



REPORT OF THE SECOND NATIONAL JUDICIAL PAY COMMISSION

VIGYAN BHAWAN ANNEXE
NEW DELHI

JANUARY-2020

**PART - I VOLUME - I
(PAY STRUCTURE)**

JUSTICE P. V. 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

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PREFACE

1. Judicial Pay Commissions have about two decades of history. The first Commission i.e. the First National Judicial Pay Commission (FNJPC) was constituted by the Government of India's Resolution dated 21.03.1996 and it started functioning from June 1996. This was after an elaborate Order was passed by the Supreme Court of India on 24th August 1993 while disposing of the Review Petition filed by Union of India in the case of All India Judges' Association. A comprehensive report was submitted on 11.11.1999 by the FNJPC headed by Justice K. Jagannatha Shetty (former Judge of Supreme Court) who is no more with us. Hon'ble Supreme Court rendered its Judgment on 21st March 2002 (2002 (2) SCC 247), approving the recommendations of the FNJPC in regard to emoluments with certain modifications relating to allowances. That is how, a new chapter was opened in evolving a suitable uniform pay structure for Judicial Officers *pan* India. Thereafter, by the Order passed by the Supreme Court on 28.04.2009, Justice Padmanabhan Commission/Committee was constituted to make recommendations regarding the pay scales, allowances and other perquisites of Judicial officers, having due regard to the recommendations of FNJPC. The said Commission submitted the Report in July 2009. The recommendations were substantially approved by series of Orders passed by the Supreme Court during the year 2010. The revised pay scales which are in force till now were made effective from 01.01.2006.

2. Thereafter, this Commission was constituted by the Order of the Hon'ble Supreme Court dated 09.05.2017 in W.P. (C) No. 643/2015 – **All India Judges Association v Union of India & others** 2017 SCC Online 702 **read with** the Resolution dated 16.11.2017 of the Government of India (Department of Justice). The Commission at its first meeting held on 17.06.2017 at Bengaluru decided to designate the Commission as 'All India Judicial Officers Pay Commission 2017' and to proceed with the preliminary work. By that time, no communication was received from Government of India. However, as stated earlier, the Notification constituting the Commission was issued on 16.11.2017 and this Commission has been re-designated as 'Second National Judicial Pay Commission'. The office accommodation in Vigyan Bhavan Annexe was made available in February 2018. However, the normal renovation and furnishing work went on at a tardy pace for several months.

3. The terms of reference to this Commission (SNJPC) are set out at para 7 of the 'Introductory' Chapter 1 of Part-I.

4. With the submission of this Report concerning the pay, allowances and pension/family pension, the major part of the task entrusted to the Commission can be said to have been completed. In spite of various handicaps faced by the Commission which we do not wish to elaborate, the Commission notes with a sense of satisfaction that it has fulfilled the task to the best of its

ability. Though the target of the Commission was to submit the report to the Supreme Court of India in the month of July, 2019, there were unforeseen delays which impeded the progress of work.

5. While the time taken to furnish the Report has resulted in the postponement of the pay benefits that would have accrued by some months, the difference in regard to pay is not substantial in view of the interim relief granted and the high DA rate of 164% w.e.f. 01.07.2019. Irrespective of that, the Commission regrets that the delay has occurred, whatever may be the reasons thereof.

6. The Commission after gathering preliminary data pursuant to the questionnaire sent to the High Courts, prepared a comprehensive Consultation Paper and released the same in July, 2018. The Consultation Paper was also forwarded to the Department of Justice (Govt. of India) requesting them to furnish their views/suggestions. The Consultation Paper was placed on the website **www.ajopc.nic.in** of the Commission and the State Governments, the High Courts and the Associations of Judicial Officers were requested to send their views/suggestions.

7. Many of the High Courts have sent their views. However, some major High Courts did not respond to the Consultation Paper though at the Conferences held in the concerned States, the Registry Officials were deputed.

The Department of Justice, Government of India has sent a brief communication on 18.01.2019 highlighting the infrastructural facilities provided to improve the working conditions of the District Judiciary. The Governments of Karnataka, Rajasthan, Chhattisgarh and Meghalaya have sent their views with reference to the pay structure. There was tremendous response from the Associations of Judicial Officers (both serving and retired) of various States. There were also suggestions on certain aspects from the individual Judicial Officers/retired Officers.

8. The Commission held consultative Conferences on region-wise basis, wherein the representatives of AIJA/AIRJA as well as the State Associations, Officials of the Registry and others deputed by the High Courts and one or two senior Officers of the Government at few places were present. The deliberations at each place went on for 5 to 6 hours. Such Conferences were held in the cities of Guwahati, Mumbai, Kolkata, Kochi, Delhi, Chandigarh, Chennai, Lucknow, Bhopal, Visakhapatnam and Srinagar. Certain other representations were also presented at those Conferences.

9. The Commission had to analyze the gist of various representations/suggestions, seek further information on certain points and interact with the experts from time to time. The lack of comprehensive and accurate information had presented difficulties for the Commission. In order to get adequate

information, the Commission had to informally contact various sources. Among those who rendered invaluable assistance to the Commission are the experts, as mentioned in the following paras. The Commission had to prepare umpteen working sheets and calculations from various angles after holding periodical consultations with the experts and others having practical experience.

10. Part-I of this Report covers the subjects of Pay, Allowances and Pension including family pension. This is the most important part of the work undertaken by the Commission. This **Part** is divided into several chapters. There are 5 Chapters dealing with various issues in this Part. The Commission may, if necessary, furnish brief supplementary report shortly covering a few items relevant to the first two terms of reference after examining them further.

11. Strictly speaking, the Report on Interim Relief submitted to the Hon'ble Supreme Court in March 2018 is the first report of the Commission. It is covered by the 4th item of reference. As the said report has already been accepted and directed to be implemented, the Commission felt that it would not be appropriate to assign any number to that Report or to integrate it with Part-I of the Report.

12. ACKNOWLEDGMENTS

12.1 First and foremost, the Commission would like to thank the then Ag. Chief Justice of Delhi High Court, Ms. Justice Gita Mittal (presently Chief Justice of J & K High Court) and her companion Judges for providing two rooms in the extension block of the High Court for locating the office of the Commission as a temporary measure in the initial stages. The Secretary of the Commission, Shri Vinay Kumar Gupta (DHJS) started functioning from that office w.e.f. 16.08.2017 onwards, though without staff. The Commission is grateful to the High Court of Delhi for sparing the services of Shri Vinay Kumar Gupta, a Senior District Judge of DHJS to function as Secretary of the Commission. The present Chief Justice Shri D.N. Patel was pleased to extend his deputation period up to June 2020.

12.2 From day one, the Commission has been availing of the assistance of Shri Sai Prasad Chv (IA&AS) the then Joint Secretary in the Finance Department of the State of Telangana. The Government of Telangana was kind enough to permit him to render assistance to the Commission as and when required. However, he was transferred and posted as Sr. Dy. Accountant General (Audit), O/o. The Principal Accountant General, Arunachal Pradesh, Itanagar in which capacity he is now working. The CAG Office has permitted him to continue to extend the assistance to the Commission if required. However, the distance

and lack of adequate communications had become a problem for him to have frequent meetings with the Commission Members. The Commission is deeply grateful to him for the assistance he has been rendering all along.

12.3 The Commission is also grateful to Mr. D.K. Rai, (presently Director, Sagar Mala, Ministry of Shipping, Government of India who had the experience of working with the VII Pay Commission) for the valuable advise he gave at the initial stages as regards the methodologies of evolving a revised pay structure and the nature of expertise required in certain areas.

12.4 The Commission has also been availing the assistance of Smt. Manjari Singh, Professor in HRM Department of IIM, Ahmedabad (specialized in Data Analytics) since 2018. She has been interacting with the Commission Members/Member Secretary from time to time and had series of meetings with the Commission at Delhi and Hyderabad on several occasions. We thank the Director of IIM for permitting her to render assistance to the Commission.

12.5 Another specialist who helped the Commission with necessary inputs and calculations is Mr. K.V. Subramanyam, Retd. Joint Secretary in Finance Department of Telangana State. The Commission is thankful to him. The Commission would like to thank Shri Raj Kumar Kundu, the Accounts Officer working in the District Courts for having consented to be the DDO and extending his services at times even outside office hours. The Commission also thanks Mr J.

Srikar, Law Graduate who helped the Commission by undertaking research and coordinating with all concerned for arranging consultative Conferences.

12.6 The Commission is deeply grateful to the Chief Justices/Ag. Chief Justices of the High Courts of the States where the Commission has held consultative Conferences for instructing the officials of the Registry to coordinate with the Commission in organizing the Conferences. The Commission acknowledges the help rendered by the Registrars-General and other Registrars of High Courts of those States. The Commission is grateful to the then Ag. Chief Justice of High Courts of Andhra Pradesh and Telangana, Shri Justice Ramesh Ranganathan (presently Chief Justice of Uttarakhand High Court), Shri Justice Thottathil B. Radhakrishnan, the then Chief Justice of High Court of Telangana (presently Chief Justice of Calcutta High Court) and the present Chief Justice of the High Court for the State of Telangana Dr. Justice Raghavendra Singh Chauhan for permitting the Court Master to assist the Commission periodically. We are also thankful to the Registrar-General of the High Court of Telangana State in this regard and for making the relevant information available to the Commission at short notice.

12.7 The Commission is also deeply thankful for the study undertaken and the advice given on several occasions by the retired Judge of High Court & former Vice-Chairman of CAT - Shri Justice B. Seshasayanna Reddy. The

Commission would like to thank Dr. Mohan Kanda, retired Chief Secretary of A.P. State who after careful study, offered his advice on certain aspects.

12.8 The Commission acknowledges with gratitude the help and support given by the officials of Department of Justice within the limitations and constraints they have had. In particular, the Commission thanks Dr. Alok Srivastava, Secretary of the Department of Justice, Government of India, the then Joint Secretary Shri S.C. Brama and the present Joint Secretary in the Department of Justice Smt. Sushma Taishete, Directors Shri Y.M. Pandey (since retired) and Shri Shailesh Shrivastava, the Dy. Secretary Shri D.C. Pathak, Under Secretaries Shri Manish Kumar and Shri Sanjay Chatterjee, DDO (since transferred), Shri Ramesh Chand Ahuja (present DDO), Shri S.P. Gupta, Sr. Accounts Officer in the office of Chief Controller of Accounts, Ministry of Law. Though at times the Commission felt some communication gap, we cannot underestimate the overall support the Department of Justice has been giving from time to time.

12.9 The Commission is deeply thankful to the judicial staff of Delhi District Court who have been rendering assistance to the Commission in many ways.

Certified to be true copy IN THE SUPREME COURT OF INDIA
 Assistant Registrar(Judl.) CIVIL ORIGINAL JURISDICTION
 1905-2-17 2014-
 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 subordinate 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

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

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.

Sd/-
.....J.
(J Chelameswar)

Sd/-
.....J.
(S Abdul Nazeer)

New Delhi;
May 09, 2017.

Cabinet approves appointment of Second National Judicial Pay Commission for Subordinate Judiciary in the country

10 NOV 2017

The Union Cabinet chaired by the Prime Minister Shri Narendra Modi approved appointment of Second National Judicial Pay Commission (SNJPC) for Subordinate Judiciary in the country.

The Commission is to be headed by Shri Justice (Retd. J.P. Venkatrama Reddi, former Judge of Supreme Court of India. Shri R. Basant, a former Judge of the Kerala High Court is the Member of the Commission.

The Commission will make its recommendations the State Governments preferably within a period of 18 months.

It will examine the present structure of emoluments and conditions of service of Judicial Officers in the States and UTs. The Commission aims to evolve the principles which would govern pay structure and other emoluments of Judicial Officers belonging to the Subordinate Judiciary of the country. It will examine the work methods and work environment as also the variety of allowance and benefits in kind that are available to Judicial Officers in addition to pay and to suggest rationalization and simplification thereof.

The Commission will devise its own procedures and formulate modalities necessary for accomplishing the task. The Commission also aims at making the pay scales and conditions of service of Judicial Officers uniform throughout the country.

The recommendations of the Commission will help in promoting efficiency in Judicial Administration, optimizing the size of judiciary etc. and to remove anomalies created in implementation of earlier recommendations.

(TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY, PART-I, SECTION-I)

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

.....
New Delhi, the 16th November, 2017

RESOLUTION

No. 19018/1/2017-Jus. Pursuant to a direction of the Supreme Court of India vide its judgement delivered on 24.8.1993 in Review Petition No. 249 of 1992 in W.P. No. 1022 of 1989, First National Judicial Pay Commission (FNJPC) under the chairmanship of Justice K Jagannatha Shetty, former Judge of the Supreme Court of India was constituted on 21.03.1996 to examine the present structure of emoluments and conditions of service of judicial officers in the States and UTs. The Commission submitted its report on 11.11.1999.

2. Subsequently, consequent upon implementation of 6th CPC, All India Judges Association filed an I.A. (No. 244 of 2009) in the aforesaid writ petition in the Supreme Court praying for revision of salaries, allowances of judicial officers of subordinate judiciary throughout the country based on the Shetty Commission Report. Supreme Court appointed Justice E. Padmanabhan, a retired High Court Judge as one member Committee to make suitable recommendations having regard to the recommendations already made by the Justice Shetty Commission in respect of the pay scales and allowances and other perquisites of the Judicial Officers. The Committee submitted its report in July, 2009 which was implemented by the Union Government in respect of judicial officers in the UTs.

3. Now, vide its order dated 9th May, 2017 in Writ Petition No.643/2015 filed by All India Judges Association vs. Union of India & others, Supreme Court of India has directed to appoint a Judicial Pay Commission to review the pay scales, emoluments and service conditions of the Judicial Officers of Subordinate Judiciary in India.

4. In pursuance of the above direction of Supreme Court of India, it has been decided to appoint a fresh National Judicial Pay Commission, to be known as Second National Judicial Pay Commission, comprising the following:-

- (i) Chairman - Mr. Justice (Retd.) P. Venkatarama Reddi, former Judge of Supreme Court of India.
- (ii) Member - Mr. Justice (Retd.) R. Basant, former Judge of Kerala High Court and Senior Advocate of Supreme Court of India.

- (iii) Member-Secretary - (to 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 will make available the services of such an officer and treat such officer to be on deputation to the Commission.)
5. Services of one of its Additional Solicitors General will be made available to assist the Commission by Department of Legal Affairs, Ministry of Law & Justice in pursuance to the direction of Supreme Court of India.
6. The Commission will indicate to the Ministry of Law & Justice (Department of Justice) as to its requirements of infrastructural support, including the personnel, if any, necessary for the purpose of carrying on the task.
7. The Terms of Reference of the Commission will be as follows:-
- a. To evolve the principles which should govern the structure of pay and other emoluments of Judicial Officers belonging to the subordinate 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-à-vis other civil servant and mechanism for redressal of grievances in this regard.
 - c. To examine the work methods and work environment as also the variety of allowance and benefits in kind that are available to Judicial Officers in addition to pay and to suggest rationalisation 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.
 - d. 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.
 - e. 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.

8. The Commission will devise its own procedures and formulate modalities necessary for accomplishing the task. It 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.

9. The Commission will make its recommendations to the State Governments and submit a copy of the same to the Supreme Court of India and Ministry of Law & Justice preferably within a period of 18 months. It may consider, if necessary, sending reports on any of the matters as and when the recommendations are finalized. The Commission shall be at liberty to approach Apex Court to seek any further clarification or direction.

Ordered that the Resolution be published in the Gazette of India,

Ordered also that a copy of the Resolution be communicated to the Ministries/Deptts. of the Govt. of India/State Govts./UT Administrations and all other concerned.

(DR. ALOK SRIVASTAVA)
SECRETARY TO THE GOVT. OF INDIA



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग I—खण्ड 1

PART I—Section 1

प्राधिकार से प्रकाशित

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विधि और न्याय मंत्रालय

(न्याय विभाग)

संकल्प

नई दिल्ली, 16 नवम्बर, 2017

सं. 19018/01/2017.—न्याय उच्चतम न्यायालय ने 1989 की रिट याचिका संख्या 1022 में 1992 की पुनरीक्षा याचिका संख्या 249 में 24-08-1993 को दिए गए अपने निर्णय द्वारा दिए गए एक निदेश के अनुपालन में राज्यों और संघशासित क्षेत्रों में न्यायिक अधिकारियों की परिलब्धियों और सेवा शर्तों के मौजूदा ढांचे की जांच करने के लिए उच्चतम न्यायालय के पूर्व न्यायाधीश, न्यायमूर्ति के जगन्नाथ शेट्टी की अध्यक्षता के तहत 21-03-1996 को पहला राष्ट्रीय न्यायिक वेतन आयोग (एफ़एनजेपीसी) गठित किया था। इस आयोग ने 11-11-1999 को अपनी रिपोर्ट प्रस्तुत की।

2. तदन्तर, छठवें वेतन आयोग के कार्यान्वयन के फलस्वरूप अखिल भारत न्यायाधीश संघ ने शेट्टी कमीशन रिपोर्ट के आधार पर देशभर की अधीनस्थ न्यायपालिका के न्यायिक अधिकारियों के वेतन, भत्तों के संशोधन के लिए उच्चतम न्यायालय में उपर्युक्त याचिका में एक आईए (संख्या 244, 2009) दायर की। उच्चतम न्यायालय ने न्यायिक अधिकारियों के वेतनमानों और भत्तों तथा अन्य परिलब्धियों के संबंध में न्यायाधीश शेट्टी आयोग द्वारा पहले से ही की गई सिफ़ारिशों को ध्यान में रखते हुए उचित सिफ़ारिशें करने के लिए उच्च न्यायालय के एक सेवानिवृत्त न्यायाधीश, न्यायमूर्ति ई. पद्मानभन को एक सदस्यीय समिति के रूप में नियुक्त किया। इस समिति ने जुलाई, 2009 में अपनी रिपोर्ट प्रस्तुत की, जिसे संघ शासित क्षेत्रों में न्यायिक अधिकारियों के संबंध में केंद्र सरकार द्वारा कार्यान्वित किया गया था।

3. अब भारत के उच्चतम न्यायालय ने अखिल भारत न्यायाधीश संघ बनाम भारत संघ व अन्य द्वारा दायर रिट याचिका संख्या 643/2015 में 09 मई, 2017 के अपने आदेश द्वारा निदेश दिया है कि भारत में अधीनस्थ न्यायपालिका के न्यायिक अधिकारियों के वेतनमानों, परिलब्धियों और सेवा-शर्तों की पुनरीक्षा करने के लिए एक न्यायिक वेतन आयोग का गठन किया जाए।

4. उच्चतम न्यायालय के उपर्युक्त निदेश के अनुपालन में यह निर्णय लिया गया है कि एक नया राष्ट्रीय न्यायिक वेतन आयोग, जो कि दूसरा राष्ट्रीय न्यायिक वेतन आयोग के नाम से जाना जाएगा, नियुक्त किया जाए, जिसमें निम्नलिखित शामिल होंगे:—

- अध्यक्ष - श्री न्यायमूर्ति (सेवानिवृत्त) पी. वेंकटरामा रेड्डी, भारत के उच्चतम न्यायालय के भूतपूर्व न्यायाधीश।
- सदस्य - श्री न्यायमूर्ति (सेवानिवृत्त) आर. वसंत, केरल उच्च न्यायालय के भूतपूर्व न्यायाधीश और भारत के उच्चतम न्यायालय के वरिष्ठ अधिवक्ता।

- (iii) सदस्य-सचिव - आयोग द्वारा चुना जाएगा जो अधिमानतया कार्यरत अथवा सेवानिवृत्त न्यायिक अधिकारी होगा। यदि आयोग किसी राज्य के सेवारत न्यायिक अधिकारी को चुनने का निर्णय लेता है तो संबंधित उच्च न्यायालय और संबंधित राज्य इस प्रकार के अधिकारी की सेवाओं को उपलब्ध कराएंगे और इस प्रकार के अधिकारी को आयोग में प्रतिनियुक्ति पर माना जाएगा।
5. भारत के उच्चतम न्यायालय के निर्देश के अनुपालन में विधि कार्य विभाग, विधि और न्याय मंत्रालय द्वारा इस आयोग की सहायता के लिए इसके एक अतिरिक्त महा न्यायभिक्षों की सेवाओं को उपलब्ध करना होगा।
6. यह आयोग कार्य को पूरा करने के उद्देश्य के लिए आवश्यक कार्मिकों सहित ढांचागत समर्थन की इसकी आवश्यकताओं को यदि कोई हो विधि और न्याय मंत्रालय (न्याय विभाग) को इंगित करेगा।
7. इस आयोग की संदर्भ शर्तें निम्नलिखित प्रकार से होंगी:—
- क. ऐसे सिद्धांतों को विकसित करना जो देशभर में अधीनस्थ न्यायपालिका से संबंधित रखने वाले न्यायिक अधिकारियों के वेतन और अन्य परिलब्धियों के ढांचे को शासित करे।
- ख. राज्यों और संघ शासित क्षेत्रों में न्यायिक अधिकारियों को उन्हें उपलब्ध उन समस्त लाभों को ध्यान में रखते हुए उन्हें मिलने वाली परिलब्धियों और उनकी सेवा-शर्तों के मौजूदा ढांचे की जांच करना और अन्य संगत कारकों को मद्देनजर रखते हुए पेंशन आदि जैसे सेवानिवृत्ति के लाभों सहित अन्य सिविल सर्वेंट की तुलना में अधीनस्थ न्यायिक सेवा से संबंधित अधिकारियों के बीच वेतन ढांचे में मौजूदा तुलनात्मकता के लिए और इस संबंध में शिकायतों का निपटान करने के लिए तंत्र बनाने के लिए उचित सिफारिशें करना।
- ग. कार्य की पद्धति और कार्य के वातावरण तथा और वस्तु के रूप में वे विभिन्न भत्ते और लाभ जो न्यायिक अधिकारियों को वेतन के अलावा प्राप्त होते हैं, की जांच करना और न्यायपालिका के आकार को इष्टतम करते हुए न्यायिक प्रशासन में दक्षता संवर्धन को ध्यान में रखते हुए उनका औचित्यकरण और सरलीकरण करने के लिए सुझाव देना और पिछली सिफारिशों के कार्यान्वयन में मूजित असंगतताओं को दूर करना।
- घ. इस प्रकार की अन्तरिम राहत पर विचार व सिफारिश करना जो वह राज्यों/संघ शासित क्षेत्रों के न्यायिक अधिकारियों की सभी श्रेणियों के लिए न्याय संगत और उचित समझे। यह अन्तरिम राहत, यदि इसकी सिफारिश की जाती है, तो इसे उस पैकेज के प्रति पूरी तरह समायोजित व उसमें शामिल किया जाना होगा जो इस आयोग की अंतिम सिफारिशों पर न्यायिक अधिकारियों को देय हो सके।
- ङ. अधीनस्थ न्यायपालिका की सदस्यों के वेतन और सेवा-शर्तों की एक स्वतंत्र आयोग, जो विशेषरूप से इस उद्देश्य के लिए गठित हुआ हो, द्वारा आवधिकरूप से समीक्षा के लिए एक स्थायी तंत्र स्थापित करने के लिए तंत्र की सिफारिश करना और इस प्रकार के आयोग की संरचना में न्यायपालिका की ओर से पर्याप्त प्रतिनिधित्व परिलक्षित होना चाहिए।
8. इस कार्य को प्राप्त करने के लिए यह आयोग अपनी स्वयं की प्रक्रियाओं को विकसित करेगा और आवश्यक पद्धतियाँ बनाएगा। यह इस प्रकार के सलाहकारों, संस्थागत परामर्शदाताओं और विशेषज्ञों को नियुक्त कर सकता है जो वह किसी विशेष उद्देश्य के लिए आवश्यक समझे। सभी राज्य सरकारों, संघ शासित क्षेत्रों के प्रशासन और केंद्र सरकार के मंत्रालय/विभाग इस आयोग द्वारा यथापेक्षित सूचना, दस्तावेज और अन्य सहायता देंगे।
9. यह आयोग, राज्य सरकारों को अपनी सिफारिशें देगा और भारत के उच्चतम न्यायालय और विधि एवं न्याय मंत्रालय को अधिमानतया 18 महीनों की एक समयावधि के अंतर्गत इसकी प्रति प्रस्तुत करेगा। यह, सिफारिशों को अंतिम रूप दिए जाने पर किसी भी मामले के बारे में रिपोर्ट भेजने की बात पर, यदि आवश्यक समझे, विचार कर सकता है।
- आदेश दिया जाता है इस संकल्प को भारत के राजपत्र में प्रकाशित किया जाए।
- यह भी आदेश दिया जाता है कि इस संकल्प की एक प्रति भारत सरकार के मंत्रालयों/विभागों/राज्य सरकारों/संघ शासित क्षेत्रों के प्रशासनों एवं अन्य जो भी संबंधित हों, को भेजी जाए।

डॉ. आलोक श्रीवास्तव, सचिव

MINISTRY OF LAW AND JUSTICE

(Department of Justice)

RESOLUTION

New Delhi, the 16th November, 2017

No. 19018/1/2017-Jus.—Pursuant to a direction of the Supreme Court of India *vide* its judgement delivered on 24.8.1993 in Review Petition No. 249 of 1992 in W.P. No. 1022 of 1989, First National Judicial Pay Commission (FNJPC) under the chairmanship of Justice K Jagannatha Shetty, former Judge of the Supreme Court of India was constituted on 21.03.1996 to examine the present structure of emoluments and conditions of service of judicial officers in the States and UTs. The Commission submitted its report on 11.11.1999.

