereby getting increased to Rs.28,470/-. On 1st May 2015, another increment was added and the pay became $\text{Rs.}28470 + 770 = \text{Rs.}29,240/-$. This was the pay with increments the officer was drawing on 01.01.2016 (the effective date of 7th CPC pay revision). With the addition of one increment, the pay of Rs.30010/- was arrived at as the pre-existing pay (according to O.M. dated 19.03.2012, Department of Expenditure, Ministry of Finance as the increment due is between February to June 2016). This amount of Rs.30010/- has been multiplied by the index of 2.57 and the resultant pay works out to Rs.77,126/-. The Officer has been

assigned to pay level No.10 at the 12th stage i.e. Rs.77,700/-. The earlier stage No.11 carries the pay of Rs.75,400/-. The next annual increment was allowed with effect from 01.07.2016 and accordingly his pay at pay level No.10 was worked out as Rs.80,000/- (13th stage) with the increment of 3% added thereto. The Officer got next annual increment on 01.07.2017 and the pay with increment of 3% has been fixed at Rs.82,400/- which is the 14th stage of pay level 10.

11.3 The Senior Civil Judge who was in the scale of Rs.39530-54010 as per the JP Commission Report gets into the pay level 11 with the starting pay of Rs.85,800/- w.e.f. 01.01.2016 which is the 9th stage and thereafter, every year, the officer progresses to the next stage in that pay level with the increment added thereto. The District Judge at Entry level has been fitted into level 13A and the pay starts at Rs.1,35,000 which is at stage No.2 of pay level 13A. The Super Time Scale District Judge has been fitted into the pay level No.15 and his pay as on 01.01.2016 was fixed as Rs.1,82,200/- with one increment. The maximum he/she gets is Rs.2,24,100/-.

12. One point which needs serious consideration is whether the 7th CPC pattern of pay fixation can be usefully adopted for the Judicial Officers as well in lieu of the Master Pay Scale methodology, as the pay structure/emoluments of the Judicial Officers have to be fixed on uniform basis in the entire country. If so, would it not be proper and appropriate to fall in line with the model adopted by the 7th CPC? If such methodology is adopted, whenever there is revision of pay of Central Government officials pursuant to the CPC recommendations, the same can be given effect to immediately in respect of Judicial Officers as well,

without waiting for Judicial Pay Commission Report or the respective Governments sanctioning interim relief according to their choice. As already noted, for the Delhi Judicial Officers, based on the acceptance of the 7th CPC Report, the benefit of increased pay scales has been made available w.e.f. 01.01.2016 as noted in the previous paragraph, by placing them at the appropriate level and stage in the pay matrix evolved by the 7th CPC.

12.1 The Table **Annexure B** gives a clear idea of pay progression in accordance with 7th CPC model. The revised pay details in respect of each category of Judicial Officers worked out in accordance with the pay matrix of 7th CPC on the basis of the interim relief granted by Delhi Government is set out in detail in that Table. The figures shown therein from 01.01.2016 are based on the pay benefit given by Delhi Government as an interim measure. The pay starts with Rs.73,200/- in the case of Civil Judge (Jr. Division) recruited just before 01.01.2016. It may be noted that this Table is only an illustrative model and shall not be construed as an indication of the figure proposed to be adopted by the Commission or that the starting pay of Judicial Officers will be arrived at by the Commission at the same figure and not beyond that.

13. Though the relativity in respect of pay scales governing Judicial Officers and other Civil Service Officers is one of the factors to be taken into account as per the terms of reference and in the light of the observations of the Supreme Court in All India Judges Association Case of 2002, Justice Padmanabhan Commission did not address this aspect. The Commission merely went by the proportion of increase of High Court Judges' salary (3.07 times). In this context, it needs to be pointed

out that the High Court Judges' salaries were increased by the highest multiple (in the case of 6th CPC, it was 3.07 times and in the case of 7th CPC, it was 2.81 times) in view of the fact that the salary is a fixed figure without any increments. So also is the case of Secretary to Government of India, a level 17 officer, in the pay matrix enclosed.

13.1 In this context, it may be mentioned that the terms of reference require relativities in respect of pay-scales governing Judicial Officers and other Civil Service Officers to be taken into account. Accordingly, 1st NJPC had kept in view this aspect and taken into consideration the pay-scales of All India Service Officers (not State Government Officials) and arrived at the pay of Judicial Officers with appropriate increases and equations. Further, the 1st NJPC did not say that the increase shall be in the same proportion as the High Court Judge. It also deserves mention that the percentages (45.3, 58.5, 71.6, 80 and 91.7% of the salary of High Court Judges) arrived at by the JP Commission can still be maintained by and large even if the multiple is less. On considerations of fairness and equity and in view of the observations of Supreme Court in AIJA Case of 2002, whether the criterion of relativities ought to be taken into account is one question that may arise.

13.2 An analysis of the pay-scales arrived at by JP Commission by maintaining the level of increase at 3.07 times (which represented the quantum of increase of HC Judges' salary) would show that the Civil Judge (Jr. Div.) at entry level got much more pay than the Junior Time-scale IAS Officer (Sub-Collector, Asst. Collector, SDM) and the Junior Civil Judge in I ACP got more than the pay of Senior Time Scale IAS Officer (District Collector, District Magistrate, Deputy Commissioner).

The Senior Civil Judge got much more than the maximum pay applicable to JA Grade (Joint Secretary in States etc.) and the Sr. Civil Judge in ACP I started with the pay more than the starting pay of Selection Grade IAS. The District Judge at entry level got slightly more than the pay of the super-time scale IAS Officer.

13.3 Incidentally, it may be mentioned that as far as Senior District Judges in Selection Grade and Super time-Scale are concerned, the maximum pay drawn by them as per the JP Commission's report happens to be lower than the maximum pay of officers of comparable rank in IAS as per the VI CPC report. The Joint Secretary to GOI (placed in Super time-Scale) gets higher maximum than the DJ (Selection Grade) because of grade pay then prevalent. So also, the Addl. Secretary level officer (in Higher Administrative Grade, above STS) gets higher maximum pay than what a DJ (STS) gets by virtue of the JP Commission's report. This anomaly was apparently not noticed.

13.4 Notwithstanding the above disparities, the Commission has to consider whether at this point of time, a different approach or principle has to be adopted, keeping in view the repercussions on the pay structure in vogue since the last ten years or more. The Commission may have to consider whether and to what extent this vast disparity (between the pay of members of IAS and Judicial Officers) could be minimised at this stage without unduly affecting the expectations of Judicial Officers.

14. The new Master Pay Scale that emerges as per the methodology formula adopted by Justice Padmanabhan Commission is: Rs.77840-2160-92960-2590-113680-3030-137920-3460-165600-3880-188880-

4330-214860. For ready reference, the existing Master Pay Scale is: Rs.27700-770-33090-920-40450-1080-49090-1230-58930-1380-67120-1540-76450.

The starting and maximum pay of 5 categories of Judicial Officers as per the above Master Pay Scale works out to:

Civil Judge (Junior Division): Rs.77840-125800

Civil Judge (Senior Division): Rs.111080-151770

District Judge (Entry Level): Rs.144860-177230

District Judge (Selection Grade): Rs.162140-197520

District Judge (Super Time Scale): Rs.197520-214840

14.1 Apart from the established models of pay structure which the Commission has adverted to above, it is worth considering whether an innovative pay structure involving fixed pay/higher starting pay but without increments operative for a certain number of years should be evolved for the Judiciary. The idea is to make Judicial Service more attractive for the talented law graduates and lawyers with some experience. Moreover, such approach will impart distinct identity to Judicial Pay Structure in tune with the pay model applicable to Judges of High Court. Suggestions regarding the modalities of such pay fixation are welcome :

The following illustrative model spells out what has been adverted to above :

S No.	Designation	Proposed Scale
1	Civil Judge (Junior Division) Entry Level for 1 st 5 years	100000
2	Civil Judge (Junior Division) Middle Level	110000

	for next 5 years	
3	Civil Judge (Junior Division) Senior Level for next 5 years	120000
4	Civil Judge (Senior Division) Entry Level for 5 years	135000
5	Civil Judge (Senior Division) Middle Level for next 5 years	150000
6	Civil Judge (Senior Division) Senior Level for next 5 years	165000
7	District Judge (Entry Level) for 5 years	185000
8	District Judge (Middle Level) 5 years	205000
9	District Judge (Senior Level)	224000

PN : The figures are only worked out on rough and ready basis, just to give an idea of the said Pay structure.

We would like to make it clear again that we are not at this stage proposing any particular pay scale or pay matrix or fixed pay model for judicial officers. Nor the Commission is suggesting that the above Master Pay Scale or new model of Pay Structure may be adopted as it is. We would like to arrive at the appropriate pay structure after gathering the necessary inputs and views from all concerned.

15. PENSION:

15.1 At present, the Judicial Officers, are entitled to get full pension on completion of 20 years of qualifying service. The formula for the fixation of pension including commutation is almost on uniform basis, 50% of the last drawn pay is admissible as pension. In the case of family pensioners, it is 30% of the last drawn pay. Additional pension is payable at varying percentages after the pensioner attains the age of 80. The first level of increase is for the pensioners between 80-85 years. A 20 percent

increase in the revised basic pension/family pension is being allowed at par with State Government officials.

In the states of Jammu & Kashmir and Madhya Pradesh, the first level of increase is for pensioners between 70 - 75 years @10% and thereafter @20% for pensioners between 75 - 80 years and it is 30% for pensioners between 80 - 85 years.

15.2 For the Judicial Officers recruited during 2004/2005 and thereafter, the National Pension System (NPS) otherwise known as Contributory Pension Scheme is being applied. The officers have been required to convey their willingness in prescribed format. In the existing system of pension, GPF and gratuity would cease to apply for the new entrants. As per tier I account which is mandatory under the said pension scheme, Government servants (including Judicial Officers) will have automatic contribution of 10% of basic pay plus DA, which will be deducted from the salary bill every month. The Government will make an equal matching contribution. Since 01.04.2008, the pension contributions of all the employees covered by NPS are being invested by professional pension fund Managers. The contribution and returns thereon would be deposited in a non-drawable pension account. A Pension Fund Regulatory and Development Authority will regulate and develop the pension funds and there will be different investment choices. A subscriber can exit at or after the age of 60 years for tier I of the pension system. On such exit, the individual would be required to invest 40% of pension wealth to purchase an annuity (from IRDA regulated insurance company) in case of Government employees (including Judicial Officers). The subscriber would receive lump sum of the remaining pension wealth, which he

would be free to utilise in any way. If the subscriber exits before 60 years of age, she/he has to invest 80% of accumulated savings to purchase a life insurance policy from IRDA-regulated insurer. The remaining 20% can be withdrawn as lump sum.

15.3 The objective in introducing NPS seems to be to switch over from a defined benefit pension scheme to a defined contribution-based pension scheme. The propelling reason for introduction of this scheme seems to be that the fiscal burden of providing defined benefit pension to the Government servants had reached unsustainable proportions and the State Governments, are finding it difficult to meet the liabilities.

15.4 There seems to be much resentment to the NPS. However, the advantages accruing from investment returns and the savings are being pointed out in support of this scheme. It appears that from 01.04.2018 onwards, the pension contributions of Central Government employees covered by NPS are being invested by professional Pension Fund Managers. The contributions and returns thereon would be deposited in a non-withdrawable pension account. There are investment guidelines for the pension fund Managers.

15.5 It may be noted that the V Central Pay Commission had recommended a supplementary pension scheme that was contributory in nature while retaining the existing rule of payment of pension at 50% of the last drawn pay. The constitution of a pension fund, in which both the Government's share and the employees' contribution will be deposited and invested, was mooted by the V Central Pay Commission.

15.6 A Division Bench of the Bombay High Court, in its judgment dated 11.08.2017 in PIL No.188 of 2015 – *Vihar Durve v. State of Maharashtra*, has declared that the Maharashtra Government's resolution applying the New Pension Scheme to those Judicial Officers, appointed after 31.10.2005, was illegal and went contrary to the order of the Supreme Court, accepting the recommendations of the Justice Padmanabhan Commission. It was declared that Judicial Officers appointed on or after 01.11.2005 are also entitled to the same pensionary benefits which were available to the Judicial Officers, appointed before 01.11.2005.

The reason given was that as per the new scheme introduced by the Government, 10% of the basic salary plus DA is liable to be deducted from the salary of JO (for crediting the same to the contributory Pension Account) and such deduction was not contemplated under the judgment of the Supreme Court. The High Court of Bombay referred to the order of the Supreme Court dated 26.07.2010 accepting the recommendations of Justice Padmanabhan Commission and observed that the service conditions of the Judicial Officers, in the State, including the pensionary benefits, shall be in terms of the recommendations of the Padmanabhan Commission, subject to the option an individual JO may choose to exercise.

15.7 This Judgment (which arose out of an amendment application filed in PIL WP No.1883/2015) was challenged in the Supreme Court in Civil Appeal No.31461/2017. On appeal filed against this judgment by the State Government, Hon'ble Supreme Court in its order dated 27.03.2018 did not express any view. The entire matter was transferred back to

Bombay High Court for consideration of aspects (such as infrastructure) which do not fall within the realm of consideration of this Commission.

15.8 Assuming that this Commission can examine the propriety or justification for the application of NPS to the Judicial Officers, recruited during or after 2004, the Commission would like to have the benefit of the views of the serving Judicial Officers Associations and the Governments in this regard.

15.9 Under the orders of the State Governments, the pensioners are being paid domestic help allowance. The maximum domestic help allowance seems to be Rs.2,500/- and medical allowance Rs.1,500/-. The family pensioners get Rs.1,000/- per month as domestic help allowance and Rs.750/- as medical allowance.

16. GRATUITY:

16.1 The maximum gratuity has been enhanced to Rs.10 lakhs in 2010 pursuant to the order of the Supreme Court dated 26.07.2010 in All India Judges Assn. case, accepting the recommendations of the JP Commission in this regard. The 7th CPC has raised the limit of maximum gratuity to Rs.20 lakh with increase of 25% when DA rises beyond 50%. The quantum of increase in the said allowances paid to pensioners and family pensioners need to be looked into.

17. RETIREMENT AGE:

17.1 In the first All India Judges Assn. case [1992 (1) SCC 119], the Supreme Court directed that the service rules of the States and UTs, shall

be amended so as to fix the age of retirement of Judicial Officers, at 60 years.

17.2 In the second All India Judges Assn. case [1993 (4) SCC 288] arising out the review petition filed by Union of India and the States, the Supreme Court modified the direction with regard to the enhancement of superannuation age in the following terms:

“While the superannuation age of every subordinate judicial officer shall stand extended up to 60 years, the respective High Courts should, as stated above, assess and evaluate the record of the judicial officer for his continued utility well within time before he attains the age of 58 years by following the procedure for the compulsory retirement under the service rules applicable to him and give him the benefit of the extended superannuation age from 58 to 60 years only if he is found fit and eligible to continue in service. In case he is not found fit and eligible, he should be compulsorily retired on his attaining the age of 58 years.”

Further, it was laid down:

“It is necessary to make it clear that this assessment is for the purpose of finding out the suitability of the concerned officers for the entitlement of the benefit of the increased age of superannuation from 58 years to 60 years. It is in addition to the assessment to be undertaken for compulsory retirement and the compulsory retirement at the earlier stage/s under the respective Service Rules.”

17.3 In the third All India Judges Assn. case [2002 (4) SCC 247], the said directions were reiterated. Thereafter, most of the High Courts have proceeded on the basis that the scrutiny for the purpose of assessing the continued utility of the officer in judicial service has to be taken up before the officer reaches the age of 58 years so that the deserving officer will get the benefit of extension of service till he completes the age of 60 years. Perhaps, keeping in view the above quoted last observation in the judgment in the review petition [1993 (4) SCC 288], the composite State of Andhra Pradesh amended Section 3 of A.P. Public Employment (Regulation of Age of Superannuation) Act, 1984 by inserting sub-section (1A) which starts with a non-obstante provision. It says that every member of the A.P. State Higher Judicial Service or the A.P. Judicial Service shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years provided that the member of such service may be compulsorily retired on the last day of the month in which he attains the age of 50 years or 55 years or 58 years or 33 years of qualifying service if he is found not fit and eligible to be continued in service by the High Court of Andhra Pradesh on assessment and evaluation of the record of such member for his continued utility.

The second proviso lays down that any member of service who has attained the age of 50, 55 or 58 years or 33 years of qualifying service, may be required to retire in public interest after giving three months notice in writing.

17.4 Those Judicial Officers who were prematurely retired from service even before they attained 58 years challenged the constitutionality of Section 3 (1A) of the said Act. A Full Bench of the then AP High Court,

in the case of K. Veera Chary v. High Court of AP [2008 (5) ALD 372] declared the said provisos to Section 3 (1A) unconstitutional and the compulsory retirement orders of the concerned judicial officers were quashed on other grounds too. However, this decision was reversed by the order of the Supreme Court dated 29.11.2017 in Civil Appeal Nos.9700 to 9701/2013. The Hon'ble Supreme Court held that "there is no basis for declaring the 1st proviso to Section 3 (1A) of A.P. Public Employment (Regulation of Age of Superannuation) Act, 1984 as amended by A.P. Act 42 of 2006 to be void. Such provisions are held to be *intra vires*. Orders of compulsory retirement of the respondents did not call for any interference and the same are restored."

17.5 However, we find no reasons for the conclusion reached in the order and for reversing the Full Bench decision of High Court. Pursuant to this judgment of Supreme Court, the High Court of Judicature at Hyderabad has issued a circular on 02.01.2018 stating that "In view of the orders of the Hon'ble Supreme Court, hereafter, the cases of Judicial Officers who are going to complete the age of 50, 55 and 58 have to be reviewed for assessing their continued utility in service."

17.6 In the representations made by the Associations and in the course of informal interaction, serious concern has been expressed on the move to undertake review of performance at three stages i.e. at the age of 50, 55 and thereafter at 58. Leaving aside the question of constitutionality of such provision, the issue has to be considered from the point of view of propriety and fair treatment, including security of tenure. The apprehension that the exercise of such power at multiple stages may be resorted to as a shortcut to disciplinary enquiry cannot be lightly brushed

aside. Further, it may go against the spirit of the decision taken by the Supreme Court to enhance the retirement age of Judicial Officers, to 60 subject to scrutiny on the eve of completion of 58 years. The Commission would like to examine the issue in detail.

17A. UTILIZATION OF SERVICES OF RETIRED OFFICERS:

At any given point of time, considerable number of vacancies in various cadres of Judicial Service have been existing. This situation is likely to continue in future, in spite of the endeavours being made to tide over the problem. In this background, it is worth considering whether the services of Judicial Officers who have attained the age of superannuation and who are otherwise fit and healthy, could be usefully utilised in regular judicial work or in other Judiciary related duties such as Lok Adalats, Legal aid Schemes, Mediation/Conciliation.

Most of the Judicial Officers who retire are of the District Judge level. Some of them join the statutory bodies on the basis of selection, in which case they continue to draw the same emoluments and facilities minus pension. Some of them take up assignments in private sector or do arbitration work. However, many of them lead retired life.

The proposal is that the services of willing retired Judicial Officers can be utilised by the Judiciary, say for a period of 5 (five) years after superannuation so long as the vacancy exists. During this period, they will draw basic pay (without increments) plus DA and other specified allowances admissible to serving Judicial Officers. The payment of terminal benefits can be deferred till they finally exit from the service.

The Commission would like to consider the views of all concerned on this aspect.

18. MONETARY ALLOWANCES & AMENITIES:

There are as many as 16 types of allowances which are being drawn by the Judicial Officers. Most of these allowances are also applicable to State Government officials.