2. Subsequently, consequent upon implementation of 6th CPC, All India Judges Association filed an I.A. (No. 244 of 2009) in the aforesaid writ petition in the Supreme Court praying for revision of salaries, allowances of judicial officers of subordinate judiciary throughout the country based on the Shetty Commission Report. Supreme Court appointed Justice E. Padmanabhan, a retired High Court Judge as one member Committee to make suitable recommendations having regard to the recommendations already made by the Justice Shetty Commission in respect of the pay scales and allowances and other perquisites of the Judicial Officers. The Committee submitted its report in July, 2009 which was implemented by the Union Government in respect of judicial officers in the UTs.

3. Now, *vide* its order dated 9th May, 2017 in Writ Petition No. 643/2015 filed by All India Judges Association vs. Union of India & others, Supreme Court of India has directed to appoint a Judicial Pay Commission to review the pay scales, emoluments and service conditions of the Judicial Officers of Subordinate Judiciary in India.

4. In pursuance of the above direction of Supreme Court of India, it has been decided to appoint a fresh National Judicial Pay Commission, to be known as Second National Judicial Pay Commission, comprising the following:—

- (i) Chairman - Mr. Justice (Retd.) P. Venkatarama Reddi, former Judge of Supreme Court of India.
- (ii) Member - Mr. Justice (Retd.) R. Basant, former Judge of Kerala High Court and Senior Advocate of Supreme Court of India.
- (iii) Member-Secretary - (to 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 will make available the services of such an officer and treat such officer to be on deputation to the Commission.)

5. Services of one of its Additional Solicitors General will be made available to assist the Commission by Department of Legal Affairs, Ministry of Law & Justice in pursuance to the direction of Supreme Court of India.

6. The Commission will indicate to the Ministry of Law & Justice (Department of Justice) as to its requirements of infrastructural support, including the personnel, if any, necessary for the purpose of carrying on the task.

7. The Terms of Reference of the Commission will be as follows:—

- a. To evolve the principles which should govern the structure of pay and other emoluments of Judicial Officers belonging to the subordinate 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 subordinate judicial services vis-à-vis other civil servant and mechanism for redressal of grievances in this regard.

- c. To examine the work methods and work environment as also the variety of allowance and benefits in kind that are available to Judicial Officers in addition to pay and to suggest rationalisation 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.
- d. 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.
- e. 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.
8. The Commission will devise its own procedures and formulate modalities necessary for accomplishing the task. It 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.
9. The Commission will make its recommendations to the State Governments and submit a copy of the same to the Supreme Court of India and Ministry of Law & Justice preferably within a period of 18 months. It may consider, if necessary, sending reports on any of the matters as and when the recommendations are finalized. The Commission shall be at liberty to approach Apex Court to seek any further clarification or direction.

Ordered that the Resolution be published in the Gazette of India,

Ordered also that a copy of the Resolution be communicated to the Ministries/Depts. of the Govt. of India/State Govts./UT Administrations and all other concerned.

Dr. ALOK SRIVASTAVA, Secy.

CHAPTER-1

INTRODUCTORY:

1. SUBORDINATE JUDICIARY – ITS PIVOTAL ROLE IN JUSTICE SYSTEM

1.1 The Subordinate Judiciary is the backbone of the Judicial system. 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/tehsil, mandal or district 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 District and 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. The standards of ethics and the standards of professionalism expected of the Judges are far more rigorous than the standards applied to other services/ professions. Ensuring adequate emoluments and pension and proper working conditions for the members of Subordinate Judiciary has an important bearing on the efficiency in Judicial administration and the unique role assigned to the Judiciary.

2. UNIFORM PAY STRUCTURE AND ALLOWANCES - INITIATIVES TAKEN BY SUPREME COURT

2.1 The pay structure and perquisites of Judicial officers have undergone a sea change for good with the advent of new millennium. It was realized by those connected with the judicial administration that the salary and facilities of Judicial officers constituting the District/Subordinate judiciary were to be vastly improved consistent with the nature of duties they perform and constraints they face in leading a life conducive to Judicial independence. The unique role of District judiciary in the justice dispensation system called for fair deal and distinctive treatment as regards their conditions of service. The then prevailing conditions of service were far from satisfactory and were required to be addressed with a sense of urgency in order to foster the cherished value of judicial independence which is a basic feature of our democratic Constitution.

2.2 Judicial independence which has many facets and dimensions cannot remain as a platitude or a theoretical doctrine. It needs to be translated into action by putting in place all the measures necessary to preserve and promote the same. Proper working conditions including decent remuneration would undoubtedly propel the Judges of Subordinate Judiciary to discharge the sublime and onerous tasks entrusted to them with a high sense of responsibility and devotion. It is only then that the constitutional

goal of access to justice could be effectively realized. This in substance is the theme of the judgments of apex Court in All India Judges' Association cases.

2.3 As a big step in this direction, the Supreme Court of India by its landmark judgment in **All India Judges Association v UoI** (AIR 1992 SC 165; 1992 1 SCC 119) followed by the judgment in the review petition reported in AIR 1993 SC 2493; 1993 4 SCC 288, gave constitutional justification for the improvement of conditions of service of Judicial officers especially their pay and allowances and paved the way for the constitution of First National Judicial Pay Commission (FNJPC) in the year 1996. The following direction was given in the said review judgment:

"It is for this reason again that the present practice of entrusting the work of recommending the service conditions of the members of the subordinate judiciary to the same Pay Commissions which recommend the service conditions of the other services requires reconsideration. The service conditions of the judicial officers should be laid down and reviewed from time to time by an independent Commission exclusively constituted for the purpose, and the composition of such commission should reflect adequate representation on behalf of the judiciary."

2.4 Thus, a regime of uniform pay scales, allowances and post-retirement benefits applicable to the members of the District judiciary throughout the country has been ushered in. After a stupendous exercise, the Commission headed by Shri Justice Jagannatha Shetty prepared an elaborate report covering various terms of reference which are almost the same as those referred to this Commission. With the acceptance of the said

report substantially and the issuance of series of directives by the Supreme Court in 2002 in **All India Judges Association v UoI** (2002) 4 SCC 247, a new chapter in the history of judicial independence in our country has emerged. Though the District and Subordinate judiciary is essentially a part of State services and the funds are drawn from the State exchequer, it has virtually become an All India Service with uniformity in respect of pay scales, retirement age, pensionary benefits and even designations.

2.5 There was resistance for the move to treat the judicial service on a separate pedestal to achieve the desired goal. The review petitions were filed and in 1993, the Supreme Court dispelled all doubts regarding the special treatment of judicial service in respect of their service conditions. In the judgment reported in (1993) 4 SCC 288, the Supreme Court gave ample justification for treating the judicial service on a separate footing and extending uniform pay scales for the judiciary throughout the country even if they are higher than the pay scales of the executive officials of State services. All the objections raised by the States were squarely met in the judgment in the review petition and the line was cleared for the constitution of Judicial Pay Commission. The constitutional basis for according different treatment to members of District judiciary was firmly and finally laid down in that judgment followed by AIJA judgment of 2002; (2002) 4 SCC 247. It was in that judgment of 2002, a three Judge Bench of Hon'ble Supreme Court approved the FNJPC report subject to few modifications.

3. SUBORDINATE JUDICIARY - CADRE/WORKING STRENGTH AND DESIGNATION

3.1 As per the data received from the High Courts, as on 30.09.2019, there were 7237 Civil Judges (Jr. Div.), 4675 Civil Judges (Sr. Div.) and 6135 District Judges of various grades. However, the sanctioned cadre strength is 15965 for Civil Judges and 7382 for District Judges. Thus there are 5300 vacancies. However, as recruitment process has been stepped up by reason of monitoring of Supreme Court on Judicial side, the working strength of the officers of various categories is likely to increase further by the end of this year.

3.2 The District and Subordinate Judiciary have uniform designations except in very few States. These are the designations specified by FNJPC for the sake of uniformity. They are Civil Judge (Jr. Div.), Civil Judge (Sr. Div.) and District Judge. The Civil Judges (Jr. Div. and Sr. Div.) deal with criminal cases as well. The Civil Judges (Jr. Div.) are also posted as Judicial First Class Magistrates and in some stations and they discharge dual functions. Civil Judges (Sr. Div.) also try criminal cases and act as Assistant Sessions Judges. Officers of the rank of Senior Civil Judge are designated as Chief Judicial Magistrates. They are posted as Secretaries of District Legal Services Authorities also. In West Bengal, Senior Civil Judges are posted as Judges of Fast Track Courts. The District Judges deal with both civil and criminal cases. They also go by the designation of District and Sessions Judge. Apart from that, they are placed in-charge of Courts set up under

special enactments such as Family Courts Act, Prevention of Corruption Act (both CBI and State Anti-Corruption Bureau cases). They are specifically empowered to try cases under NDPS Act, POCSO Act etc. Recently, exclusive Sessions Courts manned by District Judge rank officers have been set up (on the directions of Supreme Court) to try long pending criminal cases against legislators and ex-legislators. Specified Judicial First Class Magistrates' Courts have also been empowered to deal with such cases.

3.3 In the State of Kerala, the old designations i.e. Munsiff-cum-JFCM (instead of Civil Judge, Jr. Div.) and Subordinate Judge (instead of Civil Judge, Sr. Div.) continue even now. In some of the north-eastern States, the District Judges go by the designations – Grade-I, Grade II or Special Grade District Judges. In some States, the District Judges at the entry level are also designated as Addl. District & Sessions Judges. **It is expected that steps shall be taken to re-designate the officers in conformity with the All India pattern as recommended by the FNJPC.**

3.4 On completion of requisite years of service, the District Judges are conferred with the status of Selection Grade carrying additional pay. The Selection Grade District Judges are again upgraded to Super Time Scale on completion of 3 years of service in Selection Grade. These functional upgradation benefits are given, firstly, on completion of specified number of years of service, secondly on the basis of merit-cum-seniority and thirdly, the number is restricted by specified percentages, that is to say, the Selection

Grade posts are limited to 25% of the cadre strength and the Super Time Scale posts are available to the Selection Grade District Judges to the extent of 10% of cadre strength. The pecuniary jurisdiction of the three categories of courts headed by Civil Judge (Jr. Div.), Civil Judge (Sr. Div.) and District Judge vary from state to state.

3.5 In addition to the above regular cadre, there are Courts of Special Judicial Magistrates or Special Metropolitan Magistrates working on a part-time basis. They are invested with the powers of Judicial Magistrates of Second Class (as per the provisions of Section 11 read with Section 13 of Cr. P.C) and are entrusted with the work of disposing of petty criminal cases. They are either retired Judicial Officers or the officials who worked in the judiciary on administrative side or executive officials of the State having law qualification. They draw consolidated remuneration and conveyance allowance. In a few States, there are also Special Magistrates trying criminal cases of specified category such as those under the Negotiable Instruments Act. They are paid fixed remuneration and conveyance allowance. They were appointed under the scheme formulated by 13th Finance Commission and many retired District Judges are in place in those Courts. Except in a few States, the Fast Track Courts on large scale are no longer existing. Wherever the Fast Track Courts are in existence, they are headed by the regular Judicial officers only.

4. RECRUITMENT AND PROMOTION

4.1 The Civil Judges (Jr. Div.) are appointed by way of direct recruitment on the basis of written examination and viva voce test. The examination is conducted in many states by the High Court. The Committee of High Court Judges interview the candidates and prepare the select list which would be forwarded to the Government for formal approval. In some states, such as Rajasthan, Himachal Pradesh, Uttar Pradesh, Bihar, the recruitment process is entrusted to the State Public Service Commissions. A Judge nominated by the Chief Justice will participate in the interview along with the Chairperson/Member of the Public Service Commission. In some States, quota is prescribed for the appointment of Judicial Ministerial Service officials having law qualification. The Civil Judges (Jr. Div.) get promoted to the mid-level position of Civil Judge (Sr. Div.). There is Assured Career Progression (ACP) Scheme in place for the officers in the cadre of Junior Civil Judges and Senior Civil Judges which confers the benefit of financial upgradation after requisite number of years of service. The Civil Judges (Sr. Div.) are eligible to be promoted as District Judges. The District Judges are also directly recruited through selection conducted by the High Courts. As per the constitutional requirement under Art. 233 (2), only those with a minimum of 7 years of practice as Advocates, are eligible to be appointed as District Judge. The direct recruitment quota is 1/4th of the cadre strength of the District Judges. By virtue of the Judgment of the Supreme Court in AIJA case, one more channel of appointment to the position of District Judge has been

provided. It is by way of limited competitive examination for which the officers in the rank of Civil Judges (Sr. Div.) with five years of service are eligible to the extent of 10% of the cadre strength of District Judges. The FNJPC had recommended that the in-service Judicial Officers who have held Judicial Office for a minimum of seven years shall be eligible for appointment as District Judges and suggested for taking immediate action for amending Article 233 (2) of the Constitution. However, this recommendation has not been given effect so far.

4.1.1 The question relating to eligibility of in-service Officers who practised as Advocates for 7 years or more to seek recruitment as District Judges has become a debatable issue. Though, in *Vijay Kumar Mishra v High Court of Patna [(2016) 9 SCC 313]*, it was held that they can apply and participate in selection without submitting resignation, subsequently, the issue has been referred to a larger Bench. It was held in *Vijay Kumar Mishra's* case that the eligibility criterion under Art 233 (2) of the Constitution would apply in relation to the appointment and not for selection. Further, the issue whether the Civil Judges (Jr. or Sr. Division) who have been in Judicial service for seven years or more having practiced earlier as Advocates for less than 7 years can seek recruitment as District Judges is pending consideration by the Supreme Court.

4.2 As per the FNJPC recommendations, a certain percentage of posts in the cadre of District Judges have been earmarked for the conferment

of Selection grade and Super Time scale on fulfillment of requisite criteria. It involves financial as well as functional upgradation. Thus, among the District Judges, there are three ranks/grades i.e. District Judge (Entry Level), District Judge (Selection Grade) and District Judge (Super Time Scale). In quite a number of States, only those in the range of 35 to 45 years in age are eligible to seek direct recruitment as District Judges, and such prescription is in accordance with the recommendation of FNJPC.

4.3 According to the information received from the High Courts and serving officers, normally, it takes about 16 to 18 years for the Civil Judge (Jr. Div.) to reach the level of District Judge. In smaller States, the promotional prospects are better and it would take less time – 13 years or so.

5. In metropolitan areas/cities, there are Courts which bear the designation of City Civil Courts, Metropolitan Sessions Courts and Metropolitan Magistrate Courts. There are also Small Causes Courts in major cities dealing inter alia with building tenancy cases and summary trial suits. Chief Judges (City Civil Court/Small Causes Court) and Metropolitan Sessions Judges are administrative heads of these Courts.

5.1 In the State of Maharashtra, there is a separate cadre of Family Court Judges in the cities of Mumbai, Nagpur etc. and they do not belong to regular Judicial cadre; in other words, they work against ex-cadre posts. A special recruitment procedure is laid down for those Family Court Judges and

the High Court is actively associated with the process of selection. The Judicial officers of the rank of District Judge are also deputed to these Courts.

5.2 The District Legal Service Authority in most of the States has a full time officer by the designation of Secretary. A Civil Judge (Sr. Div.) or even a District Judge level officer caters to the work of DLSA on full time basis. The State Judicial Academies/Judicial Training Institutes are managed by officers with the designation of Director who in most of the States, are of the rank of (senior) District Judges.

6. AN OVER - VIEW OF THE PENDENCY OF CASES IN DISTRICT AND SUBORDINATE COURTS

As on **08.01.2020**, the pendency position is as follows:

Civil Cases	-	8941969
Criminal Cases	-	22800963
Total Cases	-	31742932

6.1 It is observed that by and large the disposals of cases seem to keep pace with the institutions of cases. According to the inputs received, most of the officers are exceeding the targets prescribed. It has come to the notice of the Commission that special steps are being taken in every State to clear the backlog of old pending cases especially those above 5 years old. The number of such 5 year old cases as on 08.01.2020 is **80,26,805** (civil & criminal).

7. CONSTITUTION OF THE COMMISSION AND THE TERMS OF REFERENCE

7.1 The Government of India decided to constitute the Second National Judicial Pay Commission by the Resolution dated 10.11.2017, notified by the Department of Justice, Ministry of Law & Justice vide the Notification no. 19018/01/2017 dated 16.11.2017 pursuant to the order of Hon'ble Supreme Court in W.P.(C) No. 643/2015, dated 09.05.2017 in All India Judges Association v UoI and others. The order of the Supreme Court dated 09.05.2017 (reported in 2017 SCC Online 702) is annexed to this part of the report as **Annexure I**.

7.2 The following are the terms of reference made to this Commission by the Hon'ble Supreme Court by the order dated 09.5.2017 in W.P. (C) No.643 of 2015, 5 in number, are set out in ('a' to 'f') as follows:

- a. To evolve the principles which should govern the structure of pay and other emoluments of Judicial Officers belonging to the Subordinate Judiciary all over the country.
- b. To examine the present structure of emoluments and conditions of service of Judicial Officers in the States and UTs 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-à-vis

other civil servants (and mechanism for redressal of grievances in this regard).

- c. * ...XXXX
- d. To examine the work methods and work environment as also the variety of allowance and benefits in kind that are available to 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 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

* As 'c' which was there in the terms of reference to FNJPC has been omitted, The actual number remains at 5. Hence, d, e & f ought to be read as c, d &

members of subordinate judiciary periodically by an independent commission exclusively constituted for the purpose and the composition of such commission should reflect adequate representation on behalf of Judiciary.

The Hon'ble Court also clarified:

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.

7.3 We may now notice the terms of reference to the FNJPC. On comparative analysis of the terms of reference to the previous Commission and this Commission, it is seen that one of the items i.e., (c) which was referred to Justice Shetty Commission has been omitted. At the same time, a fresh item - f has been added to the terms of reference set out by the Hon'ble Supreme Court in the order dated 09.05.2017.

7.4 The following are the terms of reference to the FNJPC which are at page 19 of Volume 1 of the Report of FNJPC:

(a) To evolve the principles which should govern the structure of pay and other emoluments of Judicial Officers belonging to the Subordinate Judiciary all over the country.

[⊗] the word 'make' seems to be a typographical error. The correct word **may be** 'send'

- (b) To examine the present structure of emoluments and conditions of service of Judicial Officers in the States and UTs taking into account the total packet of benefits available to them and make suitable recommendations having regard, among other relevant factors, to the existing relativities in the pay structure between the officers belonging to subordinate judicial service vis-à-vis other civil servants.
- (c) To examine and recommend in respect of minimum qualifications, age of recruitment, method of recruitment etc., for Judicial Officers. In this context, the relevant provisions of the Constitution and direction of the Supreme Court in All India Judges' Association Case and in other cases may be kept in view.
- (d) To examine the work methods and work environment as also the variety of allowances and benefits in kind that are available for 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 the Judiciary etc.

7.5 The term of reference (item **c**) has been omitted in the terms of reference to this Commission, presumably for the reason that the subject was

discussed at length by the FNJPC and the Hon'ble Supreme Court after due consideration gave directions in regard to recruitment and allied issues.

7.6 The 5th term of reference (numbered as 'f') is to make recommendations for setting up a permanent mechanism to review the pay and service conditions of members of Subordinate Judiciary periodically. This was not there in the terms of reference to FNJPC. At this stage, the Commission would like to indicate that a separate Report will be given by this Commission shortly covering this particular item of reference.

7.7 We may also note some differences in the wording in the terms of reference bearing Nos. b & C, though they are not material in nature. In item No.b, the words 'including post-retirement benefits such as pension etc.,' have been added for the sake of clarity. Further, the words 'and mechanism for redressal of grievances in this regard' have been added to item **b** of reference. Actually, these words may be redundant as far as item **b** is concerned in view of the fact that term No.**f** (which was not there in the terms of reference to previous Commission) covers this aspect. It also deserves notice that in item **d** of terms of reference to this Commission, the words 'and to remove anomalies created in implementation of earlier recommendations' have been added towards the end of that particular para. Actually it ought to have been a part of item No.**b** of terms of reference relating to emoluments and other benefits.

7.8 The Supreme Court of India by the order dated 28.04.2009 passed in I.A. No.144 in W.P. (C) No. 1022 of 1989 appointed **Justice Padmanabhan** Committee (also referred to as Commission) in order to make recommendations regarding pay scales, allowances and other perquisites of Judicial officers, having due regard to the recommendations already made by FNJPC. The Commission submitted the Report dated 17.07.2009. The Supreme Court of India passed series of orders in the year 2010, accepting the recommendations regarding the pay, pension and allowances. The pay scales recommended by the said Commission became effective from 01.01.2006.

7.9 Obviously the first two terms of reference – ‘a’ and ‘b’ are most important and constitute the major part of the task entrusted to this Commission.