18.1 Dearness Allowance (DA): The foremost amongst the allowances is of course Dearness Allowance. The 1st NJPC recommended the same DA formula as was applicable to the Central Government employees to be adopted in the case of Judicial Officers in every State/UT. The JP Commission reiterated the same. The DA rates in force as on 01.01.2016 with effect from which the 7th CPC recommendations were given effect to was 125%. On introduction of new pay scales with effect from 01.01.2016, the DA which started initially at 2% now stands at 5%. The same quantum of DA is also being paid to Judicial Officers of Delhi and UTs. In the States in which pay revisions have been made, in the recent times, that is to say, during the last 3 or 4 years, more or less the same percentage of DA as is applicable to the Central Government employees is in force. However, the Judicial Officers are drawing the DA applicable with reference to the pay scales evolved in 2006 (pursuant to JP Commission Report) because the pay scale has not undergone revision. At present, the Judicial Officers, are getting DA ranging from 136 to 142% (136% was the DA that was being applied to the High Court Judges till recently). As and when the new pay scales pursuant to the Report of this Commission are sanctioned, the same rates of DA as applicable to Central staff are to be applied to the Judicial Officers, as well.

18.2 House Rent Allowance (HRA): Many of the Judicial Officers are not having residential accommodation provided by the Government. Hence, HRA is being drawn by them. The 1st NJPC recommended HRA at the rates applicable to the Government servants in the respective States/UTs. The same recommendation was reiterated by Justice Padmanbhan Commission. The 6th CPC whose report was implemented w.e.f. 01.01.2006 recommended 30%, 20% and 10% of the basic pay as HRA for cities X, Y and Z. The 7th Central Pay Commission has recommended 24%, 16% and 8% for the cities classified as X, Y and Z and when DA crosses 50%, the same shall be increased by 27%, 18% and 9% respectively and to be further revised to 30%, 20% and 10% at the stage when DA crosses 100% or more.

The Government of India by the O.Ms. dated 02.05.2017 and 07.07.2017, has notified the rates of HRA as 24%, 16% and 7% for cities X, Y and Z which will further increase to 27%, 18% and 9% when DA crosses 25% **and** 30%, 20% and 10% when DA crosses 50%. Further the OM prescribes the minimum limit of HRA to be Rs.5400/-, Rs.3600/-, Rs.1800/- for cities X, Y and Z respectively.

The Delhi and UTs, the rates of HRA suggested by the 7th CPC are being applied.

In majority of States, HRA is being paid at the rates applicable to the State Government Officers. No information has been furnished in this regard by 3 High Courts.

In West Bengal, District Judges are paid HRA as per the Central Government rates and the Civil Judges get 15% of Basic Pay as HRA.

In Uttarakhand, judges are being reimbursed the actual rent paid on the basis of the rent assessed by the competent authority and the Judicial Officers living in their own houses draw HRA @ 75% of the grade pay in B-2 cities, @ 50% in C class cities and @ 40% in case of unclassified cities. That is to say, a Civil Judge (Jr. Division) [with grade pay of Rs.5400/- at entry level] will be getting Rs.3,950/- for B-2 cities, Rs.2,700/- for C Class and Rs.2,160/- for unclassified cities. A District Judge of super time scale gets Rs.9,000/- for B-2, Rs.6,000/- for C and Rs.4,800/- for unclassified cities.

In Uttar Pradesh, varying rates of HRA are being allowed to the Judges depending upon the class of city (A, B1, B2, B3 and C and unclassified area) and depending upon the rank of the officers. In class A, B1, B2 cities, it starts from Rs.3,780/- in the case of Civil Judge (Jr. Div.) and goes upto Rs.11,040/- in the case of District Judges (STS). It appears that these rates were prescribed purportedly on implementation of Justice Padmanabhan Commission Report.

In the States of Andhra Pradesh and Telangana, varying rates of HRA have been prescribed by the G.Os., issued in 2015. The rate of HRA is 30% subject to maximum limit of Rs.20,000/- for certain cities; 20% for certain towns subject to maximum of Rs.15,000/-; 14.5% for some other places subject to maximum of Rs.15,000/- and it is 12% for all other places subject to maximum limit of Rs.15,000/-.

18.3 City Compensatory Allowance (CCA): The 1st NJPC recommended CCA at the same rates payable to the respective State

Government officials and the same was reiterated by Justice Padmanabhan Commission.

The 6th CPC abolished CCA and it got subsumed in transport allowance. The 6th CPC was of the view that CCA did not really address the problem of providing proper compensation for relative expensiveness of a particular region/city. Further, the Commission noted that apart from the problems of housing and transportation, larger cities and towns have much better facilities than smaller places. As such, the Commission felt that no rationale exists for compensating any factor other than accommodation and transportation in order to meet the living cost in larger cities. Instead, the Commission recommended the revision of HRA and Transport Allowance separately and therefore, the Commission felt no need for continuance of CCA.

However, Justice Padmanabhan Commission reiterated the recommendation of 1st NJPC for payment of CCA at the same rates prescribed by the concerned Government.

In the 7th Pay Commission Report, there is no mention of CCA inasmuch as it was discontinued post 6th CPC Report.

The present position of CCA: It appears that in many States, CCA is being paid at the same rates applicable to the State Government officials. The CCA being paid ranges from Rs.300/- (Tripura) to Rs.1,000/- (in Andhra Pradesh & Telangana) and it is Rs.930/- in Delhi. There is no information regarding the actual amount being paid from many High Courts.

18.4 Sumptuary Allowance: As per the recommendations of Justice Padmanabhan Commission, Sumptuary Allowance that is being paid to the Judicial Officers is as follows:

District Judge: Rs.3100/- per month

Civil Judge (Sr. Division): Rs.2300/- per month

Civil Judge (Jr. Division): Rs.1500/- per month

The 7th CPC did not make any provision for Sumptuary Allowance.

The Government of India termed it as Expenditure on hospitality and the Ministry of Finance, Department of Expenditure has issued office Memorandum No.11-1/2016/E-11(7th CPC)/Pt.III(C) dated 22/9/2017 as to the expenditure on hospitality and has laid down the ceiling for such expenditure on hospitality.

18.5 Electricity and Water Charges: The 1st NJPC recommended 50% of the electricity and water charges consumed by the Judicial Officers at their residences to be reimbursed. Justice Padmanabhan Commission reiterated the recommendation. In most of the States, the payment is being accordingly made to the Judicial Officers. However, in some states, the maximum is prescribed in terms of the Units or the cost. The maximum eligible amount ranges between Rs.300/- and Rs.1,500/-. In Allahabad, the maximum is Rs.500/-, in Karnataka, the maximum is Rs.1,000/-, in Madhya Pradesh, the maximum is Rs.1,000/- and in Kerala, the maximum is Rs.350/- per month. In Gujarat, DJs are eligible to get 300 units and others 200 units per month. In Delhi, District Judges get reimbursement of electricity charges to the maximum of 8000 units per annum and Civil Judges get reimbursement to the maximum of 6000

units and as regards water charges, the cost of maximum 35 Kilolitres per month to District Judges and 28 Kilolitres to Civil Judges are being allowed in Delhi. In Rajasthan, the maximum allowed for water consumption varies between 58 and 116 Kilolitres according to the rank of Judicial Officers. The maximum water charges payable in Madhya Pradesh is Rs.200/-. There is no information from other High Courts.

18.6 Medical Allowance: The 1st NJPC recommended Rs.100/- per month by way of medical allowance and as per the recommendations of Justice Padmanabhan Commission, Rs.1000/- per month is being paid to the serving officers, Rs.1,500/- per month to the pensioners and Rs.750/- per month to the family pensioners. This fixed allowance is to take care of routine consultations and expenses incurred by the Officers without going through the ordinary procedures.

The 6th CPC recommended earlier Rs.300/- per month which was later increased to Rs.500/- per month and the 7th CPC has retained the same. This Commission has no information whether any OM was issued by Government of India this regard.

The need to enhance the same in the case of serving officers as well as Pensioners/Family Pensioners is obvious.

18.7 Medical Reimbursement: Medical reimbursement is being allowed to the Judicial Officers and their dependant family members and the same has been extended to pensioners. The same facility is also extended to Central and State Government employees. As regards the family pensioners, there is no definite information. If that facility is not available to the Family pensioners, it needs to be considered whether this

facility at the same level shall be extended to them. There are some variations in regard to the procedure prescribed for claiming medical reimbursement in various States. The procedure applicable to State Government employees/UTs employees is by and large applicable to the Judicial Officers. There were some informal representations to this Commission that the procedure needs to be simplified. Further, in many States, the serving officers/pensioners have to pay cash when they are admitted as in-patients and later claim reimbursement. Difficulties are being reported in this regard.

18.8 Leave Travel Concession (LTC)/Home Travel Concession (HTC): LTC is available to the Judicial Officers once in a block period of 4 years. In addition thereto, a Judicial Officer can avail of HTC once in 2 years.

In Gujarat, 2 HTCs, in a block of 4 years is allowed.

In Haryana Judicial officers are allowed one month salary + DA in lieu of LTC/HTC in a block of 4 years.

LTC and HTC applicable to Judicial Officers, is on the same pattern as the State Government officials.

No information has been furnished by three High Courts and five High Courts have not mentioned the frequency of LTC/HTC allowed.

The JP Commission recommended that that the first LTC may be permitted to be availed of by the Judicial Officers on completion of 2 years of service and “after successful completion of period of probation”, while retaining the block period of 4 years as eligible period. It was also recommended that a Judicial Officer can avail of LTC during the last year

of service as well. These recommendations have been accepted by the Supreme Court.

The Government of India has issued various office memorandums from time to time permitting visit to certain specified places in lieu of HTC.

18.9 Transport Allowance: As per All India Judges Assn. case, pool cars have to be provided to Judicial Officers upto the maximum of four Officers for each car. However, District Judge and CMM are to be provided separate vehicles. Though full information is not available with the Commission, it is learnt that pool car facility is optional and presently it is not being availed of in many cities/States. The Judicial Officers are using their own vehicles and they get fuel/transport allowance.