8. As stated in the preface, the Commission in order to elicit the views/suggestions of the stakeholders concerned, prepared a comprehensive Consultation Paper on the subjects related to pay, allowances and pension. This was preceded by the questionnaires sent to the High Courts and State Governments in order to get preliminary data/information on various points. Before preparing the Consultation Paper, there was a preliminary round of consultations with the experts and other experienced persons. The process of calculations and consideration of *pros and cons* had started even at that stage. The VII CPC Report was also kept in view. As far as the pay structure

is concerned, different methodologies including the traditional one have been put forward in order to seek appropriate responses thereto.

8.1 The time-line specified in the Consultation Paper had to be extended to give more time to the High Courts, Associations and Governments. The responses received from these institutions/bodies are set out below for ready reference.

VIEWS AND SUGGESTIONS RECEIVED FROM HIGH COURTS

1. Allahabad High Court
2. Chhattisgarh High Court
3. Guwahati High Court
4. Gujarat High Court
5. Himachal Pradesh High Court
6. Jharkhand High Court
7. Karnataka High Court
8. Madhya Pradesh High Court
9. Madras High Court
10. Meghalaya High Court
11. Orissa High Court
12. Patna High Court
13. Punjab and Haryana High Court
14. Rajasthan High Court
15. Tripura High Court
16. Uttarakhand High Court

- P.N: 1. The Calcutta High Court in reply to the Consultation Paper merely forwarded the answers to the questionnaire sent by the Commission in the first instance to secure the data.
2. The Registry of the High Court of Sikkim and of Jammu & Kashmir merely forwarded the suggestions/representations of Judicial Officers' Associations.
3. The High Court at Hyderabad for the States of Telangana and A.P. has forwarded the representations of the Judicial Officers' Associations. However, in a separate communication, the Registry of High Court furnished the information regarding the guidelines for grant of ACP Scale.

VIEWS RECEIVED FROM STATE GOVERNMENTS REGARDING PAY

1. Government of Bihar (Finance Department)
 2. Government of Karnataka
 3. Government of Manipur
 4. Government of Meghalaya
 5. Government of Rajasthan
 6. Government of Sikkim
 7. Government of Tripura
 8. Government of Uttarakhand
- P.N: 1. The Government of Punjab forwarded the views of the Punjab & Haryana High Court.
2. The Government of Puducherry, Law Department forwarded the views of the Chief Judge, Puducherry.
3. The Government of Sikkim has furnished the details of the Judicial Officers and the pay with Dearness Allowance presently being drawn by them, in the four Districts of the State.

**SUGGESTIONS AND SUBMISSIONS OF ASSOCIATIONS OF JUDICIAL OFFICERS/RETD.
JUDICIAL OFFICERS**

- 1(a) All India Judges' Association
- 1(b) All India Judges' Association- General Secretary
- 2(a) All India Retired Judges' Association
- 2(b) AIRJA - Note furnished by Mr. Sukumaran
- 3 All Manipur Judicial Officers Association
- 4 Andhra Pradesh Judicial Officers Association
- 5 A.P. State Retired Judicial Officers Association
- 6 All Assam Retired Judges Association, Guwahati
- 7 Assam Judicial Service Association
- 8 Bihar Judicial Services Association
- 9 Bihar Ex-Judicial officers Association
(State Unit of All India Retired Judges Association)
- 10 Delhi Judicial Service Association
- 11 Goa Judicial Officers Association
- 12 Goa Retired Judges Association
- 13 Gujarat State Retired Judges Association
- 14 Haryana Judges Association
- 15 Himachal Pradesh Higher Judicial Officers Association
- 16 J & K Judicial Officers Association
- 17 J & K Retired Judges Association
- 18 Karnataka State Judicial Officers' Association
- 19 Kerala Judicial Officers Association
- 20 Kerala Retired Judges Association
- 21 Madhya Pradesh Nyayadhish Sangh
- 22 Madhya Pradesh Former Judges Welfare Association
- 23 Maharashtra - Retired Judicial Officers Association

24	Maharashtra - Group of Judicial Officers Ahmednagar
25	Maharashtra - Group of Retired District and Sessions Judges, Nagpur
26	Mizoram Judicial Service Association
27	Nagaland Judicial Officers Association
28	Odisha Retired Judges Association
29	Rajasthan - Former Judges Association
30	Rajasthan - Welfare Society of Former Judges (Jaipur)
31	Rajasthan - The Society for Former Judges Association, (Jaipur)
32	Tamil Nadu Judicial Officers Association
33	Tamil Nadu Retd. Judicial Officers Welfare Association
34	Telangana Judges Association
35	Telangana State Retd. Judicial Officers Association
36	Tripura Judicial Officers Association
37	Tripura Retd. Judges' Association
38	U.P. Judicial Services Association
39	Uttar Pradesh Retired Judges Association
40	West Bengal Judicial Service Association
41	West Bengal Judges Forum
42	West Bengal Judges Officers Democratic Association
43	West Bengal Retired Judges Association

8.2 The following serving and retired judicial officers in their individual capacity have sent representations on the subject relating to pay, pension and allowances.

Retired Officers

S. No.	Name Of States	Name Of Officers
1.	Andhra Pradesh	1) Mr.J. Shayma Sundara Rao and Mr. D. Dharma Rao

		2) Mr.T. Muthyamaiah 3) Mr.T. Narayana Reddy
2.	Bihar	1) Mr.Choudhary B.K. Rai 2) Mr.Damodar Prasad 3) Mr.Nand Kumar Srivastava 4) Mr.Vishveshwar Nath Mishra and Others
3.	Karnataka	1) Mr.D.S. Muttur 2) Mr.H.M. Bharatesh 3) Mr.M.K. Purohit 4) Mr.N.R. Kanchi 5) Mr.S.G. Kashimath 6) Mr.S.M. Channappanawar 7) Mr.V. Padmanabha Kedilaya
4.	Kerala	1) Mr.M.C. Sudhakaran 2) Mr.P. Muraleedharan 3) Mr.Thomas Pallickaparampil
5.	Madhya Pradesh	1) Mr.Avnish Kumar Kahre 2) Mr.D.K. Kesharvani
6.	Maharashtra	1) Mr.A.R. Yadikar 2) Mr.G.M. Kubade and Others 3) Mr.K.B. Zindare 4) Mr.K.S. Sahu 5) Mr.Prakash K Hushing 6) Mr.P.B. Naigonkar 7) Mr.Shyam Sundar Garg 8) Mr.S.S. Kande 9) Mr.S.V. Unde 10) Mr.T.V. Borse 11) Mr.W.G. Paunikar and another 12) Mr.Vishwa B Chaudhari
7.	Punjab	1) Mr.J.S. Klar and Others
8.	Rajasthan	1) Mr.Anwar Alam 2) Mr.Chandra Prakash Singh 3) Mr.Sandeep Sharma 4) Mr.Umesh Shrama
9.	Telangana	1) Mr.K. Satyanand and Others
10.	Uttar Pradesh	1) Mr.Ashok Kumar 2) Mr.Jai Krishna Tiwari 3) Mr.Ramesh Kumar Upadhyay and Mr.U.C. Pandey 4) Mr.Ramesh Shankar

Serving Officers

S. No.	Name of States	Name of Officers
1	Delhi	1) Mr.Naveen K Kashyap 2) Mr.Rakesh Kumar Singh
2	Gujarat	1) Mr.A.P. Randhir 2) Mr.Bhupendra P Munshi 3) Mr.N.M. Vyas and others 4) Mr.P.I. Prajapati
3	Haryana	1) Mr.Kuldeep Jain 2) Mr.Manglesh Kumar Chaubey
4	Himachal Pradesh	1) Mr.J.K. Sharma
5	Jharkhand	1) Md. Abdul Naseer
6	Kerala	1) Dr. John Varghese
7	Madhya Pradesh	1) Mr.Sandeep Sharma and Others 2) Mr.Suresh Singh
8	Maharashtra	1) Mr.B.N. Chikne and Others from Ahmad Nagar, Maharashtra 2) Mr.Kundan M Kayangude and Others 3) Mr.Rajesh Pavaskar 4) Mr.Sachin S Patil and Others from Nasik, Maharashtra 5) Ms.Sameena khan and Others 6) Mr.S.G. Dabadgaonkar
9	Tamil Nadu	1) Ms.A.Balkis 2) Dr. Maria Clette 3) Mr.G. Radhakrishnan 4) Mr.K.R. Jothi
10	Telangana	1) Mr.Pattabhi Rama Rao
11	Uttarakhand	1) Ms.Anjushree Juyal 2) Mr.Ashutosh Kumar Mishra 3) Ms. Chhavi Bansal 4) Mr.D.S. Adhikari 5) Mr.Imran Mohd. Khan and Others 6) Ms.Kahkasha Khan 7) Mr.Mitlesh Jha 8) Ms.Pratibha Tiwari 9) Mr.Ritesh Kumar Srivastava and Others 10) Mr.Ritesh Kumar Srivastava and Others 11) Mr.Ritesh Kumar Srivastava 12) Ms.Seema Dugrakoti

12	Uttar Pradesh	1) Mr.Gunendar Prakash 2) Mr.Krishna Kumar 3) Mr.Raj Kumar Singh 4) Mr.R.N. Pandey 5) Mr.Vijay Dugrakoti 6) Mr.Yashpal Singh Lodh
13	West Bengal	1) Mr.Gourab Ghosh

8.3 The summary of views/suggestions/representations received from the Associations of Judicial officers (serving and retired), the High Courts and the State Governments (very few of them have responded) and also from Judicial Officers of various states in their individual capacity, is given in a separate **Annexure II, Volume-IA** accompanying this Volume. They are also referred to briefly while discussing the issues related to pay & pension.

8.4 In response to the Consultation Paper, the Government of India (Department of Justice) has sent a brief communication dated 18.01.2019 stating that it is necessary to involve State Governments in the consultation process since the implementation of the recommendations of the Commission would entail substantial financial implications for the State Governments, the liability of the Central Government being limited to Delhi and all UTs. Further, it is stated that the Central Government have been taking steps to improve the working conditions of the Subordinate Judiciary by augmenting the resources of the State Government for construction of courts and residential units for Judicial Officers through its Centrally Sponsored Scheme for the Development and Infrastructure facilities in the Subordinate Judiciary. The amount released since 1993-94 has been mentioned. It is further stated in

the communication that there are 18731 Courts and 16939 residential units available for the Judicial officers of the District/Subordinate Judiciary.

9. As stated earlier, the Commission held interactive sessions in which deliberations covering various aspects were held. Such consultative conferences were held in major cities in various regions - altogether in 11 cities. There was a tremendous response from the Associations of serving and retired Judicial officers. The officials of the Registry or the officers deputed by the High Courts concerned also participated in the deliberations. The officials of the State Governments mostly representing the Law Department were present in most places and at few places the officials of the Finance Department were also present. Further, some representations were handed over personally in such conferences.

9.1 Thereafter, the Commission embarked on the task of examining and analyzing the representations and the views received. From time to time, the Commission had to request the High Courts to furnish the supplementary information either because the information/data furnished was not in complete shape or while examining the various issues in the light of representations/views received, the Commission wanted such information to get a clear idea. Periodical consultations with the experts went on simultaneously and several working sheets were got prepared with the help of experts. That is how the Commission has proceeded with the work entrusted

to it. It is however felt unnecessary to give an account of the problems and hassles faced by the Commission in the course of accomplishing the task.

CHAPTER-2 REVISION OF PAY STRUCTURE

1. JUSTIFICATION FOR HIGHER PAY SCALE FOR JUDICIARY

1.1 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. The justification for a separate and uniform pay structure for District Judiciary has been stressed by the Hon'ble Supreme Court in **All India Judges Association case** 1992 (1) SCC 119 [hereinafter referred to as AIJA (1992)]. 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 civil administrative officers of the State is now a firmly recognized principle. It is only in recognition of this reality, the Supreme Court of India in the landmark judgment in AIJA (1992), 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 AIJA (1993) in para nos. 7, 8, and and 9 at pages 295, 296 and 297 held thus:

7. "...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."

8. "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."

9. "...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 in para no. 36 at pages 307 and 308 thus:

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

2. BROAD FEATURES OF FIRST NATIONAL JUDICIAL PAY COMMISSION RECOMMENDATIONS REGARDING PAY STRUCTURE AND PAY SCALES

2.1 The First National Judicial Pay Commission (FNJPC) set up by the Government of India in the year 1996 pursuant to the Judgment of Supreme Court 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.

2.2 The FNJPC 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:

“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 Officers. 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”.

2.3 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.

2.4 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."

2.5 At paragraph 15.28, the Commission stated that instead of fixed pay scales, it has opted for the telescopic scales. It was observed :

"Telescopic pay scales 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."

2.6 Having said so, the FNJPC 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.**"

2.7 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.

2.8 Paragraph 15.31 of the report is crucial. It sets out the Master Pay Scale evolved by the FNJPC. It is as follows:

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

2.9 In formulating the Master pay scale and in arriving at the minimum pay scales in each rank, the FNJPC 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/- for the entry level Judicial officer.

2.10 The maximum in the Master pay scale, as pointed out at paragraph 15.37, was fixed keeping in view the principle 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/-. This was described as 'vertical cap' for the purpose of fixation of maximum of highest level officer. The FNJPC thus fixed a maximum of Rs.24,850/- in the Master pay scale evolved by it.

2.11 At paragraph 15.32, as many as 44 pay stages comprised in Master Pay Scale have been set out. The annual increments are reflected in the Table in para 15.32. The pay stages begin from Rs.9,000/- and end up at Rs.24,850/-. Then, 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.”

2.12 The pay scale of District Judge at entry level was fixed at Rs.16,750/-, the maximum being Rs.20,500/-. The FNJPC further recommended the Selection Grade Scale and Super Time Scale for District Judges (vide para 15.41). 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 FNJPC 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 District Judges. The Selection Grade scale of District Judge 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 District Judges recommended by the Commission was slightly more than the Super Time Scale in IAS and the Super Time Scale of District Judge was little above the Super Time Scale of IAS (drawn by Joint Secretary of Govt. of India and Principal Secretary in the 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.

2.13 At paragraph 15.47, the FNJPC 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 (Jr. Div.) was arrived at as Rs.11,775/-, that of Civil Judge (Sr. Div.) 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/-.

2.14 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 Justice Padmanabhan Commission (hereinafter referred to as JPC).

2.15 At paragraph 15.50, the following crucial observation was made:

“We further recommend that in case the salary of the High Court Judges is revised upward at any time, the pay scales of the Judicial officers in all the aforesaid cadres, should also be suitably revised upward by maintaining the said respective ratios.”

2.16 The subject of increments was discussed by the FNJPC in paragraphs 15.51 to 15.55. The FNJPC adopted the system of fixed quantum increments while evolving the Master Pay Scale. The FNJPC 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.”

2.17 As noticed earlier, 44 pay stages in the Master Pay Scale starting from Rs.9,000/- upto Rs.24,850/- were set out in paragraph 15.32.

2.18 The Assured Career Progression (ACP) Scheme for Civil Judges- both Junior and Senior Divisions was suggested by the FNJPC. It is in the nature of financial upgradation benefit conferred on those completing five years of service, subject to the assessment made by High Court on the principle of seniority-*cum*-merit. The ACP pay scales were set out in paragraph 15.39.

2.19 It was clarified that the 2nd stage of ACP for Civil Judge (Jr. Div.) is the entry level pay scale of the Civil Judge (Sr. Div.) and the 2nd stage of ACP for the Civil Judge (Sr. Div.) is the Entry Level pay of the District Judge. The ACP Scheme will be discussed in more detail later.

2.20 The minimum and maximum of the revised pay scales was dealt with in paragraphs 15.35 to 15.39. At para 15.35, it was observed thus:

“While fixing the minimum of the Master Pay Scale, we have looked into the pay scales recommended by the V 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.”

2.21 Then it was recorded at para 15.36 that taking all these and other relevant factors, the minimum of the Master Pay Scale has been fixed at Rs.9000/-. Thus in formulating the Master Pay Scale and in arriving at the minimum pay scales in each rank, the FNJPC had taken into account the corresponding pay scales of the members of the IAS and the distinguishing features of Judicial service as well.

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

Civil judges (Jr. Div.)	:	Rs.9000-250-10750-300-13150-350-14550
Civil judges (Sr. Div.)	:	Rs.12850-300-13150-350-15950-400-17550
District Judges	:	Entry Level Rs.16750-400-19150-450-20500

2.23 As noted earlier, for the Civil Judges, Junior and Senior Division, ACP scales were provided for. So also, for District Judges, financial/

functional upgradation was recommended. The details of ACP scales and the scales of upgraded posts of District Judge are as follows;

Civil Judge (Junior Division)

I Stage : Rs.10750-300-13150-350-14900
 II Stage : Rs.12850-300-13150-350-15950-400-17550

Civil Judge (Senior Division)

I Stage : Rs.14200-350-15950-400-18350
 II Stage : Rs.16750-400-19150-450-20500

District Judge (Selection Grade)

Rs.18750-400-19150-450-21850-500-22850

District Judge (Super Time Scale)

Rs.22850-500-24850

2.24 What the FNJPC said at para 15.37 may be noticed.

“As to the maximum in the Master pay scale, we have to bear in mind that in no circumstances, the District Judge shall get more than the pay of the High Court Judge. That is the **vertical cap**. Taking this aspect into consideration, we have fixed a maximum of Rs.24,850/- in the Master pay scale.”

It works out to about 95.5% of High Court Judges’ pay.

2.25 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/-. FNJPC apparently felt that the freshly recruited Civil Judges shall get about Rs.1,000/- more than the initial pay of All India Service Officers. That is how the starting pay of Civil Judge (Jr. Div.) 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 Judge 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) started 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 Report).

2.26 The Supreme Court observed in **All India Judges Association v Union of India and Ors.** 2002 (4) SCC 247 (hereinafter referred to as AIJA 2002) that the equivalence of the District Judge (Entry Level) should be with the 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 District Judge (Entry level) with that of Selection Grade IAS was rejected. However, the FNJPC recommendation as regards the pay scale of District Judge (Entry level) in between the Selection Grade and Super Time Scale of IAS was accepted.

2.27 We may at this stage notice what the three Judge Bench of Hon'ble Supreme Court expressed in AIJA 2002 at page 266 in regard to pay fixation done by FNJPC. Paras 18 to 20 (page 266 onwards) are extracted hereunder:

“18. What the Union of India has done is that it equated the District Judge at the entry level with the selection grade for the I.A.S. officers. The pay scale approved is Rs. 15100-400-18300/-. We, however, find that an I.A.S. officer enters the selection grade after having put in approximately 14 years of service. On the other hand, a Civil Judge would normally enter the level of the District Judge, and is appointed first as an Additional District Judge, after having put in 18 to 20 years of service. As far as the I.A.S. officers are concerned, after 17 years of service, an I.A.S. officer would normally enter the super time scale of Rs. 18400-500-22400/-. If the number of years which are put in service, is a measure to be adopted in determining as to what should be the pay scales, we find that the Government of India has erred in equating the District Judge at the entry level with the scale of pay of a selection grade I.A.S. officer. The proper equation should have been between District Judge at the entry level with a super time scale of an I.A.S. officer. It is on that basis that the scale of pay should have been determined upwards and downwards.

19. The Shetty Commission has trifurcated the scales of pay as far as the District Judges are concerned. It has recommended scales of pay of a District Judge at the entry level at Rs. 16750-20500/-, District Judge (selection grade) at Rs. 18750-22850/- and District Judge (super time scale) at Rs. 22850-24850/-. As we have already noted, a judicial officer would enter the District Judge (entry level) after having put in 18-20 years of service. The scale of pay of Rs. 16750-20500/- recommended by the Shetty Commission is lower than the super time scale for an I.A.S. officer of Rs. 18400-22400/-. When such an officer enters the super time scale after 17 years of service, a judicial officer enters the selection grade of a District Judge after having put in 21 to 25 years of service. The pay scale recommended by the Shetty Commission is Rs. 18750-22850/-. This is less than the scale above ST scale recommended for an I.A.S. officer which is of Rs. 22,400-24,500/- even though an I.A.S. officer enters that scale after having put in 25 years of service which is at par with the number of years put in by a judicial officer on his entry into selection grade. It is only the District Judge (super time scale) as recommended by the Shetty Commission which is comparable with the last scale of an I.A.S. officer.

20. From the aforesaid, it is clear, and it is so mentioned in the Shetty Commission report, that the said Commission has taken into consideration the recommendations of the 5th Central Pay Commission while determining the pay scales for the judicial officers. In our opinion, the pay scales recommended by the Shetty Commission are just and reasonable. Considering the years of service put in by the judicial officers at different stages, the parity in the scales of pay recommended by the Shetty Commission for the judicial officers with the scales of pay of I.A.S. officers is not, by and large disturbed. In fact, the scales of pay recommended by the Shetty Commission appear to us to be somewhat lower, on the average, than the scales of pay recommended for an I.A.S. officer if we take into consideration, as we must do, the number of years a judicial officer has put in service. We are, therefore, of the opinion that the pay scales recommended by the Shetty Commission should be accepted. We wish to emphasize that even though in the earlier judgments, it

has rightly been said that there should be no equation or parity between the judicial service and the executive service, nevertheless even on the basis that there should not be great distortion in the pay scales of the judicial officers vis-a-vis the executive, we find the recommendations made by the Shetty Commission as just, fair and reasonable.”

2.28 The FNJPC faced the challenging task of devising appropriate pay scales for various levels of Judicial officers who were till then governed by different pay scales. The Judicial officers were getting the same pay as comparable officers of State services with slight modifications. In this situation, the FNJPC had to devise a uniform pay structure for all the Judicial officers in the country irrespective of which State they belonged to. The pay of the lowest officer in the hierarchy i.e., Civil Judge (Jr. Div.) was fixed at Rs.9000/-. The FNJPC apparently decided that Judicial officers at the entry level should get more salary than the IAS officer at entry level (bearing the designation of Sub-Collector/SDM etc.) in Junior time scale. Accordingly, the starting pay of Rs.9000 was fixed which was Rs.1,000 more than the IAS officer at the corresponding level. It may be mentioned that at that point of time, the V CPC pay scales were applicable to IAS officers. The starting pay of District Judge at entry level was fixed at Rs.16750-20500 which was above the Selection Grade of IAS but below the Super Time Scale. The Senior Civil Judge who was in the middle rank was given the starting pay of Rs.12,850/- which is also the pay of Junior Civil Judge who had reached the maximum of 2nd stage ACP (normally the Junior Civil Judge gets promoted as Senior Civil Judge well before 10 years i.e., while drawing the pay less than the maximum pay in ACP II).

3. RECOMMENDATIONS OF JUSTICE PADMANABHAN COMMISSION (JPC)

3.1 Following the methodology adopted by the FNJPC, JPC arrived at the Master Pay Scale and the mean of basic pay of Judicial Officers.