By and large, the Judicial Officers of all ranks are allowed reimbursement to the extent of 75 ltrs. of fuel in A and A.1 cities and 50 liters in the District Headquarters. In the States of A.P. and Telangana, it is 75 ltrs. in District Headquarters and in other places, it is 50 ltrs. In Sikkim, 100 ltrs. of petrol/diesel is allowed to Judicial Officers. In Uttarakhand, the officer can claim actual expenditure on petrol/diesel upto the limit of 100 ltrs. In Chattisgarh, for officers working in 3 cities, it is 100 ltrs. and at other places, it is 75 ltrs. In Delhi, District Judges are allowed 100 ltrs. per month and Civil Judges are allowed 75 ltrs. per month. Those who use two-wheelers are allowed 25 ltrs. of petrol. The fuel allowance is admissible as per the ceiling prescribed to the Judicial Officers, who do not avail of pool car facility.

Time has come to have a relook at the pool car facility in view of the declining number of those who are opting for the same and the expenditure involved on cars and drivers. The Commission may consider whether it be more appropriate to make provision for fixing transport allowance on a realistic assessment of expenses on fuel and maintenance coupled with soft loan facility for purchase of vehicle.

The Government of India, Ministry of Finance, Department of Expenditure has issued office memorandum No.21/5/2017-E.II(B), dated 7th July 2017 prescribing rate of transport allowances @ Rs. 7200/- + DA for level 9 and above in the pay matrix and Rs. 15750/- + DA for pay level 14 and above in case they do not avail the official car.

18.10 Telephone Facility: Reimbursement of charges for usage of telephone at the office and residence was recommended by 1st NJPC. 1500 calls for office and 1000 calls for residence with STD facility was allowed for Principal District Judges and Chief Metropolitan Magistrates. For the next category i.e. Additional District Judges, Senior Civil Judges and Chief Judicial Magistrates, 1000 calls for office and 500 calls for residence with STD facility was recommended. For the rest i.e. for Junior Civil Judges 750 calls for office and 375 calls for residence without STD facility was recommended. The JP Commission reiterated the said recommendation. The 7th CPC proposed that the ceiling fixed by the Ministry of Finance for the use of telephones shall be raised by 25%. Only in some states, viz., Patna, Delhi, Punjab and Haryana, Jammu and Kashmir, Jharkhand and Uttarakhand, private mobile phone charges varying from Rs.1,000/- upto Rs.2,000/- in case of DJs are being allowed. Reimbursement for buying mobile phone to the extent of Rs.15,000/- is

allowed in Punjab and Haryana. In Delhi, District Judges can seek reimbursement to the extent of Rs.25,000/- to Rs.30,000/- and others to the extent of Rs.15,000/- towards Mobile handset. So also, the usage charges ceiling is maximum in Delhi.

The Government of India, Ministry of Finance, Department of Expenditure has issued office memorandum No. F.No.24(3)/E-Coord/2018 dated 26/3/2018 in respect of telephone facilities at office and residence including mobile telephone and laid down the limits of reimbursement from Rs.1200/- to Rs.4200/- per month plus taxes as applicable, for various categories of officers.

18.11 Concurrent charge allowance and Spl. pay for Administrative work: The officers holding additional charge of other courts where regular officers are not posted get the concurrent charge allowance. As per the recommendation of the 1st NJPC, which has been reiterated by the JP Commission, the quantum of such allowance is 10% of the minimum of the scale of the additional post held beyond the period of 10 working days. The 7th CPC has also recommended 10% of the basic pay of the present post or additional post whichever is higher. In Chattisgarh, such allowance is being paid for a maximum period of 3 months.

The 1st NJPC suggested that High Courts should evolve a principle of paying special pay to Judicial Officers having considerable administrative work outside court hours. The same suggestion has been reiterated by the JP Commission.

The special pay for administrative work varies from State to State. In Allahabad, Punjab & Haryana, it is Rs.1,000/- per month. The highest Special Pay is in Kerala. The Principal District Judge is paid Rs.3,750/-

per month and the Judges of other courts such as Family Courts get Rs.1250-2500. In Himachal Pradesh, starting from Civil Judge (JD) to District Judge, it is in the range of Rs.400-1000. In Chattisgarh, Principal District Judge gets Rs.1,500/- and others get Rs.500-1000. In Manipur, District Judge gets Rs.700/- per month and Civil Judge (SD) gets Rs.500/- per month. In Sikkim, District Judge gets Rs.2,000/- per month. In Jammu and Kashmir, it is as low as Rs.250/- per month. There is no information from other States.

18.12 Home Orderly Allowance: Though the 1st NJPC has recommended Rs.2,500/- per month for every Judicial Officer, no mention has been made regarding the same in JP Commission Report, presumably because the Supreme Court did not approve the said recommendation in AIJOA case (2002) however, home orderly allowance is prevalent in a few States.

In Karnataka, Civil Judge (Jr.) and (Sr.) Division, get Rs.2,000/- and Rs.3,000/- respectively. DJs get Rs.4,000/- to Rs.6,000/- per month.

In Punjab/Haryana, the Judicial Officers may avail the services of one class IV employee of the Government at their residence or they may engage one candidate for appointment as Home Peon on Contract basis at statutory minimum wages for unskilled workers subject to certain conditions.

In Delhi, the District Judges (Super Time Scale) are paid allowance equivalent to 50% of the prevailing minimum wages for two peons with effect from 01.02.2011. The other officers are eligible to get 50% of the prevailing minimum wages for one peon.

In Meghalaya, a peon is provided for assistance at home for Civil Judges (Sr. Division) and District Judges.

18.13 Newspaper and Magazine Allowance: The 1st NJPC provided for 1 National and 1 Regional Newspaper and 1 Magazine to be available for all cadre of Judicial Officer. The JP Commission also retained the same. The 7th CPC left it to the Ministers to deal with the same of their own, ceiling of which to be fixed by the Ministry of Finance.

The Government of India, Ministry of Finance, Department of Expenditure has issued office memorandum No. 25(12)/E.Coord-2018, dated 03/04/2018, laying down guidelines for reimbursement of newspapers at residence and fixing the limits from Rs. 500/- pm to Rs 1100/- and actuals per month in respect of various categories of officers.

18.14 Robe Allowance

The 1st NJPC recommended Rs.5000/- once in five years and the JP Commission recommended Rs.6000/- once in 3 years.

In accordance with the recommendations of 7th CPC, the Govt. of India, Ministry of Finance, Department of Expenditure has issued office memorandum No. 19051/1/2017-E.IV, dated 02/08/2017, specifying the categories of employees eligible for Dress allowance and prescribing the limits thereof. These orders are only applicable to those employees who are required to wear uniforms such as the officers of Army, Police, SPG, Customs and Central Excise, Railway staff and Nurses.

18.15 Children Education Allowances : This allowance is being drawn by the Judicial Officers in Delhi at par with Central Govt. staff. There is no mention of Children Education Allowance in the 1st NJPC as well as in

JP Commission Report. The Central Govt. servants have been getting the Children Education Allowances since long.

After the 7th CPC Report, the Government of India, Department of Personnel and Training issued office memorandum No. A-27012/02/2017-Estt.(AC), dated 16/08/2017 and 31/10/2017 providing for grant of Children Education Allowance maximum Rs. 2250/- per month limited to 2 children, to be increased by 25% when DA goes up by 50%. The allowance will be double for differently abled children.

18.16 Allowance for Higher Qualifications : Acquisition of higher educational qualifications such as LL.M or Ph.D will help the judicial officers improve their academic and professional knowledge and the level of confidence.

The 1st NJPC recommended 3 advance increments for acquiring higher qualification, like post - graduation in law (vide para 8.48 of the Report). The Govt of India allows a fixed amount to be paid to its officials on acquiring higher qualifications.

According to the information received from the High Courts of Punjab & Haryana, Allahabad and Uttarakhand, three (3) advance increments are granted to the judicial officers for acquiring higher qualification - LL.M. etc. Delhi also extends the benefit of three advance increments for acquiring higher qualifications. In Tamil Nadu, as per G.O. (Ms) No. 324 dated 11.05.2018, the Judicial Officers in Tamil Nadu are eligible to get three increments.

The Commission would like to consider (i) whether there should be monetary incentives for acquiring the LL.M degree qualification and a further incentive for acquiring Doctorate in Laws and if so, on what

pattern and (ii) Whether the incentive shall also be extended to those who have acquired higher qualification before joining Judicial service.

18.17 Facility for soft loans : The grant of soft loans carrying low rate of interest for specific purposes was recommended by the 1st NJPC. House building advance and computer advance as per Central Government norms and vehicle loan of Rs.2,50,000/- has been recommended. The JP Commission recommended increase of the quantum of HBA in proportion to the relevant pay scale with 'usual' interest and vehicle loan of Rs.8,00,000/- with 'nominal' interest. As laptops are being supplied, the computer allowance was considered to be unnecessary.

The 7th CPC recommended HBA upto 34 month's basic pay subject to the maximum of Rs.25 lakhs and for the extension of existing house, the maximum recommended is Rs.10 lakhs. The motor car loan has been discontinued.

For computer, Rs.50,000/- or actual price whichever is less has been recommended by 7th CPC.

The Government of India has issued comprehensive guidelines governing the grant of House Building Advance and Ministry of Housing and Urban Affairs has issued Office Memorandum No. 1.17011/11 (4)/2016-H-III dated 09.11.2017 laying down the House Building Advance Rules (HBA)-2017 for availing House Building Advance and has also amended the rules relating to personal computer advance through

Government of India, Ministry of Finance, Department of Expenditure
Office Memorandum No. 12(1)/E.II (A)/2016 dated 07.10.2016.

19. It is necessary to have a fresh look at the allowances enumerated above especially the quantum/the need, and the anomalies if any.