3.2 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

3.3 The JPC 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

3.4 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%

3.5 The JPC thus followed the respective ratios fixed by FNJPC in determining the Mean basic pay.

3.6 Page 9 of JPC Report contains the following Table working out the mean of 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	Revised Scale of Pay arrived at	Mean of Basic Pay of the proposed scale	% of 80000/-
		Mean and % of Rs. 26,000/-			
(I)	(II)	(III)	(IV)	(V)	(VI)
1.	Civil Judge (Jr. Division) (Entry Level)	Rs. 9000-250-10750-300-13150-350-14550	Rs. 27700-770-33090-920-40450-1080-44770	Rs. 36235	45.3%
		(Rs. 11775) (45.3%)			
2.	Civil Judge (Sr. Division) (Entry Level)	Rs. 12850-300-13150-350-15950-400-17550	Rs.39530-920-40450-1080-49090-1230-54010	Rs. 46770	58.5%
		(Rs. 15200) (58.5%)			
3.	District Judge (Entry Level)	Rs. 16750-400-19150-450-20500	Rs. 51550-1230-58930-1380-63070	Rs. 57310	71.6%
		(Rs. 18625) (71.6%)			
4.	District Judge (Selection Grade)	Rs. 18750-400-19150-450-21850-500-22850	Rs. 57700-1230-58930-1380-67210-1540-70290	Rs. 63995	80%
		(Rs. 20800) (80%)			
5.	District Judge (Super Time Scale)	Rs. 22850-500-24850	Rs. 70290-1540-76450	Rs. 73370	91.7%
		(Rs. 23850) (91.7%)			

3.7 Thus, the percentage of the mean of 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%.

3.8 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 JPC at page No.14 that keeping this in view, the corresponding increase in scale of pay needs to be arrived at.

3.9 JPC observed that "the question of fitment or fixation of pay by giving one or more increment or additional weightage does not arise". It was clarified at page No.15 that in the Master Pay Scale, the pay at the existing rate and the 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 FNJPC, 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 FNJPC.

3.10 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 FNJPC) and it ends with Rs.1540/- as against the pre-existing rate of Rs.500/-.

3.11 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 w.e.f. 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 3.6 supra.

3.12 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 (Jr. Div.) and Civil Judges (Sr. Div.) 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 FNJPC report. The revised ACP Scales for Civil Judges (Jr. Div.) and Civil Judges (Sr. Div.) and the financial upgradations for District Judges were given at pages 16 and 17 (Part III) of the said Report.

4. SUMMARY OF RECOMMENDATIONS OF FNJPC & JPC REGARDING PAY

4.1 To **summarize** the FNJPC adopted a Master pay scale ('MPS' for short) comprising 44 stages. The MPS is as follows:

Civil Judge (Jr. Div.) (Entry Level)	Rs.9000-250-10750-300-13150-350-14550
Civil Judge (Jr. Div.) ACP I	Rs.10750-300-13150-350-14900
Civil Judge (Jr. Div.) ACP II	Rs.12850-300-13150-350-15950-400-17550
Civil Judge(Sr. Div.) (Entry Level)	Rs.12850-300-13150-350-15950-400-17550
Civil Judge (Sr. Div.) ACP I	Rs.14200-350-15950-400-18350
Civil Judge (Sr. Div.) ACP II	Rs.16750-400-19150-450-20500
Dist. Judge (Entry Level)	Rs.16750-400-19150-450-20500
Dist. Judge (Selection Grade)	Rs.18750-400-19150-450-21850-500-22850
Dist. Judge (Super Time Scale)	Rs.22850-500-24850

4.2 Though the pay scales appear to be 9 (3 in each cadre), actually, the pay scales are 7 as the third pay scale of 1st cadre **and** the first pay scale of 2nd cadre; the third pay scale of 2nd cadre **and** the first pay scale of 3rd cadre are the same.

4.3 Fixed quantum increments with 6 incremental rates spanning over 44 specified stages have been spelt out in the Table given at para 15.32. The incremental rates start from Rs.250/- (up to 8th stage) and end with Rs.500/- (applicable for 39th to 44th stage).

4.4 In para 15.47 of the Report, the FNJPC has given the Mean pay of each cadre and in para 15.48, has prescribed the percentage that the Mean pay works out to, in relation to the salary of High Court Judges.

4.5 In **para 15.50**, it was recommended that in case the salary of High Court Judges is revised upwards at any time, the pay scale of judicial officers in all these cadres have to be suitably revised upwards **by maintaining the said ratios** (emphasis supplied).

4.6 As seen from the above Table, the minimum of the Master pay scale was fixed at Rs.9000/- and the maximum was fixed at Rs.24,850/-. The High Court Judges' pay at that point of time was Rs.26,000/- and it was rightly described as vertical cap. The minimum i.e., the starting pay of the Junior Civil Judge was fixed at Rs.9000/- which works out to 12.5% more than the IAS officer at entry level (Assistant Collector/SDM). The pay scale

assigned to the District Judge at entry level was in between the pay of Selection grade and Super time Scale of IAS.

4.7 In AIJA 2002, the Supreme Court while accepting the report of FNJPC has observed that the Government of India has erred in equating the pay of Dist. Judge (Entry Level) to the scale of pay of a Selection Grade IAS Officer. The proper equation of District Judge at the entry level should have been with the Super Time Scale of an IAS officer. It is on that basis that the scale of pay should have been determined upwards and downwards. However, the Supreme Court did not disturb the recommendation of FNJPC. On overall consideration, the Hon'ble Court considered it reasonable to uphold the recommendation of the FJNPC regarding the pay structure evolved.

4.8 JPC revised the pay scales of the Judicial officers by 3.07 times in all the cadres in tune with the upward revision of pay of the High Court Judges by 3.07 times. At the same time, in conformity with the observation made at Para 15.50 of FNJPC report (extracted supra), the Mean pay ratio vis-a-vis the High Court Judge's revised pay as specified by FNJPC was strictly followed by JPC and the pay scales with various stages were accordingly drawn up by JPC.

4.9 The Master Pay scale devised by JPC, consisting of the same 44 stages starting from Rs.27700/- and ending with Rs.76450/-. They are as under:

Rs.27700-770-33090-920-40450-1080-49090-1230-58930-1380-67120-1540-76450.

4.10 The **nine** pay scales subsumed in it are as follows:

Civil Judge (Jr. Div.) (Entry Level)	Rs.27700-770-33090-920-40450-1080-44770
Civil Judge (Jr. Div.) ACP I	Rs.33090-920-40450-1080-45850
Civil Judge (Jr. Div.) ACP II	Rs.39530-920-40450-1080-49090-1230-54010
Civil Judge (Sr. Div.) (Entry Level)	Rs.39530-920-40450-1080-49090-1230-54010
Civil Judge (Sr. Div.) ACP I	Rs.43690-1080-49090-1230-56470
Civil Judge (Sr. Div.) ACP II	Rs.51550-1230-58930-1380-63070
Dist. Judge (Entry Level)	Rs.51550-1230-58930-1380-63070
Dist. Judge (Selection Grade)	Rs.57700-1230-58930-1380-67210-1540-70290
Dist. Judge (Super Time Scale)	Rs.70290-1540-76450

4.11 These were effective from 01.01.2006.

4.12 The pay stages with increments were given in the following

Table:

Proposed		
Sr. No	Existing Pay	Annual Increment
1	27,700	770
2	28,470	770
3	29,240	770
4	30,010	770
5	30,780	770
6	31,550	770
7	32,320	770
8	33,050	920
9	34,010	920
10	34,930	920
11	35,850	920
12	36,770	920
13	37,690	920
14	38,610	920
15	39,530	920
16	40,450	1080

17	41,530	1080
18	42,610	1080
19	43,690	1080
20	44,770	1080
21	45,850	1080
22	46,930	1080
23	48,010	1080
24	49,090	1230
25	50,320	1230
26	51,550	1230
27	52,780	1230
28	54,010	1230
29	55,240	1230
30	56,470	1230
31	57,700	1230
32	58,930	1380
33	60,310	1380
34	61,690	1380
35	63,070	1380
36	64,450	1380
37	65,830	1380
38	67,210	1540
39	68,750	1540
40	70,290	1540
41	71,830	1540
42	73,370	1540
43	74,910	1540
44	76,450	

4.13 As regards the basis adopted by JPC for working out the new Master pay scale in replacement of the earlier one, this is what the JPC said at para 9 (a), page 14:

"9(a)..., the revision of pay scales consequent to the revision of Supreme Court and High Court Judges (Salaries and Conditions of Service), Amendment notified on 9-1-2009, which upward revision works out to 3.07 times, the corresponding increase in scale of pay alone need to be arrived at as eligible scales of pay. Therefore, the question of fitment or fixation of pay by giving one or more increment or additional weightage does not arise."

4.14 Thus, the JPC stepped up the pay scales of the Judicial officers by 3.07 times in all the cadres having regard to 3.07 times increase of pay of High Court Judges (post VI CPC regime), while maintaining the same Mean pay percentage as was specified by FNJPC. The recommendations of JPC became effective from 01.01.2006.

5. ISSUES - POST JPC REPORT

5.1 On the strict application of the Mean pay percentages specified by FNJPC coupled with the application of multiplying factor of 3.07 (exactly equivalent to the extent of rise of salary of High Court Judges- post - VI CPC report), two consequences ensued: one is the gap between the pay allowed to the judicial officers at the initial level of Civil Judges (Jr. Div.) and the pay of entry level IAS officer (in the Junior Time Scale of IAS) widened. Whereas as per the FNJPC report, the starting pay in the Master pay scale (i.e., the pay of Civil Judges Jr. Div.) was 12.5% higher than the entry level pay of IAS officer, as per the report of JPC, the percentage of differential pay had increased to 32%. However, at the top level of District Judges' cadre, the pay increase could not keep pace with the quantum of increase in the pay of top level IAS officers- post-VI CPC report. The maximum pay of District Judges in Selection Grade and Super-time Scale became less than what was allowed to Super-time Scale and HAG rank IAS officers in Group A.

5.2 As mentioned above, by reason of subsequent developments in the aftermath of VI CPC report resulting in considerable increase in the pay of

All India Service officers at top levels, a disparity- perhaps an anomaly has arisen as explained *infra* in so far as the pay scales of District Judges' cadre are concerned. The relativities in pay scales in the light of VI CPC report were not examined by the JPC.

5.3 The VI CPC had come out with the concept of pay-bands and grade-pay and the comparable rank to that of District Judge was covered in PB-4, which was in the scale of Rs.37400-67000 with grade pay of Rs.8700, Rs.8900/-, Rs.10,000/- and Rs.12000/-. However, later on, the grade pay of Rs.12,000/- was discontinued and in the place of pre-existing revised pay band/ scale of Rs.37400-67000 applicable to Higher Administrative Grade (HAG), a new pay band/scale of Rs.67000-79000 was created by means of a notification issued by Government of India on 16.7.2009. Soon thereafter, another new pay-band/scale of Rs.75500-80000 (HAG plus) was also created for Central civil services. However, no matching scales were evolved by the JPC for the District Judges. Resultantly, the District Judges who ought to have got higher pay in accordance with the equation principle laid down by Hon'ble Supreme Court in AIJA 2002 suffered a disadvantage in that the maximum pay of Selection Grade and Super Time Scale of District Judges became less than the pay allowed to the comparable rank of IAS officers i.e., STS and HAG. This can be illustrated by the orders that were issued by Delhi Government after the VI CPC report was implemented.

5.4 After the VI CPC report, the Government of NCT of Delhi issued an order dated 26.05.2009 granting interim relief to the Judicial officers as well. As per that order, the District Judge (SG) was placed in PB-4 (Rs.37400-67000) carrying grade pay of Rs.10,000/- which is the Super Time Scale for All India Service officers. That being so, the District Judge (SG) would have drawn the pay to the extent of Rs.77000/- (Rs.67000/- in pay band + Rs.10,000/- grade pay). However, in view of the report of JPC, the pay of the District Judge (SG) was truncated at Rs.70290/-, which is about 9% less than Rs.77000/- available to the STS rank Officer of All India Services.

5.5 Similarly, the District Judge (STS) considered equivalent to HAG scale of IAS drawing the pay of Rs.67,000-79,000 also suffered a disadvantage as her/his pay was truncated at Rs.76,450/- which was lower by 3% or more when compared to the salary of Rs.79,000/- of the Executive of All India Services placed in HAG scale, not to speak of the HAG+ scale. Incidentally, it deserves notice that the Income Tax Appellate Tribunal Members get salary in HAG+ scale, i.e. above that of the District Judge (Super Time Scale).

5.6 The JPC missed to take note of new higher grades in IAS. Probably, this was not brought to the notice of the JPC as it was a recent development. We think it apposite in this context to note that the pay of HAG officers was introduced by GOI by notification on 16.07.2009. The JPC Report to the Supreme Court is dated 17.07.2009. Evidently therefore, JPC had no

occasion to advert to and take cognizance of the notification dated 16.07.2009.

5.7 The JPC went by the principle laid down in para 15.50 of FNJPC report quoted earlier without considering the need for appropriate modification having regard to the higher pay scales assigned to HAG level IAS officers pursuant to the VI CPC report. The observation of Supreme Court in AIJA 2002 regarding the equation of District Judge was not given due importance. The JPC went by the principle laid down in para 15.50 of FNJPC report quoted supra by observing the ratios/percentages prescribed by FNJPC without regard to the developments adverted to above.

5.8 The factors apparently overlooked by JPC were: that the proportion of rise in the starting pay of the MPS need not necessarily be equivalent to the extent of rise in HC Judges' salary. The HC Judges do not get increments; what they get is a fixed pay equivalent to the apex pay (drawn by Secretary to GOI). Though 3.07 factor could form a broad guideline, even a lesser multiple could have been applied keeping in view the relativities in pay scales in relation to All India Service Officers. This is not to say that we shall now adopt that course. The reasons for not choosing such option are set out hereinafter. Then, going by the same principle of relativity, which is one of the elements to be taken into account as per the terms of reference (item no.2), the disparity in pay at the higher levels to the detriment of District Judges was not addressed. The new pay bands with

grade pay introduced by VI CPC were evidently not kept in view. Probably, this aspect was not projected before the JPC. Therefore, as per the JPC report, the District Judges have been getting lesser pay than the officers of IAS at corresponding levels by reason of the developments pointed out above, post VI CPC report. It must however, be clarified here that the minimum of the basic pay of District Judges of various grades was slightly more than the corresponding grades of Group A- All India Service Officers, but the maximum pay became much less than what the senior Group A (IAS) officers were drawing.

5.9 In this background, the basic premise that the emoluments of the Judicial officers should be above those drawn by the administrative executive in comparable rank could not be kept up as regards the District Judges (SG) and District Judges (STS). The observation of Supreme Court in AIJA 2002 that the District Judge (Entry level) ought to be equated to IAS (Super Time Scale) was not carried to its logical conclusion.

5.10 Having noted the salient recommendations of FNJPC as well as those of JPC and the anomalies that have arisen after the VI CPC's pay revision for Central Civil Services, the task of this Commission is to evolve a revised pay structure for the Judicial officers throughout the country on uniform basis, as was done by the earlier Commissions thereby replacing the recommendations of JPC which holds the field till now. At the same time, the disadvantage suffered by District Judges at higher levels has to be removed.

6. VIEWS OF THE HIGH COURTS AND ASSOCIATIONS AS REGARDS PAY STRUCTURE

6.1 At this stage, we would like to advert to the views of the High Courts, State Governments and Judicial Officers Associations briefly. The details of the representations/views expressed in regard to the pay structure by the High Courts, State Governments and Associations are given in summarized form in a separate annexure to this part of the Report **(Annexure-II, Volume-IA).**

6.2 It is commented by the AIJA and other Associations that a percentage formula linked to the increase of salary of High Court Judge has brought down the salaries of Judicial officers as compared to the salaries of IAS officers. It is submitted that the salaries of Judicial Officers were not suitably structured so as to keep the pay scales of Judicial Officers higher than IAS officers (of comparable rank). It is pointed out by the General Secretary of AIJA that while drawing up the pay matrix on the lines of VII CPC, it must be ensured that the lowest and highest salary should be on the higher side as compared to the salary of the Executive officers. The new pay scales (minimum and maximum) suggested by AIJA are as follows:

Civil Judge (Jr. Div.)	:	Rs. 77,900 – 1,25,800
Civil Judge (Jr. Div.) ACP (I)	:	Rs. 93,000 – 1,28,500
Civil Judge (Jr. Div.) ACP (II)	:	Rs.1,11,000 – 1,53,300
Civil Judge (Sr. Div.)	:	Rs.1,11,000 – 1,53,300
Civil Judge (Sr. Div.) ACP (I)	:	Rs.1,21,200 – 1,57,900
Civil Judge (Sr. Div.) ACP (II)	:	Rs.1,46,600 – 1,77,600
District Judge (Entry Level)	:	Rs.1,44,600 – 1,77,600
District Judge (SG)	:	Rs.1,62,600 – 1,99,600
District Judge (STS)	:	Rs.1,99,600 – 2,24,400

6.3 These pay scales are to be worked out by adopting the 3% increment, as propounded by VI CPC and followed by VII CPC.

6.4 It is pointed out by the High Court of Uttarakhand that keeping in view the principle of equivalence between the District Judge (Entry level) with an IAS officer of Super Time Scale as laid down by the Supreme Court in AIJA 2002 and the present pay scales of IAS officers, a new formula has to be evolved so as to ensure that the maximum pay of District Judge goes up to Rs.2,24,000/-.

7. VIEWS REGARDING MASTER PAY SCALE

7.1 The mean pay percentages as given by JPC (pursuant to FNJPC report) have to be suitably revised. Some associations including the Kerala Association have gone further and stated that the mean pay percentage to be increased at least by 2% and have suggested the new pay scales to be as under:

CIVIL JUDGE (JR. DIV.) ENTRY LEVEL

78850-2250-94600-2750-116600-3200-129400

CIVIL JUDGE (JR. DIV.) ACP-I

94600-2750-116600-3200-132600

CIVIL JUDGE (JR. DIV.) ACP-II

113850-2750-116600-3200-142200-3700-157000

CIVIL JUDGE (SR. DIV.) ENTRY LEVEL

113850-2750-116600-3200-142200-3700-157000

CIVIL JUDGE (SR. DIV.) ACP-I

126200-3200-142200-3700-164400

CIVIL JUDGE (SR. DIV.) ACP-II

149600-3700-171800-4100-184100

DISTRICT JUDGE (ENTRY LEVEL)

149600-3700-171800-4100-184100

DISTRICT JUDGE (SELECTION GRADE)

168100-3700-171800-4100-196400-4695-205790

DISTRICT JUDGE (SUPER TIME SCALE)

205790-4695-224570

7.2 Punjab and Haryana High Court has suggested that a new Master pay scale should be drawn up as per the formula adopted by JPC and it shall be in the range of Rs.77,840/- to 2,14,860/-.

8. VIEWS REGARDING PAY MATRIX MODEL

8.1 The High Courts of Patna, Allahabad, Uttarakhand, Rajasthan, Meghalaya, Chhattisgarh, Gauhati and Tripura have supported the formulation of a new Pay Matrix on the lines of VII CPC. However, the High Courts stressed the need to adopt the multiplier of 2.81 and not 2.57 which was adopted in the case of Delhi officers while granting interim relief. The Rajasthan High Court pointed out that if the pay matrix is formulated by adopting the appropriate multiplier (i.e., 2.81), practically, there will be no difference between the figures in Master pay scale and the pay matrix. The Madras High Court pointed out that the Pay Matrix has to be arrived at with the factor of 2.81. The suggestion to apply the 'fitment formula' of 2.81 has been put forward by Karnataka High Court also. The Allahabad High Court

has pointed out that in the interests of uniformity and rationalization of pay scales, the pay pattern of VII CPC may be taken into consideration along with the MPS concept. The Guwahati High Court has expressed the view that if the Pay Matrix pattern is followed, it must be ensured that the pay scale of the Judicial Officers should be higher than that of the corresponding post of Officers of IAS. The Tripura High Court has suggested that the Pay Matrix model can be kept as an alternative. The High Courts of Madhya Pradesh, Orissa and Jharkhand have expressed that the VII CPC pattern is not preferable and that the MPS methodology evolved by previous Commissions is a better alternative. However, no specific reasons were given. The High Court of Gujarat has suggested the formula of fixation of minimum pay in Master Pay Scale based on the percentage of increase of High Court judges' pay. The High Court commented that Pay Matrix in Table B of the Consultation Paper based on the multiplier of 2.57 is not advantageous. However, it needs to be noted that this Commission has annexed Table B to the Consultation Paper only illustratively, based on Delhi I.R. Table. The Commission is, not in any case, applying the multiplier of 2.57 as assumed by some of the High Courts and Associations.

9. VIEWS ON FIXED PAY STRUCTURE

9.1 Views of the High Courts, Associations and State Government have been discussed while dealing with the Fixed Pay Model.

10. VIEWS OF THE STATE GOVERNMENTS

10.1 The State Governments have expressed against the proposal to apply the factor of 2.81. According to the Government of **Meghalaya**, the factor of 2.68 has to be applied and the starting pay of Civil Judge (Jr. Div.) should be Rs.64,159/-. The Government of **Bihar** suggests, while referring to the pay structure recommended by FNJPC, that the pay of Judicial officers could be 12.5% more than the pay of the All India Service Officer of corresponding rank. It is suggested that the pay of Entry level post in the State Judicial service may be fixed at Rs.63,100/- by adding 4 increments to the Entry level pay of IAS (which approximately works out to 12.5% more than the pay of IAS). The annual increment can be fixed at 3%. Further, the Government of **Bihar** has pointed out that the pay of the District Judge (STS) shall be equivalent to the post of HAG in All India Services. The Government of **Rajasthan** has suggested the application of the multiplier of 2.57. The pay scales as per the fitment factor of 2.57 are given as follows:

Civil Judge (Entry level)	: Rs. 71,200/- - Rs.1,15,100/-;
Senior Civil Judge (Entry level)	: Rs.1,01,600/- - Rs.1,38,900/-;
District Judge (Entry level)	: Rs.1,32,500/- - Rs.1,62,100/-;
District Judge (SG)	: Rs.1,48,300/- - Rs,1,80,700/-;
District Judge (STS)	: Rs.1,82,200/- - Rs.2,24,100/-

Annual Increment @3% has been suggested.

10.2 The Government of **Manipur** has suggested that the pay fixation for Judicial officers at the Entry level may be kept at par with that of the Entry level of All India Service officers. It is submitted that the VII CPC

pay pattern is preferable and the pay structure from level 10 onwards (of the VII CPC pay matrix) may be taken into account. At the same time, it is clarified that the fitment factor for arriving at the appropriate pay as per the VII CPC pay matrix may not be applicable to the Judicial officers in toto. 3% annual increment has been proposed in order to maintain uniformity. The Government of Manipur has pointed out that the State is facing acute financial constraints and the Central Government's assistance needs to be provided to meet the cost of pay revision.

10.3 The Government of **Karnataka** has furnished its views as follows:

The broad principles evolved by the FNJPC are relevant even today and the ratio established between the pay of Judicial officers and the High Court judges has to be borne in mind. It is submitted that the "pay fixation of Judicial Officers may be on the basis of 26% enhancement over the basic pay as on 1-1-2016 and merging admissible DA as on the same date and also subsuming the 30% interim relief granted by this Commission (SNJPC)." The Master pay scales suggested by **Karnataka** Government is as follows:

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

10.4 It is then pointed out that the rate of increment at each stage of progression shall be taken as 3% of that particular stage. The pay scales for

the Judicial officers of various ranks and grades based on the aforementioned Master pay scale have been set out. The mean pay percentage relating to the 5 pay scales are arrived at as 46%, 58.89%, 73.17%, 81.90% and 93.9%. Thus, the **Karnataka** Government's suggestions broadly indicate the need to revise the ratios.

10.5 No responses have been received from other States. However, the Governments of **Punjab** and **Himachal Pradesh** have merely forwarded the views of High Courts received from the Registry.

11. APPROACH OF THIS COMMISSION IN EVOLVING A NEW PAY SCALE

11.1 To begin the work of this Commission, we prepared a Consultation Paper which is annexed to this part of the report as **Annexure-III** and called for responses from all the High Courts, the Union Government, the State Governments and the Judicial Officers Associations, both serving and retired. The Consultation Paper was released on 28.07.2018 and has been uploaded on the website **www.ajopc.nic.in** of the Commission.

11.2 We have received responses from many (though not all) stakeholders. Some individual representations from sitting and retired officers were also received.

11.3 In the Consultation Paper (**Annexure III, Volume-IA**), the Commission has indicated the broad alternatives. The responses received from various stakeholders are summarized in **Annexure II, Volume-IA**. We

have taken into consideration these annexures, as also the inputs received from various stakeholders at the meetings held with the stakeholders as part of the Consultation process. Taking all these into considerations we now formulate our approach.

11.4 On an analysis, it is seen that in view of JPC report, the pay scales of Judicial officers upto Senior Civil Judge level have considerably increased when compared to the pay scales of IAS officers of comparable rank. However, when it came to the District Judges of the higher ranks, their pay did not keep pace with the increase in the pay of top level IAS officers in Super Time Scale – Level 14 and HA Grade - Level 15 of VII CPC pay Table. This anomaly has to be rectified. At the same time, as regards the pay of Civil Judges (Jr. and Sr. Div.), the trend of increase resulting from the application of the formula adopted by JPC shall be maintained by suitably modifying the multiplier/factor in tune with the extent of increase of High Court Judges' salary, post VII CPC report. At this point of time, the Commission is not inclined to set the clock back and reduce the scale of increase of pay of Civil Judges (Jr. and Sr. Div.) only with a view to ensure that on the principle of relativity, the gap between these two ranks of Judicial officers **and** the corresponding rank officers in IAS shall be brought down. In this context, the Commission would like to reiterate the need to keep the starting pay at the initial level adequate enough to provide incentive to bright law graduates and budding lawyers to join the judicial service. Further, the officers of IAS have certain benefits such as periodic extra increments and

batch-wise non-functional upgradation which the Judicial officers do not have. Viewed from any angle, it is not proper to deviate from the principle adopted by the FNJPC and followed by JPC that the rate of increase shall be commensurate with the extent of increase of High Court Judges' pay. Therefore, we are not in favour of applying a lesser multiplier at this stage (lesser than 2.81) only to reduce the gap by 3 or 4%. The legitimate expectations of Judicial Officers should also be kept in view.

11.5 Three methodologies of pay fixation were spelt out in the Consultation Paper released by the Commission. The first one is the traditional **Master Pay Scale method** which was evolved by FNJPC and followed by JPC. The second one is the **Pay Matrix model** designed by VII CPC and the third one is **Fixed Pay pattern** (with higher starting pay and without increments) which is a new concept not so far applied to public services. In ultimate analysis, the pay scales arrived at based on methods 1 and 2 yield substantially the same result. The broad pervading principle in both is the extent of increase of High Court Judges' salary which works out to 2.81 times more than the salary drawn prior to 01.01.2016 (Rs.80,000/- to Rs.2,25,000/-).

11.6 Before proceeding further, we would like to indicate that the Commission, after weighing the *pros and cons*, has preferred the second methodology i.e., the Pay Matrix model. At the same time, the Commission would like to dwell on each of these models and analyse the merits and

demerits. What shall be the pay structure and pay progression in each of them will be discussed in order to present a holistic picture and to facilitate appropriate decision being taken by the Hon'ble Court.

11.7 In light of the above discussion and having due regard to the pay structure evolved by earlier Commissions, this Commission is of the view that the new pay structure should address the issues discussed above and **broadly** rest on the following principles:

- i. The rate of increase of pay shall be in the same proportion as the High Court Judges' pay (effective from 01.01.2016) which is 2.81 times more than the earlier pay. Incidentally, the same norm was applied by JPC while evolving the new Master Pay Scale. This will ensure adequate remuneration at all levels of Subordinate judiciary.
- ii. The rate of increment shall be at 3% every year and its addition to pay shall be worked out on cumulative basis on the lines of VII CPC Pay Matrix.
- iii. The maximum pay of District Judges in higher grades should be appropriately revised to avoid the anomaly that occurred earlier. The maximum pay of District Judge (STS) shall therefore be equal to the maximum pay of Higher Administrative grade of I.A.S.
- iv. Due recognition shall be accorded to the principle that the emoluments of the judiciary can be higher than the administrative

executive of comparable rank, though the relativities (between the pay scales of other civil servants and Judicial officers) shall be one of the relevant factors that needs to be kept in view.

- v. In the matter of determination of pay scale of District Judge, the District Judge shall be equated to the Super Time Scale IAS officer. Though this observation was made by the Supreme Court in AIJA 2002, ultimately the placement of District Judge at a level between Selection grade and Super Time Scale of IAS was approved by Hon'ble Supreme Court on taking an overall view. As per the Pay Matrix to be recommended by this Commission, the pay of District Judge (Entry level) should be more than the pay of IAS officer in Super Time Scale. The overall pay scale must at any rate remain between level 13 (Selection Grade of IAS) and level 14 (Super Time Scale of IAS). The District Judge's (Entry Level) pay scale should fall within 13-A of VII CPC Pay Matrix.

11.8 Keeping all these relevant factors in view and in order to rationalize the pay structure so as to ensure due benefit to the Judicial officers of all cadres within the broad framework of the principles enunciated above, this Commission has decided to evolve the new pay structure. In doing so, the various alternatives have been discussed. At this juncture, the Commission would like to clarify that the Commission is in favour of Pay Matrix formulated by it in preference to the Master Pay Scale methodology now in vogue.

12. MASTER PAY SCALE-FEASIBILITY

12.1 We shall first consider whether a substantially similar Master Pay Scale can be drawn up on the application of the same criteria or formula adopted by the previous Commissions.

12.2 The first and foremost principle to be kept in view is the extent of rise in the salary of High Court Judge w.e.f. 01.01.2016 i.e., after the report of VII CPC which fixed the pay of Secretary to Government of India at Rs.2,25,000/. As was done in the past, the same fixed pay has been adopted for the High court Judges. The extent of increase in relation to the previous pay was 2.81 times (Rs.80,000/- to Rs.2,25,000/-). Earlier, the increase was 3.07 times (Rs.26,000/- to Rs.80,000/-) w.e.f. 01.01.2006. JPC took this as the basis for evolving Master Pay Scale. For instance, the starting pay of Civil Judge (Jr. Div.) as per the FNJPC was Rs.9,000/-. The same was multiplied by 3.07 and the revised starting pay was arrived at as Rs.27700/-. The index 3.07 represents the extent of pay rise of High Court Judges from 01.01.2006. The increments were also multiplied by 3.07. It resulted in substantial increase in the pay of Civil Judges (Jr. & Sr. Div). The JPC had ensured that the Mean Pay Percentages spelt out by FNJPC keeping in view the then existing pay of High Court Judges at Rs.26,000/- remained intact. The said percentages were 45.3% for Civil Judge (Jr. Div.), 58.5% for Civil Judge (Sr. Div.), 71.6% for District Judge (Entry Level), 80% for District Judge (SG) and

91.7% for District Judge (STS) of the salary of High Court Judge. As noted earlier, FNJPC laid down in para 15.50 that –

“In case the salary of High Court Judges is revised upwards at any time, the pay scales of Judicial Officers in all these cadres have to be suitably revised upwards by **maintaining the said ratios.**”

The ratios were 45.3%, 58.5%, 71.6%, 80% and 91.7% - (not to speak of ACP percentages).

12.3 We shall now draw up a Master Pay Scale by adopting the multiplier of 2.81 and maintaining the same ratios. The new Master Pay Scale will then be as follows:

Rs.77840-2160-92960-2590-113680-3030-137930-3460-165600-3880-188880-4330-214860

The stages starting from Rs.77840/- to Rs.214860/- are as under:

Civil Judge (Jr. Division) Entry Level

77840-2160-92960-2590-113680-3030-125800

Civil Judge (Jr. Division) ACP-I

92960-2590-113680-3030-128830

Civil Judge (Jr. Division) ACP-II

111090-2590-113680-3040-137920-3460-151760

Civil Judge (Sr. Division) Entry Level

111090-2590-113680-3040-137920-3460-151760

Civil Judge (Sr. Division) ACP-I

128830-3030-137920-3460-158680

Civil Judge (Sr. Division) ACP-II

144840-3460-165600-3880-177420

District Judge (Entry Level)

144840-3460-165600-3880-177420

District Judge (Selection Grade)

162140-3460-165600-3880-188880-4330-197540

District Judge (Super Time Scale)

197540-4330-214860

12.4 In this Master Pay Scale (hereinafter referred to as 'MPS' for short), the mean pay percentage vis-à-vis the salary of High Court Judge remains intact as desired by FNJPC and reiterated by JPC. However, the maximum pay of District Judge ends up with Rs.2.15 lakhs which is much below the maximum pay of HAG Officer of IAS. The HAG, it may be recalled, came into existence after the VI CPC Report effective from 01.01.2006 and it is above the Super Time Scale of IAS. In the VII CPC Pay matrix, HAG comes under level-15. Therefore, if the said ratios or Mean pay percentages are adopted, the disparity pointed out above would continue and to some extent increase. There is no good reason to truncate the pay of STS District Judges at Rs.2.15 lakhs when the corresponding category of IAS Officers placed in Level 15 are drawing the pay upto Rs.2,24,100/-. It would also go against the spirit of observations made in AIJA 2002 at paragraph 18, which we have referred to earlier.

12.5 Therefore, the next step is to devise a Master Pay Scale which will have the effect of removing this disparity and the maximum pay of District Judge at the top level could be brought to Rs.2,24,100/- (which is the maximum of HAG Grade – IAS). The Mean pay percentages will however undergo a change and there will be increase ranging between 0.67% and 3.78%. The Commission is of the considered view that the observation of

FNJPC at para 15.50 cannot be construed in a literal sense ruling out the possibility of modification of mean Pay percentages in order to take care of future exigencies.

12.6 The Master Pay Scale going upto the maximum of Rs.2,24,090/- will then emerge as follows:

Rs.77840-2310-94010-2760-116090-3240-142010-3690-171530-4140-96370-4640-224090

12.7 The pay scales allocated to each category of Judicial Officers will be as follows:

- 1. Civil Judge (Jr. Division) Entry Level**
77840-2310-94010-2760-116090-3240-129050
Mean Pay $77840 + 129050 = 206890/2 = 103445$ (45.97%)
- 2. Civil Judge (Jr. Division) ACP-I**
94010-2760-116090-3240-132290
Mean Pay $94010 + 132290 = 226300/2 = 113150$ (50.28%)
- 3. Civil Judge (Jr. Division) ACP-II**
113330-2760-116090-3240-142010-3690-156770
Mean Pay $113330 + 156770 = 270100/2 = 135050$ (60.02%)
- 4. Civil Judge (Sr. Division) Entry Level**
113330-2760-116090-3240-142010-3690-156770
Mean Pay $113330 + 156770 = 270100/2 = 135050$ (60.02%)
- 5. Civil Judge (Sr. Division) ACP-I**
125810-3240-142010-3690-164150
Mean Pay $125810 + 164150 = 289960/2 = 144980$ (64.43%)
- 6. Civil Judge (Sr. Division) ACP-II**
149390-3690-171530-4140-183950
Mean Pay $149390 + 183950 = 333340/2 = 166670$ (74.07%)
- 7. District Judge (Entry Level)**
149390-3690-171530-4140-183950
Mean Pay $149390 + 183950 = 333340/2 = 166670$ (74.07%)

8. District Judge (Selection Grade)

167840-3690-171530-4140-196370-4620-205610

Mean Pay $167840 + 205610 = 373450/2 = 186725$ (82.98%)**9. District Judge (Super Time Scale)**

205610-4620-224090

Mean Pay $205610 + 224090 = 429700/2 = 214850$ (95.48%)

PN: The Mean pay percentages are indicated in brackets.

12.8 Under this Master Pay scale, the pay progression with increments will be as under:

S.No	Pay	Annual Increment	Increment in %
1	77840	2310	2.96
2	80105	2310	2.88
3	82460	2310	2.80
4	84770	2310	2.72
5	87080	2310	2.65
6	89390	2310	2.58
7	91700	2310	2.52
8	94010	2760	2.93
9	96770	2760	2.85
10	99530	2760	2.77
11	102290	2760	2.69
12	105050	2760	2.62
13	107810	2760	2.56
14	110570	2760	2.49
15	113330	2760	2.43
16	116090	3240	2.79
17	119330	3240	2.71
18	122570	3240	2.64
19	125810	3240	2.57
20	129050	3240	2.51
21	132290	3240	2.45
22	135530	3240	2.39
23	138770	3240	2.33
24	142010	3690	2.60
25	145700	3690	2.53
26	149390	3690	2.47
27	153080	3690	2.41

28	156770	3690	2.35
29	160460	3690	2.30
30	164150	3690	2.25
31	167840	3690	2.20
32	171530	4140	2.41
33	175670	4140	2.35
34	179810	4140	2.30
35	183950	4140	2.25
36	188090	4140	2.20
37	192230	4140	2.15
38	196380	4620	2.35
39	200990	4620	2.30
40	205610	4620	2.25
41	210230	4620	2.20
42	214850	4620	2.15
43	219470	4620	2.10
44	224090		

PN: This Table is drawn up on the model of **Table-I given at Page 11 of part III** of JPC's Report. The pay at Civil Judge (Jr. Div.) (Entry Level) is 2.81 times and the increments given above are three (3) times more than the previous increments.

12.9 By adopting the above MPS with increased Mean Pay percentages, we will be solving one problem i.e., stepping-up the pay level of District Judges at the top so as to ensure parity with HAG of IAS cadre, but it fails to address another important aspect i.e., the incremental benefit. This Commission considers it appropriate and proper to recommend 3% increment (cumulative) instead of fixed quantum increments. In fact, the VI CPC and VII CPC adopted 3% increment (on cumulative basis), though at some stages, under VII CPC it works out to slightly less than 3%. Though the terminology 'cumulative increment' is not used by VII or VI CPC, we are using this expression for the sake of brevity. It means that the 3% annual increment is

calculated with reference to the basic pay inclusive of the increment already earned. The FNJPC as well as JPC have adopted the fixed quantum increments. JPC increased the pre-existing fixed quantum increments by 3.07 times. But, the overall benefit to the Judicial Officer will be much less when compared to cumulative increments. As per the fixed quantum increment pattern adopted by JPC, the effective rate of increment ranges between 2.96% and 2.10% as shown in Table in para 12.8. As the pay progresses in each stage, the increment reflects a declining percentage from 2.96% at the initial stage upto 2.10% at the end.

12.10 The Commission has therefore tried to prepare yet another Master Pay Scale by adding 3% increment on cumulative basis. The MPS will then be unworkable for the reason that the maximum i.e., Rs.2,24,100/- is reached at the 37th stage itself and beyond that, the pay will not bear any increment. As per the JPC Report, the 37th stage is Rs.65,830/- which is the pay of District Judge (Selection Grade). Therefore, the fitment problems will arise.

12.11 The Commission has therefore given up the idea of evolving a pay structure in conformity with the Master Pay Scale methodology adopted by the previous Commissions, in view of the changed circumstances.

13. PAY MATRIX

13.1 The Commission has now decided to recommend a distinct Judicial Pay Matrix which will replace the existing Master Pay Scale. We may recall that the VII CPC has evolved a Pay Matrix for the Central Civil Services (which is discussed towards the end of this Chapter). Keeping in view the broad framework and model of VII CPC pay matrix, a distinct judicial pay matrix for the Judicial Officers constituting the subordinate judiciary is drawn up as per the Table given below:

TABLE-I

Sr. No.	Civil Judge (Jr. Div) Entry Level	Civil Judge (Jr. Div) I Stage ACP	Civil Judge (Jr. Div) II Stage ACP/Civil Judge (Sr. Div) Entry Level	Civil Judge (Sr. Div) I Stage ACP	Civil Judge (Sr. Div) II Stage ACP/District Judges Entry Level	District Judges (Selection Grade)	District Judges (Super Time Scale)
Existing Pay Scale	27700-44700	33090-45850	39530-54010	43690-56470	51550-63070	57700-70290	70290-76450
Existing Entry Pay	27700	33090	39530	43690	51550	57700	70290
Level	J-1	J-2	J-3	J-4	J-5	J-6	J-7
Year 1	77840	92960	111000	122700	144840	163030	199100
Year 2	80180	95750	114330	126380	149190	167920	205070
Year 3	82590	98620	117760	130170	153670	172960	211220
Year 4	85070	101580	121290	134080	158280	178150	217560
Year 5	87620	104630	124930	138100	163030	183490	224100
Year 6	90250	107770	128680	142240	167920	188990	
Year 7	92960	111000	132540	146510	172960	194660	
Year 8	95750	114330	136520	150910	178150	200500	
Year 9	98620	117760	140620	155440	183490	206510	
Year 10	101580	121290	144840	160100	188990	212710	
Year 11	104630	124930	149190	164900	194660	219090	
Year 12	107770	128680	153670	169850			
Year 13	111000	132540	158280	174950			
Year 14	114330	136520	163030	180200			
Year 15	117760						
Year 16	121290						
Year 17	124930						
Year 18	128680						
Year 19	132540						
Year 20	136520						
	Mean Pay = $\frac{77840+136520}{2}$ = 1,07,180/- = 47.63%	Mean Pay = $\frac{92960+136520}{2}$ = 1,14,740/- = 50.99%	Mean Pay = $\frac{111000+163030}{2}$ = 1,37,015/- = 60.89%	Mean Pay = $\frac{122700+180200}{2}$ = 1,51,450/- = 67.3%	Mean Pay = $\frac{144840+194660}{2}$ = 1,69,750/- = 75.44%	Mean Pay = $\frac{163030+219090}{2}$ = 1,91,060/- = 84.91%	Mean Pay = $\frac{199100+224100}{2}$ = 2,11,600/- = 94.04%

FN-1: The increase in Mean Pay percentages when compared to those prescribed by FNJPC and JPC is in the range of 2.5 to 4%. Such increase has arisen as a result of adopting higher incremental structure (i.e., at 3% cumulative increment) and it will also step up the highest pay in District Judge cadre so as to be at par with HAG Pay level of IAS.

FN-2: When compared to VII CPC, this Commission has adopted less number of stages having regard to the different features of judicial service/structure. The highest factor/multiplier in the VII CPC Pay Matrix i.e., 2.81 is adopted uniformly for all the cadres, keeping in view the established principle that the pay increase of Subordinate Judiciary shall be, as far as possible, commensurate with the extent of increase of High Court Judges' pay. However, as regards J-6 and J-7 levels are concerned, the multiplier works out to 2.82 and 2.83. This has become inevitable in order to harmonise the shift from Master Pay Scale to Pay Matrix model keeping in view the maximum pay in HAG/J-7.

FN-3: This Pay Matrix is almost similar to the Master Pay Scale prepared earlier (starting from 77840 and ending at 224100). However, the manner of calculation of increments varies. This Pay Matrix has the advantage of better incremental structure.

13.2 In drawing the above pay matrix, the Commission is primarily guided by the established principle that the extent of increase of pay shall be commensurate with the quantum of increase of High Court Judges' pay which

is 2.81 times the previous salary. The Commission is of the considered view that this principle rests on a rational basis. The application of a multiplicand lesser than 2.81, say 2.72 (the next lower factor in VII CPC pay matrix) would no doubt reduce the disparity between the pay of IAS and judiciary by 3% to 4% in each cadre but, on balancing of various aspects and keeping in view the legitimate expectations of the members of Subordinate Judiciary, the Commission is not inclined to disturb the formula adopted by the JPC except as regards the Mean pay percentages. In fact, if a pay matrix is to be drawn up by applying the 2.72 factor, we have to go upto 47 stages in order to reach the figure – Rs.2,24,100/- which the District Judge (STS) shall legitimately get as discussed earlier. Such pay structure going upto 47 stages is not a viable alternative.

13.3 FITMENT/MIGRATION FROM EXISTING PAY SCALE TO THE NEW PAY MATRIX:

There are 44 stages in JPC Table of 'Pay Stages' and the officers presently drawing pay at each of those stages shall, therefore, be migrated to the corresponding stage of the new revised pay as per the Table II given below:

TABLE-II (Fitment)

S.No	Existing Pay	New Proposed Pay
1	27700	77840
2	28470	80180
3	29240	82590
4	30010	85070
5	30780	87620
6	31550	90250

7	32320	92960
8	33090	95750
9	34010	95750
10	34930	98620
11	35850	101580
12	36770	104630
13	37690	107770
14	38610	111000
15	39530	114330
16	40450	114330
17	41530	117760
18	42610	121290
19	43690	124930
20	44770	128680
21	45850	132540
22	46930	132540
23	48010	136520
24	49090	140620
25	50320	144840
26	51550	149190
27	52780	149190
28	54010	153670
29	55240	158280
30	56470	163030
31	57700	163030
32	58930	167920
33	60310	172960
34	61690	178150
35	63070	178150
36	64450	183490
37	65830	188990
38	67210	188990
39	68750	194660
40	70290	199100
41	71830	205070
42	73370	211220
43	74910	217560
44	76450	224100

13.4 The migration to and fitment into the new pay stages in the last column will be with effect from 01.01.2016, which is the likely date of implementation of this Commission's recommendation.

13.5 The **procedure** that has to be followed in regard to migration/fitment of the serving judicial officers on the date 01.01.2016 is as under:

- i. Multiply the existing pay by the factor of 2.81.
- ii. The figure so arrived at to be located in Table-I, in relation to the Level applicable to the Officer (i.e., J1, J2 etc.)
- iii. Where there is an identical figure available in Table-I at the corresponding stage of the relevant level, the new revised pay shall be fixed at that stage.
- iv. Where there is no identical figure available, the new revised pay has to be fixed at the very next higher stage in that level in Table-I.

Example I-A

Re : An officer holding the post of Civil Judge (Jr. Div.) Entry Level corresponding to level J-1 in the pay matrix (Table-I) drawing pay @Rs.33,090/- as on 31.12.2015.

W.e.f. 01.01.2016, his pay is to be fixed in terms of the procedure prescribed in para 13.5, in the following manner:

Step-I

Multiply the existing pay i.e. Rs.33090/- by 2.81

$$33090 \times 2.81 = 92983/- \text{ (Say Rs.92980/-)}$$

Step-II

Locate this figure of 92980/- in Table-I under the level J-1.