19.1 While on the subject of allowances, there is one aspect on which the Commission would like to elicit the views of all concerned.

It needs to be considered whether the existing practice of Judges availing of vacation shall be dispensed with and instead, non-vacation allowance shall be granted to the Judicial Officers. In spite of heavy pendency and arrears, availment of vacation by the members of Judiciary has been a point of criticism and comments. Such criticism may or may not be justified. However, the Judiciary with its unique role as dispenser of justice and the values associated with it, will have to introspect whether it is desirable to continue to avail of vacation.

In the next phase, when the 4th point of reference viz., work methods and work environment has to be taken up, the idea of five day working week will also be mooted and suggestions invited.

20. A Questionnaire is appended to this Consultation paper.

QUESTIONNAIRE- Part of Consultation Paper

1. What shall be the appropriate pay fixation for Judicial Officers of various ranks and grades, keeping in view the broad principles evolved by the 1st NJPC and accepted by Supreme Court?
2. Whether the methodology and rationale adopted by 1st NJPC in the fixation of Master Pay Scale should be duly taken into account or this Commission should go purely by the formula of fixation of minimum pay in Master Pay Scale based on the percentage of increase of High Court Judges' pay, as was done by Justice Padmanabhan Commission?
3. The terms of reference require relativities in respect of pay scales governing Judicial Officers and other Civil Service Officers to be taken into account. Accordingly, the 1st NJPC had kept in view this aspect and taken into consideration the pay scales of All India Service Officers (not State Government officials) with appropriate increases and equations. How best and in what manner this principle can be effectuated in evolving the new pay structure?
4. a) Whether instead of Master Pay Scale, the 7th CPC pattern of fixation of pay in relation to All India Service Officers is preferable in the interests of uniformity and rationalization of pay scales? (Table 5, Pay Matrix prepared by 7th CPC – Annexure A and the illustrative/notional pay fixation of Judicial Officers as per the said pattern Annexure B appended to this paper).

- b) If so, what is the appropriate pay level to be assigned to Judicial Officers of various ranks and grades? (going by 7th CPC pay matrix - see Table 5 – Annexure A annexed).
5. What shall be the appropriate rate of increments?
 6. Do you find any anomalies in the pay structure or allowances and perquisites available to the Judicial Officers and in regard to their transport allowances?
 7. What steps could possibly be taken to ensure that JOs (Junior & Senior Civil Judges) get the benefit of ACP Scale without much of delay?
 8. Whether fixed pay scale system adverted to at para 14.1 of this paper is a desirable alternative? If so, what pay would be appropriate cadre/grade-wise?
 9. a) Which allowances in your view have to be increased and if so, to what extent?

b) Do you suggest any modifications regarding allowances & facilities?

c) Is there need to retain CCA having regard to the views expressed by 7th CPC?
 10. a) Whether pool car system is being availed of by Judicial Officers in the towns/cities? If so, to what extent? (No. of towns/cities may be furnished. How many officers are provided the pool car? (The

maximum number of officers travelling in the pool car may also be mentioned).

b) Is there need to continue the pool car facility in view of the fuel allowance the Judicial Officers are now eligible to get?

11. Whether it is desirable to give up the practice of availment if vacation? If so, whether any allowance shall be granted ?
12. a) In what respects the pensioners and family pensioners have reasonable expectation of improvements in terms of monetary benefits or facilities?
b) Whether the pensioners are facing any procedural hassles or any particular problems to be addressed by appropriate authorities?
c) How many pensioners/family pensioners related to judiciary related are there in your State/UT?
13. For the Judicial Officers appointed during 2004 or thereafter, the New Pension Scheme is applicable. It equally applies to all civil servants – State and Central. Options have been furnished as required by the Rules. There are advantages and disadvantages in this Scheme. Keeping aside the issue of legality of such scheme in relation to Judicial Officers, what are your views on it?
14. Do you support the idea of deployment of retired Judicial Officers on such duties as are assigned by the High Courts for certain period of time on payment of basic salary plus DA? What are your views on the proposal at para 17 A?

15. a) Are there Service Rules in force similar to those applicable to Judicial Officers working within the jurisdiction of the High Court at Hyderabad (referred to in para 17.3 of this Consultation Paper) ?

b) If so, please furnish the details of the number of officers (category-wise) who have been retired prematurely before attaining the age of 58 years during the last 10 (ten) years.

c) Also, please furnish details of Judicial Officers compulsorily retired from service at the age of 58 years on the basis of assessment of their continued utility, during the last 10 (ten) years.
16. What should be the reasonable quantum of increase of the emoluments of Fast Track Court Judges (not borne in the regular cadre), Special Judicial Magistrates (morning/evening Courts) and Special Metropolitan Magistrates/ Judicial Magistrates of II Class?
17. a) Are there any Rules in force giving the benefit of additional increments for possessing acquiring while in service higher qualification such as LLM or Ph.D?

b) How many such officers have become eligible to get such increments during the last 10 years till date?

c) What monetary incentives do you suggest in this regard?
18. Can you suggest any incentives – monetary or otherwise for encouraging the students of National law schools and other reputed law schools to join the Judicial Service as Junior Civil Judges?

Annexure A

Table 5 : Pay Matrix VII CPC Group 'A' Officers										
Pay Band	15600-39100			37400-67000			67000-79000	75500-80000	80000	90000
Grade Pay	5400	6600	7600	8700	8900	10000				
Entry Pay(EP)	21000	25350	29500	46100	49100	53000	67000	75500	80000	90000
Level	10	11	12	13	13A	14	15	16	17	18
Index	2.67	2.67	2.67	2.57	2.67	2.72	2.72	2.72	2.81	2.78
1	56100	67700	78800	118500	131100	144200	182200	205400	225000	250000
2	57800	69700	81200	122100	135000	148500	187700	211600		
3	59500	71800	83600	125800	139100	153000	193300	217900		
4	61300	74000	86100	129600	143300	157600	199100	224400		
5	63100	76200	88700	133500	147600	162300	205100			
6	65000	78500	91400	137500	152000	167200	211300			
7	67000	80900	94100	141600	156600	172200	217600			
8	69000	83300	96900	145800	161300	177400	224100			
9	71100	85800	99800	150200	166100	182700				
10	73200	88400	102800	154700	171100	188200				
11	75400	91100	105900	159300	176200	193800				
12	77700	93800	109100	164100	181500	199600				
13	80000	96600	112400	169000	186900	205600				
14	82400	99500	115800	174100	192500	211800				
15	84900	102500	119300	179300	198300	218200				
16	87400	105600	122900	184700	204200					
17	90000	108800	126600	190200	210300					
18	92700	112100	130400	195900	216600					
19	95500	115500	134300	201800						
20	98400	119000	138300	207900						
21	101400	122600	142400	214100						
22	104400	126300	146700							
23	107500	130100	151100							
24	110700	134000	155600							
25	114000	138000	160300							
26	117400	142100	165100							
27	120900	146400	170100							
28	124500	150800	175200							
29	128200	155300	180500							
30	132000	160000	185900							

REPORT OF
SECOND NATIONAL JUDICIAL PAY COMMISSION
ON INTERIM RELIEF (PAY)
SUBMITTED TO THE HON'BLE SUPREME COURT OF INDIA

1. By the order dated 09.05.2017 in W.P (C) No.643 of 2015, this Hon'ble Court appointed the Commission to examine and make suitable recommendations relating to the pay structure and emoluments of Judicial Officers in the States and Union Territories, including pension and other post-retirement benefits and also to examine the work methods and work environment with a view to promoting efficiency in judicial administration. The Commission at its first meeting held on 07.06.2017 at Bengaluru decided to designate the Commission as All India Judicial Officers Pay Commission. Since then, the Commission has been going ahead with its work to the extent possible irrespective of the lack of facilities. The Commission has been taking the assistance of experts who have had experience in pay revision aspects relating to Government servants. The Commission started communicating with the Justice Department of Government of India and other Departments right from June 2017 with a view to ensure that it becomes effectively functional at the earliest. The Secretary of Commission, a District Judge in Super Time Scale deputed by the High Court of Delhi had assumed office on 16th August, 2017 and he has been functioning from the room allotted by the Registry of High Court of Delhi.

2. The Government of India by its Resolution dated 16.11.2017 notified the constitution of the Commission and the notification to that effect was published in the Gazette of India. As per the said Resolution, the Government of India designated the Commission as "Second National Judicial Pay Commission." The office accommodation at Vigyan Bhavan Annexe has been allotted by the Ministry of Urban Development, very recently on 8th February, 2018. So far, no staff has been deputed to the Commission.

3. The Commission addressed letters to the High Courts in August/September 2017 seeking information/data pertaining to pay, allowances and pensionary benefits followed by supplementary questionnaire on some points. The information in full shape has been received from the High Courts by **November/December 2017**. Information was sought from the State Governments regarding the prevalent pay scales and allowances of State Government officials, periodicity of revisions etc. Except some States, information has been received from the State Governments/ U.Ts., by **February 2018**.

4. The Commission decided to give top priority to the subject relating to pay, allowances and pension and to prepare a report at the earliest in this regard. For this purpose, the Commission planned to release a

Consultation Paper on the receipt of data sought for and then elicit the views of the stakeholders concerned, soon after the High Court Judges' emoluments are revised. The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2018 was enacted in the month of December, 2017 and it has received the assent of the President on 25.01.2018. It was felt that till the Bill was passed by the Parliament, it would not be appropriate to release the Paper on the premise that the High Court Judges' salaries will be increased to the level of Rs.2.25 lakhs per month. Further, in order to go through the process of consultations, infrastructural/logistic support is required, which is presently lacking. Hence, the Commission has not been in a position to release the Consultation Paper on pay, allowances and pension within the expected time though it has been prepared partly. While so, it has been noticed by the Commission that in few States, orders were issued raising the pay of Judicial Officers to a certain extent as an interim measure.