Step-III

As there is no identical figure in Table-I, and the next closest figure in Table-I is Rs.95750/-. Accordingly the pay will be fixed at Rs.95750/- w.e.f. 01.01.2016, as reflected in Table-II.

Example I-B

Re : An officer holding the post of Civil Judge (Jr. Div.) Entry Level corresponding to level J-1 in the pay matrix (Table-I) drawing pay @Rs.34,010/- as on 31.12.2015.

w.e.f. 01.01.2016, his pay is to be fixed in terms of the procedure prescribed in para 13.5, in the following manner:

Step-I

Multiply the existing pay i.e. Rs.34010/- by 2.81

$$34010 \times 2.81 = 95568/- \text{ (Say Rs.95570/-)}$$

Step-II

Locate this figure of 95570/- in Table-I under the level J-1.

Step-III

As there is no identical figure in Table-I, and the next closest figure in Table-I is Rs.95750/-. Accordingly the pay will be fixed at Rs.95750/- w.e.f. 01.01.2016, as reflected in Table-II.

Example II

Re : An officer holding the post of Civil Judge (Sr. Div.) Entry Level corresponding to level J-3 in the pay matrix (Table-I) drawing pay @Rs.40,450/- as on 31.12.2015.

w.e.f. 01.01.2016, his pay is to be fixed in terms of the procedure prescribed in para 13.5, in the following manner:

Step-I

Multiply the existing pay i.e. Rs.40450/- by 2.81

$40450 \times 2.81 = 1,13,664/-$ (Say Rs.1,13,665/-)

Step-II

Locate this figure of 1,13,665/- in Table-I under the level J-3.

Step-III

If there is no identical figure in Table-I, then the next closest figure is to be located and pay fixed at that stage in that level.

In the present example, there is no figure identical to Rs.1,13,665/- in Table I under level J-3 and the next closest figure available is Rs.1,14,330/-. Accordingly the pay will be fixed at Rs.1,14,330/- w.e.f. 01.01.2016, as reflected in Table-II.

Example III-A

Re : An officer holding the post of District Judge (Entry Level) corresponding to level J-5 in the pay matrix (Table-I) drawing pay @Rs.56,470/- as on 31.12.2015.

w.e.f. 01.01.2016, his pay is to be fixed in terms of the procedure prescribed in para 13.5, in the following manner:

Step-I

Multiply the existing pay i.e. Rs. 56,470/- by 2.81

$$56,470 \times 2.81 = 1,58,680/-$$

Step-II

Locate this figure of 1,58,680/- in Table-I under the level J-5.

Step-III

If there is no identical figure in Table-I, then the next closest figure is to be located and pay fixed at that stage in that level.

In the present example, there is no figure identical to Rs.1,58,680/- in Table I under level J-5 and the next closest figure available is Rs.1,63,030/-. Accordingly the pay will be fixed at Rs.1,63,030/- w.e.f. 01.01.2016, as reflected in Table-II.

Example III-B

Re : An officer holding the post of District Judge (Entry Level) corresponding to level J-5 in the pay matrix (Table-I) drawing pay @Rs.57,700/- as on 31.12.2015.

w.e.f. 01.01.2016, his pay is to be fixed in terms of the procedure prescribed in para 13.5, in the following manner:

Step-I

Multiply the existing pay i.e. Rs. 57,700/- by 2.81

$$57,700 \times 2.81 = 1,62,137/- \text{ (Say Rs.1,62,140/-)}$$

Step-II

Locate this figure of 1,62,140/- in Table-I under the level J-5.

Step-III

If there is no identical figure in Table-I, then the next closest figure is to be located and pay fixed at that stage in that level.

In the present example, there is no figure identical to Rs. 1,62,140/- in Table I under level J-5 and the next closest figure available is Rs.1,63,030/-. Accordingly the pay will be fixed at Rs.1,63,030/- w.e.f. 01.01.2016, as reflected in Table-II.

Example IV

Re : An officer holding the post of District Judge (SG) corresponding to level J-6 in the pay matrix (Table-I) drawing pay @Rs.67,210/- as on 31.12.2015.

w.e.f. 01.01.2016, his pay is to be fixed in terms of the procedure prescribed in para 13.5, in the following manner:

Step-I

Multiply the existing pay i.e. Rs.67210/- by 2.81

$$67210 \times 2.81 = 1,88,860/-$$

Step-II

Locate this figure of 1,88,860/- in Table-I under the level J-6.

Step-III

If there is no identical figure in Table-I, then the next closest figure is to be located and pay fixed at that stage in that level.

In the present example, there is no figure identical to Rs.1,88,860/- in Table I under level J-6 and the next closest figure available is Rs.1,88,990/-. Accordingly the pay will be fixed at Rs.1,88,990/- w.e.f. 01.01.2016, as reflected in Table-II.

13.6 The Commission has prepared a detailed fixation chart (Table-II) at para 13.3 which gives the fitment of pre-revised pay into the revised running pay matrix. Point to point fixation of pay was not feasible in the revised scheme of pay matrix recommended by this Commission particularly in view of change of increment pattern (from fixed amount increment to 3% cumulative).

13.7 As seen from the Fitment Table II, the two consecutive stages, i.e. at serial no. 8 and 9, 15 and 16, 21 and 22, 26 and 27, 30 and 31, 34 and 35, 37 and 38 in the pre-revised pay scale result in one single pay i.e. Rs.95,750/-, Rs.1,14,330/-, Rs.1,32,540/-, Rs.1,49,190/-, Rs.1,63,030/-, Rs.1,78,150/- and Rs.1,88,890/- respectively in the new Pay Matrix.

13.7.1 In other words, the process of migration of the existing pay to the pay matrix now evolved two consecutive stages in the pre-revised scale carry the same pay in the new pay matrix. Such bunching has become inevitable when we are switching over to the pay matrix model and the same does not result in any prejudice to the Officers concerned. Infact, such bunching is to be found in the VI CPC pay pattern.

13.8 **FIXATION OF PAY ON PROMOTION ON OR AFTER 01.01.2016**

13.8.1 For those who are promoted from the previous level to the next level, or granted financial upgradation/ACP or Selection Grade or Super Time Scale, the procedure for fixing the pay in the new pay matrix on such promotion/financial upgradation, will be as follows:

- i. Identify the level and the basic pay in Table I on the date of promotion.
- ii. Add one increment in that level itself in terms of FR-22.
- iii. The figure so arrived at or the next closest figure in the level to which s(he) is promoted will be the new pay on promotion.

Example-I

An officer - Civil Judge (Sr. Div.) ACP I stage drawing pay @ Rs.1,42,240/- in Level J-4 (Table I) when promoted to the District Judge Cadre (Entry Level) Level J-5, the pay fixation will be :

- Add one increment in Level J-4 i.e., the next stage from Rs.1,42,240/-, which is Rs.1,46,510/-.
- There is no identical figure to Rs.1,46,510/- in level J-5.
- The next higher figure closest to Rs.1,46,510/- in level 5 is Rs.1,49,190/-.
- Accordingly the pay of the officer shall be fixed at Rs.1,49,190/-.

Example-II

An officer District Judge (Entry Level) drawing pay @ Rs.1,67,920/- in Level J-5, granted Selection Grade (Level J-6). The pay fixation shall be as follows:

- Add one increment in Level J-5 i.e., the next stage from Rs.1,67,920/- in J-5 itself which is Rs.1,72,960/- (Table-I).
- Find out if there is any identical figure in Level J-6.
- As there is no identical figure in Level J-6, the very next figure higher than Rs.1,72,960/- which is Rs.1,77,170/- shall be the pay on such promotion.

13.9 FEATURES OF NEW PAY STRUCTURE

- i. The two dimensional pay matrix, in the horizontal range (J-1 to J-7) reflects the functional role in the hierarchy and the vertical

range in each level (J-1 to J-7) denotes pay progression within that level.

- ii. The first row in the horizontal range (J-1 to J-7) denotes the entry pay for fresh recruits/appointees in that level.
- iii. The new pay matrix as above, will bring out clearly what the total emoluments will be at a given point of time during one's career span.
- iv. This new pay structure reduces the stages to 37 as against 44 in the Master pay scale under FNJPC.
- v. The pay increase every year (as specified in various vertical rows) is arrived at after adding 3% increment to the pay in the previous row.
- vi. The increase in Mean pay percentage (as shown in Table-I at para 13.1) as compared to FNJPC ratio is reflected in the Table below:

Designation	Mean Pay % under FNJPC	New Mean Pay percentage	Extent of increase
Civil Judge (Jr. Div.)	45.3%	47.63%	2.33%
Civil Judge (Sr. Div.)	58.5%	60.89%	2.49%
District Judge (Entry Level)	71.6%	75.44%	3.84%
District Judge (SG)	80%	84.91%	4.91%
District Judge (STS)	91.7%	94.04%	2.34%

13.10 The new distinctive pay matrix evolved by the Commission draws on and does not deviate much from the broad criteria applied for

drawing up the Master Pay Scale by the previous Commissions. However, the Mean Pay percentages undergo slight change. Further, as regards increment, what is being recommended by this Commission is definitely more advantageous to all ranks of Judicial officers. The Pay Matrix now evolved by this Commission will bring the District Judges of top level at par with the STS and HA Grade in IAS (created in 2009 w.e.f. 2006) and the existing disparity will stand removed.

13.11 WHY PAY MATRIX FOR JUDICIARY IS PREFERRED?

13.11.1 The pay structure of the Judicial Officers undergoes transformation following the Central Pay Commission's Report every ten years. The High Court Judges' salary is revised soon after the CPC Report is accepted by the Central Government with effect from an anterior date. The increase in the High Court Judges' pay in turn sets in motion the process for undertaking revision of pay of Subordinate Judiciary as well and such revision is done on uniform basis throughout the country. Though judicial service is part of the State service, with the constitution of Judicial Pay Commissions starting with FNJPC (set up in the year 1996) in order to evolve uniform pay scales for all ranks of Judicial Officers in the Country and the recommendations of the Judicial Pay Commissions becoming effective throughout the nation on the mandate of the Supreme Court, the Subordinate Judiciary has virtually assumed *Pan India* character. The comparison with the State Government officials for the purpose of fixation of pay of Judicial

Officers is no longer a norm. It is only in relation to All India Service Officers that the pay scales of Judicial Officers are examined for the purpose of broad comparison. Keeping all these factors in view, the Pay Matrix, broadly on the model devised by VII CPC, is therefore considered to be appropriate. Further, the Pay Matrix will have one more advantage. The Central Government has been issuing OMs from time to time based on the VII CPC Pay Matrix as regards allowances and perks of Central Civil Services and they are also applied to Judicial Officers working in Delhi and Union Territories. Thus, the O.Ms issued by the Central Government in respect of the allowances and perks based on the VII CPC pay pattern, insofar as they apply to Judicial Officers, can be conveniently worked out by locating the appropriate equivalence more easily.

13.12 The features and principles of VII CPC pay pattern are being discussed separately in para 24 of this Chapter.

14. INCREMENTS

14.1 The Commission has decided to suggest the increment at the rate of 3% every year instead of the old existing system of fixed pay increments for certain number of years. JPC has applied the multiplier of 3.07 times to the prevailing increments. For instance, the initial increment was Rs.250/- as per the Report of FNJPC. It was made Rs.770/- which remained constant upto 7 stages. The Associations and the High Courts are in favour of 3% increment worked out on cumulative basis. This was the methodology

adopted by VI and VII CPC. The benefit of such incremental pattern will be much higher than the benefit the Judicial Officers will get under the 'fixed quantum increments' applied by the previous Commissions.

14.2 The Commission, therefore, **recommends** that the increment at 3% shall be added every year to the basic pay. For instance, the initial pay of Civil Judge (Jr. Div.) is Rs.77,840/- by the addition of 3% increment thereto, the officer will be getting Rs.80,180/-. On this Rs.80,180/- the 3% increment should be calculated during the 3rd year. That means the pay gets increased to Rs.82,590/- in the 3rd year. The pay matrix is drawn-up on this basis reflecting the addition of increments at 3% every year.

15. DATE OF ACCRUAL OF INCREMENT

15.1 According to the Central Government Rules/O.Ms, there are two dates for increment i.e., on the 1st January and 1st July of every year. This was after the VII CPC Report. Earlier, as per the Report of VI CPC, there was one date of increment i.e., 1st July, depending on the date of joining or promotion in that half of the year. In this context, Rule 10 of Central Civil Services (Revised Pay) Rules, 2016 together with illustrations are extracted below.

"10. Date of next increment in revised pay structure:

- (1) There shall be two dates for grant of increment namely, 1st January and 1st July every year, instead of existing date of 1st July.

Provided that an employee shall be entitled to only annual increment either on 1st January or 1st July depending on the date of his appointment, promotion or grant of financial upgradation.

- (2) The increment in respect of an employee appointed or promoted on granted financial upgradation including upgradation under Modified Assured Career Progression Scheme (MACPS) during the period between the 2nd day of January and 1st day of July (both inclusive) shall be granted on 1st day of January and the increment in respect of an employee appointed or promoted or granted financial upgradation including upgradation under MACPS during the period between the 2nd day of July and 1st day of January (both inclusive) shall be granted on 1st day of July.

Illustration:

- (a) In case of an employee appointed or promoted in the formal hierarchy or under MACPS during the period between the 2nd day of July, 2016 and the 1st day of January, 2017, the first increments shall accrue on the 1st day of July, 2017 and thereafter it shall accrue after one year or annual basis.
- (b) In case of an employee appointed or promoted in the normal hierarchy or under MACPS during the period between 2nd day of January, 2016 and 1st day of July, 2016, the next increment shall accrue on 1st day of January, 2017 and thereafter it shall accrue after one year on annual basis:

Provided that in the case of employees whose pay in the revised pay structure has been fixed as on 1st day of January, the next increment in the Level in which the pay was so fixed as on 1st day of January, 2016 shall accrue on 1st day of July, 2016.

Provided further that the next increment after drawal of increment on 1st day of July, 2016 shall accrue on 1st day of July, 2017."

15.2 Some of the States such as NCT of Delhi and UTs have been applying the same pattern for the grant of increment. However, in the States of Andhra Pradesh and Telangana and many other States, the Government servants including Judicial Officers get the 1st increment one year after the date of joining the service/post on appointment or promotion. The Commission is of the view that the switch over to Central Government Rules is not necessary and there is no need to disturb the existing system which is being followed in various States. Though it is one of the points in the representation of AIJA that two incremental dates are to be adopted, the Commission is not inclined to disturb the *status quo* in this regard. The

benefit if at all that would accrue by following the methodology of two incremental dates will be minimal.

15.3 The Commission **further recommends** that the benefit of increment due on the next date following retirement shall be paid to the retired Judicial Officer. In other words, the completion of one full year of service shall be the criterion for sanctioning the next and last increment as far as retiring Judicial Officers are concerned. For example, if the date of increment is 1st July of every year, the Judicial Officer retiring on 30.06.2019 shall be eligible to get the increment due on 01.07.2019 notwithstanding the fact that the Judicial Officer ceased to be in service on 01.07.2019. That increment shall be for the purposes of pension only and shall be subject to the vertical ceiling of Rs.224100/-. In fact, this is the view taken by Madras High Court in more than one case, the latest being W.P. No. 15732/2017 disposed on 15.09.2017. It appears that the same view was taken by Chhattisgarh High Court in W.P.S. No. 9467/2019. The Commission feels that this is a just and reasonable approach to be adopted, though on a strict literal interpretation of the rule, the other view point is possible.

16. DEARNESS ALLOWANCE

16.1 Dearness allowance is a method of neutralizing the price increases and is meant to compensate the erosion of value of Rupee by reason of inflation. It is determined on the basis of consumer price index.

16.2 As per the consistent practice, DA is being revised by Central Government twice in a year and the effective dates are 1st January and 1st July of every year. By and large, the State Governments follow the same pattern and revise the rates of DA so as to fall in line with the Central Government DA formula. Though there is time lag between the DA notification issued by Central Government and the notifications issued by State Governments, the State Governments notify the revised rate of DA with effect from an anterior date i.e., the date from which the revision ought to have been done. The arrears are either paid in one lump/instalment or credited to GPF or PRAN accounts.

16.3 The FNJPC recommended that the same DA formula as applicable to the Central Government employees be followed in respect of Judicial officers in every State/UT. JPC reiterated the same.

16.4 The Judicial officers/retired Officers' Associations of Bihar, Andhra Pradesh, Telangana, Kerala and Gujarat have pointed out that the release of DA by the States is getting delayed and therefore some of them suggested that the enhanced DA may be released immediately on issuance of the Order by the Central Government and the procedure of sanction by the State Government may be dispensed with.

16.5 At present, the rate of DA sanctioned by the Central Government is 17% and the same is presently applicable in relation to the

revised pay scales brought into effect from 1-1-2016 pursuant to the VII CPC report.

16.6 The Commission **recommends** that the present practice of sanction of DA at the rates prescribed by Central Government from time to time should continue. In order to avoid delays in revising the rates of DA in conformity with the orders issued by the Central Government from time to time, the Commission suggests that the Hon'ble Supreme Court may issue a direction that the benefit of revised DA in conformity with the orders issued by the Central Government from time to time shall be paid to the Judicial officers without delay, and in any case, not later than **3** months from the date of issuance of the order by the Central Government. The benefit of revised rates of DA shall accrue from the effective date as specified in the Order issued by Central Government in this behalf.

17. THE NEW PAY STRUCTURE AND THE EFFECTIVE DATE

17.1 At this stage, it needs to be mentioned that it would be appropriate and logical to give effect to our recommendations as to the pay structure/pension from **01.01.2016**. In that sense, the recommendation will necessarily have retrospective effect from 01.01.2016. It is relevant to mention that interim relief at 30% of the basic pay was granted by Hon'ble Supreme Court in the order dated 27th March, 2018 with effect from 01.01.2016, as recommended by this Commission. Incidentally, it deserves notice that the recommendations of VII CPC as accepted by the Government

of India were made effective from 01.01.2016. Following the VII CPC report, the hike in the salary of Hon'ble Judges of High Courts and the Supreme Court was taken up for consideration and the enhanced pay was sanctioned to them from 01.01.2016. It is after the VII CPC report that the All India Judges Association filed W.P.(C) No. 643/2015 to constitute the Judicial Pay Commission to undertake the task of pay revision.

17.2 Accordingly, it is recommended that the revision of pay shall be **w.e.f. 01.01.2016.**

18. ARREARS OF PAY

18.1 Arrears of pay mean the basic revised pay including increment and D.A. payable from 01.01.2016 onwards. The arrears of pay as per this Report, subject to the approval of the Hon'ble Supreme Court, shall be paid at the earliest, at any rate during the calendar year 2020 itself **after adjusting** the interim relief (IR) already paid to the Judicial Officers by virtue of the interim report of this Commission dated 09.03.2018 and the order dated 27.03.2018 of the Hon'ble Supreme Court. The Interim Report alongwith the Order dated 27.03.2018 is annexed herewith as **Annexure IV, Volume-IA.**

19. ASSURED CAREER PROGRESSION

19.1 Assured Career Progression Scheme (ACP Scheme) is applicable to the cadre of Civil Judges – Jr. Division and Sr. Division. It is in the nature of financial upgradation and intended to assure pay progression to officers

within the time bound schedule. While giving justification for the scheme, the FNJPC observed that it is designed to allow the officer the pay upgradation when functional considerations do not permit promotion in the cadre – hierarchy. With ACPs, the officer moves into the next higher scale. The basic hypothesis, it was pointed out by the FNJPC, is that a person of considerable experience needs to be suitably rewarded and ought not to be allowed to stagnate. The scheme is therefore intended to afford an opportunity to the Officers in a cadre to get financial upgradation in a time-frame. There are two tiers of ACP recommended by FNJPC. The 1st ACP scale is conferred on completion of five years of continuous service from the date of entry and thereafter, on completion of another five years of service, the 2nd ACP scale will be available. The 2nd ACP scale of Civil Judge (Jr. Div.) becomes the entry level pay of Civil Judge (Sr. Div.). So also, the 2nd ACP scale of Civil Judge (Sr. Div.) becomes the entry level pay of the next promotional post i.e., District Judge. It needs to be mentioned here that very few remain in the 2nd stage ACP because they get promoted to the position of Sr. Civil Judge or District Judge as the case may be, while drawing the first ACP scale itself. It is only those officers who could not get promoted even on completion of ten years of service that would get into in the 2nd stage of ACP and remain there for a short duration. True, the situation was somewhat different at the point of time when the FNJPC took stock of the position pre-2000. At present, the promotional opportunities are brighter in view of the larger number of posts

available. Though the promotional opportunities have improved, the ACP is essential to avoid stagnation and the resultant discontentment.

19.2 The FNJPC has made it clear that “the 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 for the purpose”.

19.3 JPC had drawn up the ACP scales for Civil Judges –Jr. & Sr. Division on the same lines as was done by FNJPC. This Commission too while designing the new pay structure (Pay Matrix) has spelt out both stages of ACP scale. The same criteria as was laid down by the FNJPC will remain for making the officers eligible for ACP scale, subject to the suggestion being made vis-à-vis I Stage ACP pertaining to Civil Judges (Jr. Div.).

19.4 While on this subject, it is necessary to highlight the disturbing trend concerning delays in extending the benefit of ACP scale. This was pointed out in the Consultation paper as well. At the consultative Conferences, the representatives of Associations have repeatedly drawn the attention of the Commission to the delays involved. Even some of the High Courts have pointed out the delays and emphasized the need for streamlining the procedures in order to expedite the process. In para 9.3 of the Consultation Paper released by this Commission, it is stated as follows:

“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 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.”

19.5 The Commission would like to emphasize the obvious - that all possible steps should be taken by the Registry of High Courts to avoid such enormous delays. If not, the very purpose of ACP scheme will be defeated. The process shall be initiated atleast three months in advance of the date on which, the officers (Jr. & Sr. Civil Judges) will be completing five/ten years of service and the actual financial benefits should follow within a maximum period of six months after the Judicial Officer steps into the sixth/eleventh year of service.

19.6 The Commission therefore **recommends** that suitable directions need to be issued by this Hon'ble Court to the Registry of High Courts and the concerned authorities of the Government to take all necessary steps to ensure timely conferment of ACP benefit to the Judicial Officers viz., Civil Judges (Jr. & Sr. Division) soon after they complete the requisite period of five/ten years of service.

19.7 Further the Commission **recommends** that in case delay in grant of ACP continues beyond one year, one additional increment for every

year of delay shall be granted subject to the adjustment in the ACP arrears. However, if any, disciplinary proceedings for major penalty are pending such a step need not be taken.

19.8 There is one more aspect regarding ACP. In the written representations as well as the deliberations at the Conferences, it was pointed out that there need not be performance appraisal of the officers who have put in five years of service for the purpose of conferment of 1st ACP benefit. On due consideration, the Commission is of the view that there is considerable force in what is pointed out by them. During the first two years of service, the newly recruited Civil Judges (Jr. Div.) will be in the process of learning the work. Quite often, they are assigned the work in lighter pendency Courts in which it would be difficult to achieve good out-turn of work. Further, the training imparted to them in Judicial Academies especially in some smaller States is not up to the mark because the Judicial Training Institutes/Academies lack adequate facilities and faculty for training the new recruits. Moreover, in almost all the States, the training period is staggered, that is to say, the training is imparted for three months or so and they are given regular posting in Courts and there will be another spell of training after a duration of six months or so. The lack of continuous training – may be for certain practical reasons, will have an impact on the output of work of the Officers. Therefore, the inability of the Officer to reach the prescribed targets of disposal or not satisfying the qualitative norms during the initial stage of judicial career need not be viewed seriously, especially having regard to the

objective behind the ACP. One option therefore, is to dispense with the requirement of appraisal of work and performance insofar as the 1st ACP for Civil Judges (Jr. Div.) is concerned. Incidentally, it would avoid delays. The second option is to disqualify the officer (Civil Judge – Jr. Div.) from getting the benefit of ACP only in case his/her performance is continuously poor. It is brought to the notice of the Commission that in some of the High Courts, the norm applied is that the Officer's performance should be satisfactory for atleast two years and the officer should not have been graded as poor more than once during the period of five years of service. In any case, if any disciplinary proceedings for major penalty is pending or adverse entries of serious nature are entered in ACRs, the conferment of ACP benefit can be withheld by the High Court, subject to the result of a subsequent review.

19.9 On overall consideration, the Commission **recommends** that the denial of 1st ACP for Civil Judges (Jr. Div.) shall be only for exceptional reasons. There shall be relaxed norms for assessing the performance in terms of output. The scrutiny shall be for the limited purpose of ascertaining whether there is anything positively adverse such as consistently poor/unsatisfactory performance or adverse report of serious nature leading to the inference that the Officer is unfit to have the benefit of ACP.

19.10 FUNCTIONAL-CUM-FINANCIAL UPGRADATION FOR DISTRICT JUDGES

19.11 The FNJPC had recommended the Selection Grade Scale of Rs.18750-400-19150-450-21850-500-22850 and Super Time Scale of

Rs.22850-500-24850 for District Judges. It may be noted that at that time, the pay of High Court Judges was Rs.26,000/-. The higher grades (Selection & STS) are in the nature of financial as well as functional upgradation. The FNJPC, however, recommended that 25% of the cadre post of District Judges who have put in not less than five years of service shall be given Selection Grade and they shall be called 'Selection Grade District Judges'. Further, the Commission recommended that 10% of the cadre strength of District Judges who have put in not less than three years of service as District Judge Selection Grade shall be allowed Super Time Scale of pay. It was laid down in para 15.44 that "both these scales would be given by selection on the basis of merit-cum-seniority." In the representations of the Associations as well as in the Conferences held by the Commission, there was a plea for time-bound upgradation to Selection Grade or Super Time Scale as the case may be. Alternatively, it was suggested that the number of Selection Grade and Super Time Scale posts have to be considerably increased so as to facilitate the senior District Judges the benefit of higher pay scale before retirement.

19.12 JPC has revised the scale of pay of Selection Grade District Judges to Rs.57700-1230-58950-1380-67210-1540-70290 and the Super Time Scale District Judges to Rs. 70290-1540-76450. Now this Commission is proposing the increase of these two pay scales i.e., Selection Grade District Judges and Super Time Scale District Judges. As seen from the Pay Matrix Table, the District Judge (Selection Grade) at 6th level (J6) will get minimum pay of Rs.1,62,140/-, when s/he is given Selection Grade on completion of

five years of service. The minimum of the pay scale of District Judge (Super Time Scale) would be Rs.1,99,100/-, the maximum being Rs.2,24,100/-. As noted earlier, the Selection Grade District Judge gets eligibility to be conferred with Super Time Scale on completion of atleast three years of service.

19.13 The District Judges of the three ranks constitute single cadre. The cadre strength of District Judges is about 7382 according to the information received in October, 2019. The working strength of Selection Grade District Judges is 995 and of Super Time Scale District Judges is 520. According to the inputs received, many are retiring without getting the benefit of Selection Grade or Super Time Scale. The exact data in this regard is not forthcoming. However, from the limited information the Commission has got, many District Judges especially in larger States are not in a position to reach the higher grades before retirement.

19.14 Having regard to the long passage of time since the recommendations were made by FNJPC and the undeniable fact that quite a number of District Judges are not reaching the higher grades, this Commission is of the view that it would be appropriate and proper to increase the percentage of ceiling prescribed by FNJPC to a reasonable extent. The Commission **recommends** that the Selection grade and Super Time Scale posts shall be increased by 10% and 5% respectively. That means, the District Judges at Entry level shall be 50%, selection grade 35% and Super Time Scale – 15% of the total cadre strength of District Judges. Of course,

the criterion of merit-cum-seniority shall continue to be applied for placing the District Judges in these two higher grades involving functional as well as financial upgradation. We **recommend** accordingly. This recommendation, if accepted, may be allowed to come into effect from 01.01.2019.

19.15 In many states, there have been instances in which the conferment of Selection Grade and STS has been delayed either because the proposals are not sent in time by the High courts or the State Government delays the financial sanctions. While every effort shall be made to avoid such delays, the Commission **recommends**, by way of abundant caution that the benefit shall be given retrospectively i.e., from the date the District Judge concerned gets eligibility for upgradation against a vacancy. **Further**, if any post remains or continues for three years, it be taken as cadre post and to be included in cadre strength.

19.16 Another aspect which the Commission considers it appropriate to discuss is in regard to the criterion to be applied for functional-cum-financial upgradation. This Commission is of the view that the proper criterion to be applied should be seniority-cum-merit and not merit-cum-seniority. The norm laid down by FNJPC, as noticed earlier, is merit-cum-seniority. The concept of seniority-cum-merit has been explained in **State of Kerala v N.M. Thomas** (1976 (6) SCC 310) at page 335 thus :

“Seniority-cum-merit means that given the minimum necessary merit requisite for efficiency of administration, the senior though the less meritorious shall have priority.”

19.17 In **Rajendra Kumar Srivastava & Others v Samyut Kshetriya Gramin Bank & Others** (2010) 1 SCC 335 the Supreme Court pointed out that while the principle of seniority-cum-merit laid greater emphasis on seniority, the principle of merit-cum-seniority laid greater emphasis on merit and ability, thus seniority playing a less significant role. The Supreme Court relied upon the dicta **B.V. Sivaiah v K. Addanki Babu** 1998 (6) SCC 720.

19.18 Though that is the import of the expression 'merit-cum-seniority' in almost all the High Courts the principle of 'seniority-cum-merit' is being applied in **actual practice** while conferring upgradation benefit to the District Judges.

19.19 This Commission is of the view that in fact, the principle of seniority-cum-merit is more appropriate, because upgradation is not the same thing as the promotion and the criterion for promotion need not be applied. True, there is also functional upgradation. That does not mean that the upgraded post especially, the Selection Grade, carries higher responsibilities or onerous duty. The real difference lies in emoluments and status. Hence, the Commission is inclined to take this view that proper yardstick to be applied for functional/financial upgradation is **seniority-cum-merit** and to this extent, the recommendations of FNJPC (adopted by JPC) needs to be modified.

19.20 Accordingly, the Commission **recommends**.

20. RELATIVITIES BETWEEN THE REVISED PAY SCALE OF JUDICIAL OFFICERS AND THE PAY OF ALL INDIA SERVICES OFFICERS

20.1 One of the terms of reference – clause (b) to this Commission requires the Commission to examine the present structure of emoluments and conditions of service of Judicial Officers in the States and Union Territories

“...having regard, among other relevant factors to the existing relativities in the pay structure between the officers of Subordinate Judiciary and other civil servants”.

20.2 As stated earlier, it is an established proposition that the Judges belonging to Subordinate Judiciary can be treated differently in matters relating to pay, allowances and other service conditions and shall not stand in comparison with the administrative officers of the State. It was emphatically pointed out by the Supreme Court in review judgment AIJA 1993:

“...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.”

20.3 It was then observed that the distinction between the Judges and the members of other services has to be constantly kept in mind for yet another important reason i.e., to secure judicial independence in substance and in practice. The FNJPC observed that the Judicial Officers performing the same or similar nature of work were being remunerated differently and this ‘incongruity’ shall be removed by evolving a uniform/common pay scale category-wise to the Judicial Officers in every State and Union Territory.

20.4 Though the dicta of the Supreme Court justify a differential treatment of Judicial Officers for betterment of their service conditions, it

does not follow that the pay scales of the civil servants especially the All India Service Officers are altogether irrelevant in determining the pay scales of the members of Judiciary. Therefore, the FNJPC did make reference to the pay scales of IAS Officers so as to ensure that the pay of Judicial Officers is kept at somewhat higher level than the pay of the Officers of the corresponding rank in IAS. For instance, the entry pay of Civil Judge (Jr. Div.) was fixed at Rs.9,000/- p.m. at that point of time when the pay of IAS entry level (drawing the Junior Time scale of pay) was Rs.8,000/- p.m. Thus, the starting pay was more by 12.5%. The pay of the District Judge (entry level) was fixed at a level in between the pay of Selection Grade IAS and Super Time Scale IAS. The Supreme Court observed in AIJA 2002 cited supra that the equation of District Judge should have been with the IAS of Super Time Scale, not Selection Grade – as contended by Union of India. However, FNJPC recommendation in regard to pay scales was accepted without any variation as the said recommendation was found to be just and reasonable.

20.5 We have noticed already that by virtue of the recommendations of JPC, the gap between the pay of members of Subordinate Judiciary and All India Service Officers had considerably increased. The extent of increase of the salary of High Court Judge post-VI CPC Report was taken into account by JPC in determining the pay scales of various categories of Judicial Officers. This gap between the pay scales of the two sets of officers has further widened with the new pay scales assigned to Judicial Officers as per the pay matrix now evolved by this Commission. Such widening gap is preponderantly

in relation to the cadre of Civil Judges (Jr. and Sr. Div.). Such a situation has become inevitable and in our view, it is not proper and appropriate to reverse the trend that has already set in and to undertake an exercise with a view to avoid further disparities at any cost. The plea of the States (only few have sent their views) to adopt a lesser factor/multiplier for arriving at the pay of various cadres in judiciary does not carry much weight especially having regard to the fact that the higher pay benefit to Judicial Officers in accordance with the formula adopted by JPC has been endorsed by the Supreme Court after due consideration in the year 2010. Moreover, having regard to the limited number of Judicial personnel, the financial implications will not be high.

20.6 In order to have a comprehensive picture, the Commission would like to set out the relevant details in a tabular format showing the increase of Pay of Judicial Officers in comparison with the Pay of members of IAS with a view to give a holistic picture. Accordingly, the following Charts/ Tables are furnished.

Comparative Table-I

IAS AS PER VI CPC	JUDICIAL OFFICER AS PER JPC
Group A	Civil Judge (Jr. Div.) Entry Level
21000 (Entry Pay + Grade Pay) 15600 + 5400 Pay Band : 3 Scale No. : S15 New under 6 th CPC Junior Time Scale	27700 31.9% more than the Entry Level Group A officer.
	Civil Judge (Jr. Div.)ACP-I
25200 (Entry Pay + Grade Pay) 18600 + 6600 Pay Band : 3 Scale No. : S19 under 6 th CPC Senior Time Scale	33090 31.30% more than the Entry Pay of the corresponding rank under 6 th CPC.
	Civil Judge (Jr. Div.)ACP-II
29920 (Entry Pay + Grade Pay) 22320 + 7600 Pay Band : 3 Scale No. : S21 under 6 th CPC Junior Administrative Grade	39530 32.1% more than the Entry Pay of the corresponding rank under 6 th CPC.
	Civil Judge (Sr. Div.)Entry Level
29920 (Entry Pay + Grade Pay) 22320 + 7600 Pay Band : 3 Scale No. : S21 under 6 th CPC Junior Administrative Grade	39530 32.1% more than the Entry Pay of the corresponding rank under 6 th CPC.
	Civil Judge (Sr. Div.)ACP-I
46100 (Entry Pay + Grade Pay) 37400 + 8700 Pay Band : 4 Scale No. : S24 under 6 th CPC Senior Administrative Grade	43690 5.5% less than the Entry Pay of IAS officers under 6 th CPC.
	Civil Judge (Sr. Div.)ACP-II
48590 (Entry Pay + Grade Pay) 39690 + 8900 Pay Band : 4 Scale No. : S26 under 6 th CPC No such scale in IAS	51550 6.09% more than the Entry Pay of the corresponding rank under 6 th CPC.

	District Judge
48590 (Entry Pay + Grade Pay) 39690 + 8900 Pay Band : 4 Scale No. : S26 under 6 th CPC No such scale in IAS	51550 6.09% more than the Entry Pay of the corresponding rank under 6 th CPC.
	District Judge (Selection Grade)
54700 (Entry Pay + Grade Pay) 44700 + 10000 Pay Band : 4 Scale No. : S29 under 6 th CPC Super Time Scale	57700 5.48% more than the Entry Pay of the corresponding rank under 6 th CPC.
	District Judge (Super Time Scale)
67000 HAG Scale No. : S30 under 6 th CPC replaced by notification dated 16.07.2009. HAG	70290 4.91% more than the Entry Pay of the corresponding rank under 6 th CPC.

Comparative Table-II

S. No	01.01.1996		01.01.2006		01.01.2016		Difference in Percentage (Mean Pay vis – a – vis vertical ceiling)
	Group A	JOs	Group A	JOs	Group A	JOs	
	5 th CPC	FNJPC	6 th CPC	JPC	7 th CPC	Proposed pay Matrix by this Commission	
1	8000	9000	S-15 PB-3 15600-39100 GP 5400 Entry Pay 21000/- Junior Time Scale	27700	56100-98400 Mean Pay : 56100+98400 = 154500/2 = 77250 77250/225000 X 100 = 34.33%	77840-136520 Mean Pay : 77840+136520 = 214360/2 = 107180 107180/225000 X 100 = 47.63%	13.30%
2	10000	10750	S-19 PB-3 15600-39100 GP 6600 Entry Pay 25200/- Senior Time Scale	33090	67700-99500 Mean Pay : 67700+99500 = 167200/2 = 83600 83600/22500 X 100 = 37.15%	92960-136520 Mean Pay : 92960 +136520 = 229480/2 = 114740 114740/225000 X 100 = 50.99%	13.84%
3	12000	12850	S-21 PB-3 15600-39100 GP 7600 Entry Pay 29920/- Junior Administrative Scale	39530	78800-115800 Mean Pay : 78800+115800 = 194600/2 = 97300 43.24%	111000-163030 Mean Pay : 111000+163030 = 137015/2 = 68507 60.89%	17.65%
4	12000	12850	S-21 PB-3 15600-39100 GP 7600 Entry Pay 29920/- Junior Administrative Scale	39530	78800-115800 Mean Pay : 78800+115800 = 194600/2 = 97300 97300/225000 X 100 = 43.24%	111000-163030 Mean Pay : 111000+163030 = 137015/2 = 68507 68507/225000 X 100 = 60.89%	17.65%
5	14300	14200	S-24 PB-4 37400-67000 GP 8700 Entry Pay 46100/- Selection Grade	43690	118500-174100 Mean Pay : 118500+174100 = 292600/2 = 146300 146300/225000 X 100= 65.02%	122700-180200 Mean Pay : 122700+180200 = 302900/2 = 151450 151450/225000 X 100 = 67.31%	2.29%
6	16400	16750	S-26 PB-4 37400-67000 GP 8900 Entry Pay 48590/- No such grade	51550	--	144840-194660 Mean Pay : 144840+194660 = 339500/2 = 169750 169750/225000 X 100 = 75.44%	
7	16400	16750	S-26 PB-4 37400-67000 GP 8900 Entry Pay 48590/- No such grade	51550	--	144840-194660 Mean Pay : 144840+194660 = 339500/2 = 169750 169750/225000 X 100 = 75.44%	

8	18400	18750	S-29 PB-4 37400-67000 GP 10000 Entry Pay 54700/- Super Time Scale	57700	144200-193800 Mean Pay : 144200+193800 = 338000/2 = 169000 169000/225000 X 100 = 75.11%	162140-217900 Mean Pay : 162140+217900 = 380040/2 = 190020 190020/225000 X 100 = 84.45%	9.34%
9	22400	22850	S-30 HAG 67000-79000 Entry Pay 67000/- Higher Administrative Grade	70290	182200-224100 Mean Pay : 182200+224100 = 406300/2 = 203150 203150/225000 X 100 = 90.28%	199100-224100 Mean Pay : 199100+224100 = 423200/2 = 211600 211600/225000 X 100 = 94.04%	3.76%

* Pay fixation was done w.e.f. 01.01.1996 and financial benefits actually given w.e.f. 01.07.1996.

20.7 This Commission has examined whether the same percentage of difference in salary between IAS/entry Level and Civil Judge (Jr. Div.) as the one prevailing under the JPC regime can be maintained. Then, we have to think of a lesser multiplier. If the next lower factor 2.72, which is the one applied by VII CPC for Levels 14 to 16, is applied the starting pay of Civil Judge (Jr. Div.) works out to Rs.75,344/-. If the factor 2.67 which has been made applicable for Levels 10 to 12 of the VII CPC pay Matrix is taken into account, the starting pay of Civil Judge (Jr. Div.) works out to Rs.74,052/-. What the Commission has now proposed is Rs.77,840/- by applying the factor - 2.81 (which is the highest in the VII CPC pay matrix). Whether there is any compelling need at all to reduce the quantum of increase proposed by applying a lesser multiplier so as to marginally reduce the gap between the entry level IAS Officers (in Junior & Senior time scale) **and** Judicial Officers at the first two levels (Civil Judge, Jr. & Sr. Div.) is the pertinent question. In our view, such an exercise is not warranted for more than one reason. Firstly, the initial starting pay shall be such as to offer an incentive to talented

youngsters to join Judicial service. Further, the application of a multiplier/factor less than 2.81 would result in deviation from the principle adopted by JPC that the extent of increase of pay of Judicial Officers shall be commensurate with increase in the pay of High Court Judges – a principle which has been accepted by the Supreme Court by putting its seal of approval to the recommendations of JPC. This Commission, therefore, finds no good reason to depart from that principle applied by JPC formulated on the basis that the pay of Judicial Officers to be fairly higher as compared to All India Service Officer of corresponding rank and this has been approved by the Supreme Court in AIJA 2002. Almost all the High Courts who have sent their views and the Associations have pleaded for the retention of the same formula in devising the new pay scales. Further, if the lesser multiplier such as 2.67 or 2.72 is applied, it would be difficult to devise a pay structure in which the principle laid down by the Supreme Court in AIJA 2002 that the District Judge of Entry Level should be equated to the IAS Super Time Scale can be adhered to. That apart, the disparity or anomaly pointed out earlier in relation to the pay scales of District Judge (Selection Grade and Super Time Scale) that has arisen as a result of the approach adopted by the JPC will perpetuate. The senior District Judges in Selection Grade and Super Time Scale will be lagging behind the IAS of Super Time scale/HAG. This aspect has been elaborately discussed by us in the earlier part of the Report. Therefore, viewed from any angle, the Commission is of the view that further increase in the percentage of pay difference (by about 3% to 6%) between the members

of IAS and the Judicial Officers at the levels of Civil Judge (Jr. & Sr. Div.) has become inevitable and rests on a rational basis.

20.8 While discussing this issue, the Commission would like to highlight that there are certain advantages which the members of IAS/All India services have and which are not available to the Judicial Officers. An entry level IAS Officer drawing Junior Time Scale gets two extra increments on promotion to the next level of Senior Time Scale. The promotion is almost assured after four years of service. Then, the Senior Time Scale IAS Officer gets promoted to Junior Administrative Grade generally after nine years of service. On such promotion, s(he) gets two additional increments. On further promotion to Selection Grade too (roughly after 12 years of service), the Officer gets two extra increments. Thus, the advantage of extra increments and assured promotion after completion of certain years of service are available to the IAS Officers. Another benefit that is conferred on the IAS Officer is the grant of higher pay scale on non-functional basis as a sequel to the promotion of an officer of the same batch. This is known as Non-Functional Upgradation (NFU) and applies to higher level positions in IAS/ Group A Central Civil Services.

20.9 In the consultation paper released by this Commission, we have referred to the pay scales of Senior Officers of executive branch of various States and pointed out that their pay remains at much lower level than the pay drawn by the Judicial Officers under the regime of Judicial Pay

Commissions. The Judicial service, for all practical purposes, has become an All India service now as far as the pay structure is concerned and the examination of the relativity factor from the stand point of the pay scales admissible to State Government officers is wholly inappropriate. Therefore, we do not want to get into further details concerning the pay scales of State Government officials. We may recall at this juncture that the FNJPC primarily took into account the pay of All India Service officers.

20.10 As stated earlier, the need for higher pay at the initial stage to attract the talented law graduates and lawyers is one of the considerations to be kept in view. That the pay scale of Judicial Officers could be higher than the pay of corresponding rank in IAS is now an established principle. That the Judicial Officers cannot be bracketed with administrative executive in the matter of pay and other emoluments in view of the nature of office and the duties performed by them is also an established principle. At the same time, we do realize that the relativity factor cannot be ignored and too much of disparity has to be avoided as far as possible. If the disparity is widening with every pay revision, that is because of the impact of various relevant factors which we have adverted to above. Further, the advantages which the members of IAS have and the Judicial Officers do not have need to be duly taken into account.

21. NON-FUNCTIONAL UPGRADATION (NFU) FOR JUDICIAL OFFICERS :

21.1 There are few representations to the Commission to extend the benefit of Non-Functional Upgradation (NFU) scheme which is being implemented in respect of the officers of the organized Group-A services in PB-3 and PB-4 and HAG scale pursuant to the report of VI CPC. Under the said scheme, if one officer is promoted to the higher rank, all the other officers of the same batch are also given financial upgradation at par with the promoted officer, subject of course to the fulfillment of eligibility criteria and promotional norms including 'benchmark' for upgradation to a particular grade pay. Such financial upgradation is not vacancy linked, but it is in the nature of benefit of higher pay, purely personal to the officer and does not bestow any right to claim promotion. This scheme is also known in common parlance as 'batch-wise parity'. It is pointed out by one of the Judicial Officers – Mr. Gunendra Prakash that NFU is intended to confer financial upgradation in a particular time frame without waiting for promotion.

21.2 The illustration given in the OM of Government of India is as follows:

"If officers of 1987 batch of IAS are empanelled as Joint Secretary in the grade pay of Rs.10,000/- in PB-4 and an officer of the batch gets posted in the Centre (under Central Staffing Scheme) on 15th January 2008, all the officers of the 1985 batch of organized Gr.A Central Services who have not been promoted to the Joint Secretary or equivalent grade and who are eligible for the same on 1/1/2007 for the panel year 2007-08, would be appointed to the same grade on non-functional basis under these instructions w.e.f. 15/1/2008."

21.3 We do not think that it would be appropriate to extend the scheme to the Judicial Officers who are already governed by the ACP scheme and the Functional-cum-Financial Upgradation for District Judges. The ACP scheme is available right from the beginning. The NFU is available only at the higher levels of Group-A Officers. The ACP scheme for Civil Judges (Jr. & Sr. Div.) and Functional cum Financial Upgradation to the District Judges are all schemes specially designed for the Judiciary by the FNJPC keeping all the relevant factors in view. The cadre strength and structure, the pay structure and the career prospects of Group-A officers of Central Government are qualitatively different. The Commission, after giving thought to the suggestion, is not inclined to make NFU applicable to the Judicial Officers in derogation of the specific recommendations of the FNJPC which have been accepted by the Hon'ble Supreme Court on more than one occasion. We are in this Report recommending the process by which the delays in extending the ACP benefit can be avoided and also suggesting the increase in the number of posts in the Selection Grade and Super Time Scale of District Judges.