5. In this background, it has been decided by the Commission that it shall recommend interim relief to the Judicial Officers (serving & retired) in the form of increase of basic pay by certain percentage, so as to extend immediate relief to them. In this context, the Commission would like to quote one of the terms of reference made by this Hon'ble Court in the order above-cited:

“To consider and recommend such **interim relief** as it considers just and proper to all categories of Judicial Officers of all the States/Union Territories. The interim relief, if recommended, shall have to be fully adjusted against and included in the package which may become admissible to the Judicial Officers on the final recommendations of the Commission.”

The views of the State Governments, High Courts and Judicial Officers Associations on the aspect of interim relief have been sought, by sending electronic communications between 1st and 5th February, 2018. Representations have been received from some of the Associations. The Registrar General of Gujarat High Court has also communicated the views of High Court.

6. The Commission has examined the quantum of interim relief to be recommended from various angles. The Commission had also deliberations with a team of consultants, who have experience in the field. The Commission is of the considered view that there shall be increase in the basic pay (together with accrued increments) by thirty percent (30%) and further the said increase shall be made effective from 01.01.2016. Incidentally, it may be mentioned that in all probability, the date 01.01.2016 will be the effective date of implementation of final revision of pay scales. After considering the pros and cons and keeping in view the fact that

Commission will soon come forward with the final report related to pay, allowances and pension (in all probability, within the next four or five months time), the Commission feels that the percentage of interim relief specified above is fair and appropriate. Further, any high percentage of increase in pay as an interim measure is not done as per normal practice and it is desirable and prudent to have sufficient cushion for the future fixation, on taking a final view. On considering various alternatives, **the Commission has opted for recommending thirty percent of basic pay** uniformly for all ranks of Judicial Officers while at the same time proposing retrospective benefit from 01.01.2016 to be extended on that basis. Broadly speaking, by virtue of granting the interim relief at the above rate w.e.f. 01.01.2016, the Judicial Officers in most of the States will be able to get arrears of Rs.2 lakhs to Rs.5 lakhs. If the interim relief at 30% of basic pay is implemented, the implications of the same in terms of monetary benefit to various ranks of Judicial Officers are set out in detail in the tabular statement ***Annexure I appended to this report.***

7. The pay increased by 30% shall be treated as a separate component as is the usual practice whenever interim relief is recommended. That means, no D.A., is payable on this component of pay. However, the D.A., at applicable rates with reference to the existing pay

will remain intact till the new pay scales recommended by this Commission come into force. The percentage of increase will apply to all the Judicial Officers in the country across the board. The fact that, at present, they have uniform pay scales facilitates calculations without any complicated exercise.

8. The riders which the Commission would like to add to the present recommendation of 30% of increase in basic pay w.e.f. 01.01.2016 are that (i) the differential pay so made available to the Judicial Officers subject to the orders of this Hon'ble Court, is liable to adjusted against the ultimate pay hike recommended in the final report of the Commission and (ii) if the Judicial Officers in any State are getting more benefit by virtue of interim revision already done (subsequent to 7th CPC report), they shall not be required to forego that benefit if it is more advantageous to them. In other words, the facility of option shall be left to the Judicial Officers concerned.

Pension:

9. The commission recommends that the interim relief should be extended to the pensioners and family pensioners as well with effect from 01.01.2016 and their pension shall be proportionately revised in conformity with the recommendations of the Commission regarding interim relief to the serving Judicial Officers as per the formula of 30% of basic pay. It needs no emphasis that the differential pensionary benefit shall be

released by all the Governments, and the arrears from 01.01.2016 shall be paid to them with utmost expedition.

First National Judicial Pay Commission recommendation on Interim Relief:

10. At this juncture, it is necessary to refer to the recommendations of the 1st NJPC (Justice KJ Shetty Commission) in regard to the interim relief. On 31.01.1998, the 1st NJPC recommended interim relief for 21 states to be effective from 01.07.1996. The details of interim relief extended to the Judicial Officers in 21 States are set out in the report at Appendix II of Vol.3. The relevant portion of the said report is annexed to this report, for ready reference as **Annexure II**. For 13 states, 40 percent of basic pay + D.A., was recommended, for 5 States, 35 percent was proposed and for 3 States, 45 percent and above was proposed. Wherever the benefit of 5th Pay Commission recommendations have been extended to Judicial Officers, i.e., in the Union Territories of Delhi, Pondicherry, Lakshadweep and three other States, i.e., Goa, Gujarat and Madhya Pradesh, interim relief was not proposed by the Commission.

10.1 The details of pay scales of Judicial Officers in different States/UTs., at that point of time (i.e. in 1998) are found at page 965 of the report (Vol.III). In Assam, the pay scale of Munsif Magistrate/Judicial Magistrate was as low as Rs.1835-4325. The Asst. District and Sessions Judge/Chief

Judicial Magistrate's scale of pay was Rs.3375-5200. The pay of District and Sessions Judge was Rs.3825-5900. The Selection Grade District Judge was placed in the pay scale of Rs.3950-6100. In Bihar, the pay scale of Munsif/JMFC was Rs.2425-4000 and after ten years, the scale was to be raised to Rs.3000-4500. The next pay scale of Sub-Judge/CJM was Rs.3000-4500. The District & Sessions Judge/Addl. District Judge was getting the pay of Rs.3000-5000. The Selection Grade District Judge was getting Rs.4500-7500 and Super Time Scale District Judge was getting Rs.5900-6700. In Haryana, the pay scale of the first level officer was Rs.2200-4500. The officer would get senior time scale of Rs.3000-4500 after five years and the Selection Grade Pay of Rs.4100-5300 (after 12 years). The District & Sessions Judges pay scale was Rs.3200-5600 and that of Selection Grade District Judge was Rs.5900-6700. In Maharashtra, Civil Judge (Junior Division)/JMFC was getting Rs.2200-4000 and the Civil Judge (Senior Division) was getting Rs.3200-4625. The Addl. District Judge's pay scale was Rs.3700-5000. The pay scale of District Judge (Entry Level) was Rs.4500-5700. The Selection Grade District Judge's pay was Rs.5900-6700. In Rajasthan and Uttar Pradesh, almost the same pay scales were there. In West Bengal, Civil Judge (Junior Division)/JMFC was placed in the pay scale of Rs.2200-4000. After 6 years, the enhanced pay scale of Rs.3000-4750 was being applied to the

Civil Judge (Jr. Division) and after 13 years service, the officer was placed in the scale of Rs.3700-5700. The pre-revised scale of District & Sessions Judge/CMM was Rs.3200-4700. However, the pay scale was revised to 10650-15850 subsequently. The pre-revised pay scale of Selection Grade District Judge (after 9 years of service) was Rs.4800-5700 and the revised pay was Rs.12750-16500. The pre-revised scale of District Judge (Super Time Scale) was Rs.5900-6700. However, it stood revised to Rs.18400-22400. In Andhra Pradesh, perhaps, the pay scales were highest comparatively speaking. Junior Civil Judge was getting Rs.3880-8140. The officer was being given Special Grade after 8 years carrying the pay scale of Rs.4140-8140. The Senior Civil Judge was placed in the pay scale of Rs.5040-8700. District Judge Grade II/CJM was placed in the pay scale of Rs.7070-10100 and District Judge Grade I in the scale of Rs.8140-10380. In Kerala, Munsif Magistrate was in the pay scale of Rs.2500-4000 and the Sub-Judge/CJM in the scale of Rs.3900-5075. The pay scale of District Judge was Rs.5100-5700 and the Selection Grade District Judge was getting Rs.5900-6700. In Karnataka, the Civil Judge (Junior Division) was in the pay scale of Rs.2375-4450. The Civil Judge (Senior Division) was in the scale of Rs.3825-5825. The pay scale of District Judge was Rs.4700-6400 and that of Super Time Scale District Judge was Rs.5825-6800.

10.2 By and large, the pay scales of Judicial Officers were based on the pay scales of the corresponding category of officers in the State Government service. For instance, the District Munsif/Junior Civil Judge was being equated to the Deputy Collector/RDO/SDM belonging to the Executive branch of the Government. It was only pursuant to the judgment of the Supreme Court in All India Judges Association Case and the 1st NJPC report that such equation was given a go-bye and higher pay scales more or less at par with All India Services came to be applied to the Judicial Officers with effect from 01.01.1996.

10.3 The percentage of **interim relief** recommended by 1st NJPC depended on the pay scales in vogue at that point of time in the relevant State. That is why in Assam, the benefit of 75 percent addition was recommended by way of interim relief. The percentage of interim relief was applied on basic pay + D.A., as on 01.01.1996. Keeping in view the then existing pay scales of Judicial Officers which stood equated to the pay scales of State Government officials and the meagre salaries they were drawing, the high quantum of interim relief was recommended by the Commission. It may be noted that even with the addition of such interim relief, the pay benefit which accrued to the Judicial Officers as interim measure turned out to be much lower than the ultimate pay scales evolved

by the Commission (which are set out in the table at page 12 and 13). That situation is no longer present and therefore the formula applied by 1st NJPC cannot form the proper basis for arriving at interim relief to be fixed now in the light of the present circumstances and changed scenario.

11. For the better appreciation of the issue of interim relief and the quantum recommended by this Commission, it is necessary to set out certain factual details regarding the present pay scales and allowances of Judicial Officers and an account of the interim relief extended by some of the States recently.

11.1 The prevalent pay structure has been evolved as a result of the acceptance of recommendations of Justice Padmanabhan Commission, which was appointed by the Hon'ble Supreme Court by the order dated 28.04.2009 in I.A.No.244 in W.P (C) No.1022 of 1989. The recommendations made by Justice Padmanabhan Commission on 17.07.2009 were accepted by the Supreme Court vide order dated 04.05.2010 and were given effect to by revising the pay scales with effect from 01.01.2006. The pay scales evolved by Justice Padmanabhan Commission continue to be in force till now. The details of pre-existing scales and the present scales are furnished below for ready reference:

S.No.	Designation	Scale of Pay as per 1st NJPC (w.e.f.01.01.1996)	Revised Scale of Pay as per Justice Padmanabhan Commission (w.e.f.) 01.01.2006
(I)	(II)	(III)	(IV)
1.	Civil Judge (Junior Div.) (Entry Level)	Rs.9000-250-10750-300- 13150-350-14550	Rs.27700-770-33090- 920-40450-1080-44770
2.	Civil Judge (Junior Div.) 1 st Stage ACP Scale	Rs.10750-300-13150-350- 14900	Rs.33090-920-40450- 1080-45850
3.	Civil Judge (Junior Div.) 2 nd Stage ACP Scale	Rs.12850-300-13150-350- 15950-400-17550	Rs.39530-920-40450- 1080-49090-1230-54010
4.	Civil Judge (Sr. Div.) (Entry Level)	Rs.12850-300-13150-350- 15950-400-17550	Rs.39530-920-40450- 1080-49090-1230-54010
5.	Civil Judge (Sr. Div.) 1 st Stage ACP Scale	Rs.14200-350-15950-400- 18350	Rs.43690-1080-49090- 1230-56470
6.	Civil Judge (Sr. Div.) 2 nd Stage ACP Scale	Rs.16750-400-19150-450- 20500	Rs.51550-1230-58930- 1380-63070
7.	District Judge (Entry Level)	Rs.16750-400-19150-450- 20500	Rs.51550-1230-58930- 1380-63070
8.	District Judge (Selection Grade)	Rs.18750-400-19150-450- 21850-500-22850	Rs.57700-1230-58930- 1380-67210-1540-70290
9.	District Judge (Super Time Scale)	Rs.22850-500-24850	Rs.70290-1540-76450

11.2 One important aspect to be noticed is that, at present, dearness allowance is within the range of 132 to 139%. In most of the States, it is 139% now. The D.A., in force for Central Government personnel on the date of acceptance of 7th CPC report in July, 2016 was 125 percent and it was increased from time to time upto 136 percent and the same is being applied to the High Court Judges till now. After the benefit of 7th CPC scales has been given to the Central Government staff and officials, the D.A., of 5 percent is being drawn by them with effect from 01.07.2017.

12. Taking the D.A., as 136 percent/139 percent, the total pay together with D.A., drawn by the Judicial Officers, viz., Civil Judge (Junior Division), Civil Judge (Senior Division) and District Judges in various ranks and grades at present is as follows:

S.No. (I)	Designation (II)	Starting pay with D.A @ 136% (inclusive of D.A.) (III)	Starting pay with D.A @ 139% (inclusive of DA) (IV)
1.	Civil Judge (Junior Division) (Entry Level)	Rs.65,372/-	Rs.66,203/-
2.	Civil Judge (Junior Division) 1 st Stage ACP Scale	Rs.78,092/-	Rs.79,085/-
3.	Civil Judge (Junior Division) 2 nd Stage ACP Scale	Rs.93,290/-	Rs.94,477/-

4.	Civil Judge (Senior Division) (Entry Level)	Rs.93,290/-	Rs.94,477/-
5.	Civil Judge (Senior Division) 1 st Stage ACP Scale	Rs.1,03,108/-	Rs.1,04,419/-
6.	Civil Judge (Senior Division) 2 nd Stage ACP Scale	Rs.1,21,658/-	Rs.1,23,204/-
7.	District Judge (Entry Level)	Rs.1,21,658/-	Rs.1,21,658/-
8.	District Judge (Selection Grade)	Rs.1,36,172/-	Rs.1,37,903/-
9.	District Judge (Super Time Scale)	Rs.1,65,884/-	Rs.1,67,993/-

12.1 If 30% as proposed now is adopted for the purpose of interim relief, the benefit in terms of differential amount is as set out in **Annexure 'I'** to this report. Without going into incremental stage by stage details, the figures relating to the additional pay benefit which the officers of various ranks/grades will be entitled to are set out below for ready reference:

S.No. (I)	Designation (II)	Extra pay benefit accruing from 30% increase in basic pay now recommended (III)
1a.	Civil Judge (Junior Division) (Entry Level)	Rs.8310/-
1b.	Civil Judge (JD) with 3 years of service	Rs.8772/-

2.	Civil Judge (Junior Division) 1 st Stage ACP Scale	Rs.9927/-
3.	Civil Judge (Junior Division) 2 nd Stage ACP Scale	Rs.11,859/-
4a.	Civil Judge (Senior Division) (Entry Level)	Rs.11859/-
4b.	Civil Judge (Senior Division) with 3 years of service	Rs.12459/-
5.	Civil Judge (Senior Division) 1 st Stage ACP Scale	Rs.13107/-
6.	Civil Judge (Senior Division) 2 nd Stage ACP Scale	Rs.15,465/-
7a.	District Judge (Entry Level)	Rs.15465/-
7b.	District Judge with 3 years of service	Rs.16203/-
8.	District Judge (Selection Grade)	Rs.17,310/-
9.	District Judge (Super Time Scale)	Rs.21,087/-

Interim relief in other States:

13. As mentioned earlier, in the State of Haryana, the salary of Judicial Officers has been increased by 32 percent of the basic pay drawn as on 31.12.2015 by way of interim relief. This benefit was given prospectively with effect from 01.05.2017. In the State of Punjab, interim relief to the ex-

tent of 5 percent of basic pay/pension was granted to all the Government employees including Judicial Officers with effect from 01.01.2017. However, the Registrar of Punjab & Haryana High Court addressed a letter to the State Government to suitably revise the interim relief keeping in view the relief granted by Haryana Government. In the State of Assam, interim relief was allowed to the officers of Assam Judicial Service by merging 50% D.A., (132%) as on 31.10.2017 into existing basic pay subject to adjustment after the pay is revised as per the recommendations of the 2nd NJPC. This order was issued on 06.12.2017. In NCT of Delhi, the corresponding CPC scales have been applied as interim measure. Chattisgarh Government has also proposed to adopt the Delhi pay scales as an interim measure though it is not finalised.

13.1 The Government of NCT of Delhi decided on 30.09.2016 to grant replacement of pay matrix and pay level of Judicial Officers on the pattern of 7th CPC as interim relief. Whenever there was pay revision based on CPC recommendations, the Delhi Government has been issuing orders revising the pay of Judicial Officers as an interim measure, by fitting the pay scales of Judicial Officers into the approximately corresponding pay matrix/pay level of Central Government officers of All India Cadre. Accordingly, the Civil Judge (Junior Division) at entry level, whose present scale of pay is Rs.27,700-44,770, has now been fitted into the scale of pay of

Rs.56,100-1,77,500, corresponding to pay matrix No.10 specified in the 7th CPC report. The existing pay scale of Civil Judge (Senior Division) at entry level is Rs.39,530-54,010. It has been fitted into pay matrix No.12, under which the new pay scale is Rs.78,800-Rs.2,09,200. The existing scale of pay of District Judge (entry level) is Rs.51,550-63,070. It has now been assigned the pay scale of Rs.1,31,100-2,16,600. The existing scale of pay of District Judge (Super Time Scale) is Rs.70,290-76,450 and the same has been fitted into pay matrix No.15, carrying the pay scale of Rs.1,82,200-2,24,100 (the maximum being almost High Court Judges' salary). By virtue of this interim revision, Junior Civil Judge starts with the pay of Rs.73,200/- plus 2% D.A., as on 01.09.2016 which comes to Rs.74,664/-. A Senior Civil Judge starts with the pay of Rs.1,02,800/- plus 2% D.A., as on 01.09.2016 which comes to Rs.1,04,856/-. A District Judge (Entry Level) gets Rs.1,35,000/- plus 2% D.A., which comes to Rs.1,37,700/-. A District Judge (Selection Grade) gets Rs.1,48,500/- plus 2% DA which comes out to Rs.1,51,470/-. A Super Time Scale District Judge gets pay of Rs.1,82,200/- plus 2% D.A., which comes to Rs.1,85,844/-. All allowances continue to be paid at the existing rates in the existing pay structure. In view of the fact that the benefit on the pattern of 7th CPC pay structure has been extended to the Judicial Officers in Delhi, practically, they may not be getting any benefit from the interim relief

proposed by this Commission (at 30% increase of basic pay). It appears that the arrears have already been paid to the Judicial Officers in Delhi.

Representations and Views received :

14. The All India Judges Association desires fixation of starting pay of Civil Judge (Junior Division) at Rs.77,900/-, that of Senior Civil Judge at Rs.1,13,500/- District Judge (Entry Level) at Rs.1,47,675/-, District Judge (Selection Grade) at Rs.1,64,300/- and District Judge (Super-time Scale) at Rs.1,97,825/-. Almost similar scales of pay have been suggested by UP Judicial Service Association, Judges Forum, West Bengal and Kerala Judicial Officers Association. However, Kerala Judicial Officers Association desires fixation of pay of District Judge (STS) at Rs.2,04,000/- - Rs.2,20,100/-. The Society for Former Judges Association, Jaipur also proposed the same scales of pay, i.e. Rs.77,872/- in the case of Civil Judge (Junior Division) and Rs.1,97,950/- in the case of District Judge (STS). These figures have been arrived at by adopting the multiplier of 2.81 percent which is the percentage of increase for High Court Judges. The said Associations suggest the interim relief to be accorded on the same lines as the revised scales suggested by them. The Madhya Pradesh Nyayadeesh Sangh, All India Retd. Judges Association, Hyderabad, Telangana State Retd. Judicial Officers Association sought interim relief at the appropriate rate. The Tripura Retd. Judges Association suggested "parity between the pay sales of Judicial Officers and the pay of Judges of High Court" and sought interim relief at the appropriate rate.

The H.P. Higher Judicial Officers Association, Simla, suggested interim relief at 20% of basic pay plus D.A. The Judicial Officers of Meghalaya sought interim revision of pay by applying 100% D.A. merger principle with effect from 01.01.2016.

14.2 The Registrar General, High Court of Gujarat, addressed a letter suggesting that the interim relief shall be based on the pay scales equivalent to the percentages arrived at by Justice Shetty Commission in comparison with the increase in High Court Judge's salary. The said percentages are: Civil Judge (JD) 42.3, Civil Judge (SD) 58.5, DJ (Entry Level) 71.6, DJ (Selection Grade) 80 and DJ (STS) 91.7. Accordingly, the new proposed pay scales have been suggested as Rs.78,850/- - Rs.1,26,000/-; Rs.1,11,400/- - Rs.1,52,000/-; Rs.1,45,000/- - Rs.1,77,700/-; Rs.1,62,500/- - Rs.1,98,200/- and Rs.1,98,200/- - Rs.2,15,800/-.

14.3 The sum and substance of the approach in most of the representations adverted to above is to revise and fix the pay first as per a set formula and to grant interim relief accordingly. The Commission feels that such approach for grant of interim relief will not be quite appropriate. Though these suggestions will be kept in view and given earnest consideration while preparing the final Report, the Commission feels that for the purpose of recommending interim relief as an ad hoc measure, it is not advisable to do the exercise of pay fixation straightaway even before eliciting the views of the stakeholders, especially the State Governments, who have to bear the ultimate financial burden.

The pay fixation/fitment into appropriate pay scales with incremental stages is not a mechanical exercise, following a particular percentage corresponding to the increase in High Court Judges' salaries. Various relevant factors such as those considered by Justice Shetty Commission, those indicated in the terms of reference as well as the recommendations of 7th CPC do enter into the arena of consideration and the Commission cannot, at this stage, prejudge the entire issue and proceed on the basis that a particular pay scale shall be arrived at straightaway albeit tentatively. Almost invariably, there has been considerable difference between the interim relief announced by the Governments concerned and final pay fixation. The Commission would like to recall that the interim relief recommended by the 1st NJPC was much less than the pay finally recommended. There was no exercise of pay fixation at that stage though, of course, a broad idea of the likely increase would always be kept in view by the Pay Commissions while suggesting the interim relief. It would be in the fitness of things if some cushion is provided for upward revision at a later stage ruling out the possibility of recovery on account of excess payments, if any. Keeping all these factors in view, the Commission would like to adopt a middle path for the purpose of recommending the interim relief. The fact that the Commission is proposing the interim relief to be given retrospectively, i.e., from 01.01.2016 would go a long way in benefiting the Judicial Officers in all the States substantially, except in Delhi, where interim relief has already

been extended on the pattern of CPC recommended scales (as was done on earlier occasions too).

14.4 Further, the Commission would like to stress that it would do its best to ensure the expeditious completion of final report in regard to pay, allowances and pension. The report would, in all probability, be submitted within four or five months time. The other aspects of reference will be dealt with thereafter in a separate report.

14.5 As regards merger of D.A., wholly or partly for the purpose of working out interim relief, the Commission is not in favour of adopting such a course. The merger of D.A., with pay is normally to be taken into account for the purpose of revision of pay. When interim relief is being considered, it would be more appropriate to relate it to the basic pay. The merger of DA upto certain percentage and leaving the rest to remain as DA would not be in conformity with Price Index Neutralisation factor which forms the basis for fixation of DA from time to time.

In this context, it is noted that the interim relief extended on the basis of 50% merger of D.A., into basic pay as adopted in the State of Assam was done only prospectively, i.e., from the date of issuance of orders in November, 2017.

15. Summary of recommendations:

1. Interim relief to the extent of 30% of increase in basic pay with accrued increments shall be paid to all categories/ranks of Judicial Officers.
2. The said increased in Pay shall be treated as a separate component and no D.A. is payable thereon.
3. Arrears shall be worked out with effect from 01.01.2016 on the above basis. The details of calculations are set out in **Annexure-I.**
4. On the same basis, the interim relief shall be provided to the pensioners and family pensioners with effect from 01.01.2016 and the arrears to be paid accordingly.
5. Wherever the benefit of interim relief has already been granted, the Judicial Officers in those States/UTs can exercise their option to continue to be governed by such Orders.

6. The amounts payable by way of interim relief now proposed are liable to be adjusted against the future determination pursuant to the final report submitted by the Commission.

Sd/-
Justice (Retd.) P.V. Reddi
Chairman

Sd/-
Justice (Retd.) R. Basant
Member

Sd/-
Vinay Kumar Gupta
Secretary

Dated : 09.03.2018

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/ORIGINAL JURISDICTION

Writ Petition(s)(Civil) No(s). 643/2015

ALL INDIA JUDGES ASSOCIATION

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

SLP(C) No. 31461/2017

T.C.(C) No. 3/2018

O R D E R

WP(C) No. 643/2015

The Committee appointed by this Court by the Orders of this Court dated 9.5.2017, submitted a report dated 9.3.2018 on Interim Relief(Pay) to the Judicial Officers. The gist of the Report is summarised in paragraph 15 of the Report. It reads:-

Summary of recommendations:-

1. Interim relief to the extent of 30% of increase in basic pay with accrued increments shall be paid to all categories/ranks of Judicial Officers.
2. The said increased in Pay shall be treated as a separate

component and no D.A. is payable thereon.

3. Arrears shall be worked out with effect from 01.01.2016 on the above basis. The details of calculations are set out in Annexure-I.

4. On the same basis, the interim relief shall be provided to the pensioners and family pensioners with effect from 01.01.2016 and the arrears to be paid accordingly.

5. Wherever the benefit of interim relief has already been granted, the Judicial Officers in those States/UTs can exercise their option to continue to be governed by such Orders.

6. The amounts payable by way of interim relief now proposed are liable to the adjusted against the future determination pursuant to the final report submitted by the Commission.

Heard Mr. A.N.S. Nadkarni, ASG, Mr. Tushar Mehta, ASG, Mr. Gourab Banerji, learned senior counsel for the petitioner Association and various learned counsel representing some of the States and the Union Territories. None of the respondents raised any objection with respect to the recommendations made by the above-mentioned Committee regarding the interim relief (pay). In the circumstances, we deem it appropriate to direct all the respondents to implement the recommendations of the Commission, the summary of which is already extracted above.

It is also brought to our notice that the Committee faced certain difficulties in the process of executing the task entrusted to them. The Chairman of the Committee addressed a letter to Mr. P.S. Narasimha, who is assisting the Committee. Mr. Narasimha placed a note before this Court pointing out the salient features of the above-mentioned letter. Having regard to the content of the letter mentioned above, we deem it appropriate to direct the Union of India as follows:-

(i) The Chairman and Members of the Commission should receive emoluments/pay and allowances from 01.06.2017 as they had commenced work in the first week of June, 2017.

(ii) The Secretary should receive emoluments w.e.f. 01.09.2017, as he had commenced work on 16.08.2017.

We also deem it appropriate to direct (i) the State of Telangana to provide the assistance of one of its Officers, not below the rank of a Joint Secretary in the Finance Department, to the Commission (ii) that the interim relief regarding the pay of the Judicial Officers as recommended by the Commission be implemented by all the concerned States and Union Territories w.e.f. 1st of May, 2018. The arrears payable pursuant to the above-mentioned recommendations shall be paid on or before 30th June, 2018.

List this matter in the first week of August, 2018.

SLP(C) No. 31461/2017

T.C.(C)No. 3/2018

These two matters are inter-connected. The special leave petition arises out of an interlocutory order passed by the Bombay High Court on 11.8.2017 in PIL No. 188 of 2015, which is the subject matter of Transferred Case No. 3/2018.

It appears that the above-mentioned writ petition came to be filed as a Public Interest Litigation projecting various perceived inadequacies in the service conditions of the Officers of the Subordinate Judiciary of the State of Maharashtra and seeking appropriate reliefs. One of the grievances in the Public Interest Litigation is regarding the pay and other allowances including the pension of the Subordinate Judicial Officers in the State of Maharashtra.

Admittedly, till 1st January, 2016, payment of salaries and pension and other allowances were made in accordance with the recommendations made earlier by the two Committees appointed by this Court otherwise known as Shetty Commission and Padmanabhan Commission. It appears, subsequent to 1.1.2016, the State of Maharashtra took a different stand, the details of which we do not want to go at this stage, in view of the statement made by Mr. Tushar Mehta, learned ASG representing State of Maharashtra.

It is expressly stated that the report regarding the interim relief (pay) and the orders passed by this Court in WP(C) No. 643/2015 would be implemented by the State of Maharashtra and would be bound by the final order of this Court in All India Judges Association Vs. Union of India & Ors. (W.P.(C) No. 643/2015) proceedings, to be passed after a final report of the Commission is received.

By an Order dated 1.12.2017, this Court called upon the High Court of Bombay to transfer the writ petition no. 188 of 2015 to this Court. It is stated by Mr. B.H. Marlapalle, learned senior counsel and Mr. Tushar Mehta, ASG appearing for the State of Maharashtra that the grievances projected in the writ petition are not only confined to the payment of salaries, allowances and pension and various other issues like inadequacy of infrastructural facilities in the State of Maharashtra etc. and those questions could more conveniently be dealt with by the High Court.

In the circumstances, we deem it appropriate to direct the Registry to return the Writ Petition No. 188 of 2015 to the Bombay High Court for disposal in accordance with law. The High Court would obviously not deal with the questions which are being considered by this Court for the resolution, of which Justice Venkatarama Reddi Commission had been appointed.

The writ petition no. 188 of 2015 is remitted back to the Bombay High Court. The transferred case is accordingly disposed of.

The special leave petition is also disposed of accordingly.

..... J.
(J. CHELAMESWAR)

..... J.
(SANJAY KISHAN KAUL)

NEW DELHI
March 27, 2018

End of Volume-IA

Pages – 1 to 227

JUSTICE P. VENKATARAMA REDDI
Former Judge Supreme Court of India
CHAIRMAN

SHRI R. BASANT
Former Judge High Court of Kerala
MEMBER

SHRI VINAY KUMAR GUPTA
District Judge, Delhi
MEMBER-SECRETARY