21.4 The overall pay structure now recommended is better than what it is for the Officers of All India Services, and while recommending the pay structure we have kept in view the benefit of NFU available to All India Service Officers.

21.5 Therefore, this Commission **declines** to make any recommendation for extending the NFU scheme to the Judicial Officers.

22. AN OVERVIEW OF THE JUDICIAL REMUNERATION IN OTHER COUNTRIES

22.1 When compared to the neighbouring countries (SAARC Countries), the salary and allowances of the members of District and Subordinate Judiciary in our country are much higher. This has become possible because of the revision of pay and allowances exclusively for the members of Subordinate Judiciary pursuant to the orders of the Supreme Court in the series of All India Judges Association cases, which have been referred to in the introductory Chapter.

22.2 In **Sri Lanka**, as per the data given in General Information, 2017 booklet issued by the Department of Management Services, Ministry of Finance of Sri Lanka (available in public domain), the particulars relating to salaries and allowances as on 01.01.2017 are as follows:

22.3 The High Court Judges (salary code JS-2), get the maximum basic salary of 86981 Sri Lankan Rupees per month (hereinafter referred to as SLR) and with all allowances, the total pay packet of High Court Judges comes to 294923 SLR per month (116600 INR approximately). One Sri Lankan Rupee (SLR) is equivalent to 0.40 of INR (approx).

22.4 Under the head, the District Judges/Magistrates (salary code JS-1), the maximum basic salary is 76,435 SLR per month and with allowance,

the total emoluments comes to 260000 SLR per month (approximately 1,03,100 INR per month). The particulars of subsequent revision of pay of Judges/Civil Servants if any, after 2017 are not available in the official website. However, in the article published on 31.12.2017, which has been accessed from the website <http://srilankabrief.org>, it was reported that the Judges would be getting substantial salary hike and new allowances. It was reported in the said article that the salary of High Court Judges would be increased to 1,80,000 SLR per month and the proposed increase in the allowances including housing allowance and transport allowance (if these amenities are not provided by the Government) would be 304200 SLR per month. That means, the total comes to 4.84 lakhs SLR per month.

22.5 As regards the District Judges/Judicial Officers (Special), it was reported that the salary with pensionable allowance would be increased to 1.65 lakhs SLR per month. Further, they will receive a non-pensionable 50% of their salary from 31.12.2015 as 'Personal Allowance' and the total emoluments will reach the level of 269300 SLR per month. Under the head Magistrate/Judicial Officer, it was reported that such officer now drawing the salary and 'pensionable allowance' of 49079 SLR per month will move up to 112500 SLR per month. The proposed increase in the pay and allowances, according to that report, works out to 129750 SLR per month. Be that as it may, even if the pay and pensionable allowance have been stepped up, as indicated in that unofficial report, the members of Subordinate Judiciary in our country get much more.

22.6 In **Pakistan**, the pay of District judiciary finds place in the pay matrix at the specified level within which both the Judicial Officers and the executive Officials are included. The pay particulars, as the position stood in 2016, are as follows:-

	Grade	Stages	BPS Minimum	Increment	BPS Maximum
District & Sessions Judge	21	14	76720	5000	146720
Addl. District & Sessions Judge	20	14	69090	4510	132230
Senior Civil Judge	19	20	59210	3050	120210
Civil Judge/ Judicial Magistrate	18	20	38350	2870	95750

22.7 However, the salaries of Judges of Pakistan Supreme Court and of the High Courts are quite high and far exceed the salary of the Judges of the Constitutional Courts in our country. The details are as follows:-

22.8 The Supreme Court Judge's basic salary is 7,99,699 PKR per month and the superior Judicial Allowance is 3,75,597 PKR per month. If official residence is not provided, rent-free residence maintained by the Government with all facilities including generator is provided. The amounts payable to gardener, sweeper and cook are also borne by the Government. Two chauffer driven cars with 600 ltrs fuel is provided.

22.9 The High Court Judge's basic salary is 7,54,432 PKR per month and the superior Judicial Allowance they draw is 2,96,477 PKR per month. They also get rent-free residence in lieu of official residence with the same amenities as are provided to the Supreme Court Judges. A chauffer driven

car with 500 ltrs fuel is provided, medical allowance of 54,186 PKR per month and free medical treatment for the family are also provided.

PN: PKR 1 = INR 0.50 approximately

PN: BPS (Basic Pay Scales) of Civil servants has 22 grades, District and Sessions Judges are placed in Grade-21. The Secretary to Government of Pakistan is included in the next higher grade of 22.

22.10 The allowances viz., House Rent Allowance, conveyance allowance, medical allowance, ad-hoc relief allowance, orderly allowance are admissible to the Judicial Officers. It is noticed that both in terms of basic pay as well as allowances, the District/Subordinate Judiciary of Pakistan gets much less than what the Judicial Officers in our country get.

22.11 In Bangladesh and Nepal, the members of Subordinate Judiciary get much less than the prevalent pay in India. The allowances such as sumptuary allowance, domestic aid allowance, house allowance and car allowance are also much lower when compared to the higher Judiciary in our country. The members of District/Subordinate Judiciary get substantially less than the aforementioned amounts.

22.12 In **Bangladesh** since 2016, the basic pay of High Court Judges is Tk (Taka) 95,000/- per month (roughly equivalent to 74,000/- INR). An Appellate Division Judge gets TK 105000 per month (equivalent to 81,700 INR). One Tk = 0.83 INR. Sumptuary allowance of Tk 5000/- per month, car allowance of Tk 25,000/- per month, domestic aide allowance of Tk 4,000/- per month and housing allowance of Tk 25,000/- per month and medical

allowance, are the allowances drawn by them. As per the pay scales of 2015, the Sr. District Judge (which is the top post for the Judicial service members) draws the pay of Tk 78,000/- per month. The basic month's pay of the District Judge is Tk 70,925/- - 76,350/-, that of the Additional Sessions Judge is Tk 62,350 – 75,880/-. The Joint District and Sessions Judge gets Tk 54,370 – 74,460 per month. The pay of Senior Assistant Judge and the Assistant Judge is Tk 44,450- 72,210 per month and 30,935 - 64,430 per month respectively. Of course, certain allowances are also admissible to the Judicial Officers. In Bangladesh, there is a provision that no Income Tax shall be payable in respect of salary and allowances of a Judge of the Supreme Court.

22.13 The salary structure of Judiciary in **Bhutan** could not be obtained from any official website. However, the report of the IV Pay Commission submitted in April, 2019 gives an indication of the Judicial pay structure. In Bhutan, the currency is known as Ngultrum, for short "NU". One NU is equal to one Indian rupee. The minimum and maximum pay of Chief Justice of High Court and 'Drangpons' of High Court on the date of Bhutan Pay Commission's report are as follows and the increase proposed are as under:

CJ of High Court	: 69,225/- - 83,075/-
Recommended pay scale	: 78,920 – 94,720/-
Drangpons of High Court	: 65,930 – 79,130
Recommended pay scale	: 75,165 - 90,215

22.14 It appears that there are no separate pay scales for the Subordinate Judiciary. The existing pay scale and the recommended pay scale with minimum and maximum as found in the report are as follows:

Position level	Existing Pay scale		Recommended pay scale	
	Minimum	Maximum	Minimum	Maximum
Cabinet Secretary	75,160/-	82,685/-	85,685/-	94,260/-
Govt. Secretary	65,930/-	72,530/-	75,165/-	82,690/-
EX/ES-1	54,575/-	70,925/-	62,765/-	81,665/-
EX/ES-2	45,785/-	59,510/-	52,655/-	68,480/-
EX/ES-3	38,700/-	50,325/-	44,505/-	57,930/-
P1	30,990/-	40,290/-	35,950/-	46,750/-

22.15 It is assumed that the members of the Judiciary are included in 'position level' of ES-1, ES-2 and ES-3 and perhaps P1.

22.16 It is thus seen that the pay scales of the higher and Subordinate Judiciary are much less in Bhutan when compared to our country.

22.17 The comparison of Judicial remuneration allowed in countries like Singapore, Hong Kong, United Kingdom, U.S.A., Canada, Australia, France, Germany etc., would reveal that the pay of higher Judiciary as well as subordinate Judiciary is much much higher in those countries. However, the population and the cost of living, the general pay structure applicable to the executive, the salary levels of higher Judiciary and above all the revenues and the expenditure on poverty alleviation programs are vastly different and therefore, it would be inappropriate to make any comparison. The perquisites and allowances are however limited in those countries.

23. REPORT OF JUSTICE MOHIT S. SHAH (2015)

23.1 Justice Mohit S. Shah presented a report on the salaries of Chief Justices and Puisne Judges of High Courts in India pursuant to the decision taken at the pre-Conference meeting of the Chief Justices of High Courts held on 24.12.2014. The Ld. Chief Justice (now retired) recommended the salary of Rs.4.50 lakhs for Chief Justices of High Courts and Rs. 4 lakh for the Judges of High Courts in the Report prepared by him in February 2015, apart from the revision of certain perquisites. *Inter alia*, the comparison with the salaries of Judges in pre-independent era and the declining value of the rupee were taken into account by Justice Mohit Shah in that report. The monthly salaries (including allowances) of Judges of High Courts and Supreme Court in Pakistan in the year 2013 were set out in the report. The High Court Judge's salary even after the recent revision is nowhere near the figure suggested by Justice Mohit Shah. It has become a consistent practice or convention to equate the fixed pay of the High Court Judge to that of the Secretary to Government of India/Chief Secretary in the States who are next in rank to the Cabinet Secretary. The reasoning and ratio in All India Judges Association cases of 1992, 1993 and 2002 applies with equal force to the Judges of Constitutional Courts as well. Still, the comparison is always made with the senior/high ranking IAS Officers of that rank. The Supreme Court has very rightly exercised self-restraint by refraining from taking steps to constitute a Commission or other high-powered body to do the exercise of fixation of appropriate pay for the Judges of High Courts. The impact of ceiling

prescribed is felt in the Subordinate Judiciary as well. The vertical cap is the High Court Judge's salary and unless that is increased by dissociating the same from the salary of the Secretary to Government of India/Chief Secretary, the possibility of providing a better deal to the Judicial Officers constituting Subordinate Judiciary is ruled out. At present, the pay scales of Judicial Officers of various cadres have to be adjusted keeping in view the maximum of Rs.2.25 lakhs. As regards the retirement age also, the same problem arises. We do not think that we shall say further on this aspect relating to high policy.

24. SYNOPSIS OF THE PRINCIPLES FOLLOWED AND APPROACH ADOPTED BY THE VII CPC

24.1 The pay recommended by VII CPC for all categories of Central Government civilian employees has been given effect to from 01.01.2016. The methodology adopted by VII 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 VI CPC, there were pay scales. The VI CPC had recommended running Pay Bands with Grade pay as status determiner. The VII 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 VII 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 pay structure. The pay matrix has two dimensions. It has 'horizontal range' in which each level corresponds to a functional role in the hierarchy and has been assigned numbers 1, 2, 3 and so on till 18. The 'vertical range' in each level denotes pay progression within that level. The starting point of the matrix is the minimum pay which has been arrived at based on 15th ILC norms as explained in chapter 4.2. The new pay matrix for civilian employees has been brought out in Table-5 which is attached thereto.

24.2 The VII 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 V and VI 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. The Central Pay Commission 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.

24.3 The aspects relating to Fitment and Pay fixation in the new pay structure were dealt with in paras 5.1.27 and 5.1.28. The fitment factor of 2.57 has been applied uniformly for all employees which includes a factor of 2.25 on account of D.A. neutralization. It was clarified in 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".

24.4 The manner of fixation of pay in the new pay matrix is set out in para 5.1.29 which is as follows:

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.

24.5 The Example given makes the position clear.

Example-1

i. For example an employee **H** is presently drawing Basic Pay of Rs.55,040 (Pay in the pay Band Rs.46430 + Grade Pay Rs.8700 = Rs.55040). After multiplying Rs.55,040/- with 2.57, a figure of Rs.1,41,452.80 is arrived at. This is rounded off to Rs.1,41,453/-.

ii. The level corresponding to GP 8700 is level 13, as may be seen from Table 5 of VII CPC, which gives the full correspondence between existing Grade Pay and the new Levels being proposed.

iii. In the column for level 13, the figure closest to Rs.1,41,453/- is Rs.1,41,600/.

iv. Hence the pay of employee **H** will be fixed at Rs.1,41,600/- in level 13 in the new pay matrix as shown below;

Table 6: Pay Fixation

GP 8700	GP 8900	GP 10000
Level 13	Level 13A	Level 14
118500	131100	144200
122100	135000	148500
125800	139100	153000
129600	143300	157600
133500	147600	162300
137500	152000	167200

141600	156600	172200
145800	161300	177400
150200	166100	182700

24.6 It was then clarified at para 5.1.32 that in the new pay matrix, direct recruits start at the minimum pay corresponding to the level to which the recruitment is made which will be the first cell of each level. For example, the pay of a direct recruit I.A.S. placed at level 10 starts at Rs.56100. In para 5.1.33, it was clarified that in regard to those who have been promoted from previous level, the fixation of pay in the new level will depend on the pay they were already drawing in the previous level and this was illustrated by Table-7.

24.7 A uniform increase of about 3% every year has been recommended as annual increment. It keeps adding to the previous year's pay which is loaded with the increments already earned. This method of calculation of increments has been referred to in our Report as 'increments on cumulative basis'.

24.8 In short, the scheme of VII CPC pay matrix is this: For migrating the existing employees to VII CPC pay pattern, a uniform multiplying factor of 2.57 over the existing pay was applied.

24.9 To cite an example, if the existing pay of an official in PB3 with Grade Pay of Rs.5400 is 22,970, then his pay as per the VII CPC pay formula would work out to Rs.22,970 multiplied by the index of 2.57 = Rs.59,033/-.

Search for nearest higher amount in level 10 leads to Rs.59500; hence the pay in the new pay matrix would be Rs.59500/-.

24.10 However, for the purpose of arriving at the different pay levels (broadly linked up with higher responsibilities and status), varying percentage between 2.57 and 2.81 have been applied against the Column 'Index'. There are 18 such pay levels (covering Group D to A of Central Civil Services). Each pay level has various rows vertically arranged which are reflective of the Pay Progression. The figure in every row includes the increment component.

24.11 The direct recruits will start with the first stage of pay in the relevant pay level applicable to her/his rank.

24.12 The Pay Matrix (Table 5 of the VII CPC Report) is attached at the next page.

Table 5: Pay Matrix (Civilian Employees)

Pay Band	5200-20200					9300-34800					15600-39100					37400-67000					67000-79000	75500-80000	80000	90000
	1800	1900	2000	2400	2800	4200	4600	4800	5400	5400	5400	6000	6600	7600	8700	8900	10000	10000						
Grade Pay	1800	1900	2000	2400	2800	4200	4600	4800	5400	5400	5400	6000	6600	7600	8700	8900	10000	10000	67000-79000	75500-80000	80000	90000		
Entry Pay (EP)	7000	7750	8460	9910	11360	13500	17140	18150	20280	21060	25350	29500	46100	49100	53000	67000	75500	80000	67000-79000	75500-80000	80000	90000		
Level	1	2	3	4	5	6	7	8	9	10	11	12	13	13A	14	15	16	17	15	16	17	18		
Index	2.57	2.57	2.57	2.57	2.57	2.62	2.62	2.62	2.62	2.62	2.67	2.67	2.67	2.67	2.72	2.72	2.72	2.72	2.72	2.72	2.81	2.78		
1	18000	19900	21700	25500	29200	35400	44900	47600	53100	55100	67700	78800	118500	131100	144200	182200	205400	250000						
2	18500	20500	22400	26100	30100	36500	46200	49000	54700	57000	69700	81200	122100	135000	148500	187200	211600							
3	19100	21100	23100	27100	31000	37600	47600	50500	56300	59300	71800	83600	125800	139100	153000	193300	217900							
4	19700	21700	23800	27900	31900	38700	49000	52000	58000	61300	74000	86100	129600	143300	157600	199100	224400							
5	20300	22400	24500	28700	32900	39900	50500	53600	59700	63100	76400	88700	133500	147600	162300	205100								
6	20900	23100	25200	29500	33900	41100	52000	55200	61500	65000	78500	91400	137500	152000	167200	211300								
7	21500	23800	26000	30500	34900	42300	53600	56900	63300	67000	80800	94100	141600	156600	172000	216000								
8	22100	24500	26800	31400	35900	43600	55200	58600	65200	69000	83100	96500	145800	161300	177400	224100								
9	22800	25200	27600	32200	37000	44900	56900	60400	67200	71100	85600	99000	150200	166100	182700									
10	23500	26000	28400	33100	38100	46200	58600	62100	69200	73200	88000	101000	152800	169000	186200									
11	24200	26800	29300	34100	39200	47600	60400	64100	71300	75400	90500	103000	155900	173000	190800									
12	24900	27600	30200	35100	40400	49000	62200	66000	73400	77700	93000	106000	159300	177200	195600									
13	25600	28400	31100	36100	41600	50500	64100	68000	75600	80000	96000	109000	162400	181000	200400									
14	26400	29300	32000	37100	42800	52000	66000	70000	77900	82400	99000	112000	165600	185000	205000									
15	27200	30200	33000	38200	44100	53600	68000	72100	80200	84900	102000	115000	168800	189000	209600									
16	28000	31100	34000	39300	45400	55200	70000	74300	82600	87400	105000	119000	172800	194000	215000									
17	28800	32000	35000	40400	46800	56900	72100	76500	85000	90000	108000	122000	176000	198000	219000									
18	29700	33000	36100	42700	49200	59600	75000	79500	88000	93000	111000	125000	180000	202000	223000									
19	30600	34000	37200	43600	50200	60800	76400	81000	90000	95000	113000	127000	182000	204000	225000									
20	31500	35000	38300	44800	51600	62400	78200	83000	92000	97000	115000	129000	184000	206000	227000									
21	32400	36100	39500	46100	53000	64000	80000	85000	94000	99000	117000	131000	186000	208000	229000									
22	33400	37200	40700	47500	54600	65800	82000	87000	96000	101000	119000	133000	188000	210000	231000									
23	34400	38300	41800	48800	56000	67400	83800	89000	98000	103000	121000	135000	190000	212000	233000									
24	35400	39400	43100	50200	57600	69200	85800	91000	100000	105000	123000	137000	192000	214000	235000									
25	36500	40500	44400	51600	59200	71000	87800	93000	102000	107000	125000	139000	194000	216000	237000									
26	37600	41600	45600	52900	60800	72800	89800	95000	104000	109000	127000	141000	196000	218000	240000									
27	38700	43100	47100	55200	63400	75600	92800	98000	107000	112000	130000	144000	198000	220000	243000									
28	39900	44600	48700	56600	64900	77400	94800	100000	109000	114000	132000	146000	200000	222000	245000									

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Pay Band	5200-20200				9300-34800				15600-39100				37400-67000				67000-79000	75500-80000	80000	90000
	1800	1900	2000	2400	2800	4200	4600	4800	5400	5400	6000	7600	8700	8900	10000	67000	75500	80000	90000	
Grade Pay	1800	1900	2000	2400	2800	4200	4600	4800	5400	5400	6000	7600	8700	8900	10000	67000	75500	80000	90000	
Entry Pay (EP)	7000	7730	8460	9910	11360	13500	17140	18150	20280	21000	25350	29500	46100	49100	53000	67000	75500	80000	90000	
Level	1	2	3	4	5	6	7	8	9	10	11	12	13	13A	14	15	16	17	18	
Index	2.57	2.57	2.57	2.57	2.57	2.62	2.62	2.62	2.62	2.67	2.67	2.67	2.57	2.67	2.72	2.72	2.72	2.81	2.78	
29	41100	45700	50000	58500	66600	83200	102800	109100	121300	128200	155300	380500								
30	42300	47100	51500	60300	68600	86600	105900	112400	124900	132000	160000	385900								
31	43600	48500	53000	62100	70700	88500	109100	115800	128600	136000	166800	391300								
32	44900	50000	54600	64000	73800	92700	112400	119300	132500	140100	170700	397200								
33	46200	51500	56200	65900	75800	95600	115800	122900	136500	144300	174800	403100								
34	47600	53000	57900	67900	77300	98100	119300	126600	140600	148600	180000	409200								
35	49000	54500	59600	69800	79600	100800	122900	130400	144800	153100	185400									
36	50500	56200	61400	72000	82000	103800	126600	134300	149100	157700	191000									
37	52000	57900	63200	74200	84500	106800	130400	138300	153500	162400	196700									
38	53600	59600	65100	76400	87000	109800	134300	142400	158000	167300	202600									
39	55200	61400	67000	78700	89600	113800	138300	146700	162900	172300	208700									
40	56900	63200	69000	81100	92300	117400	142400	151100	168600	177500										

25. FIXED PAY MODEL

25.1 Based on the suggestion of the Member of the Commission Justice R. Basant, the novel concept of fixed pay structure has been mooted by the Commission as one of the pay models that could be thought of. In para 14.1 of the Consultation Paper, the broad outlines thereof have been set out and an illustrative model has been given in the form of Table:

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 scales with 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.

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

S.No.	Designation	Proposed Fixed Pay
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 5 years	205000
9	District Judge (Senior Level)	224000

25.3 At the consultative conferences, there was serious discussion on this subject. This model of pay fixation has the following features:

There will be higher starting pay at the level of Civil Judge (Jr. Div.) with substantial increase of pay every 5 years. The starting pay of Civil Judge (Jr. Div.) will be almost 20,000/- more than which he would otherwise get as per the other pay models which the Commission is suggesting. However, in this pay model, there will be **no** increments between one level and another. For each category i.e., Civil Judges (Jr. Div.), Civil Judges (Sr. Div.) and District Judges, there will be three levels with the stepped up pay at each level. For moving from one level to the other in the same post or rank, there will be no assessment of performance just as it is being done under the ACP (Assured Career Progression) scheme. However, the criteria prescribed for promotion will be gone through and if the officer is not found fit, she/he will remain in the same level till a further review is made in due course. The criteria evolved by the FNJPC in relation to ACP scheme will be dispensed with. The criteria for conferment of Selection grade and Super Time scale positions on the District Judges will no longer remain. The progression will be almost automatic. However, in the eventuality of pending proceedings for major penalty or adverse entries of serious nature in the ACRs, the upgradation to next level can be withheld by the High Court as a temporary measure and if the officer is absolved **or** minor penalty is imposed, the officer will get the benefit retrospectively. The relevant Disciplinary Rules will have to be amended for this purpose.

25.4 As regards the cadre of District Judges, at present, as per the recommendations of the FNJPC (approved by the Hon'ble Supreme Court), the Selection Grade and Super Time Scale posts are limited and the upgradation will be on the basis of merit-cum-seniority. Presently, within the cadre strength of District Judges of all categories, 25% of posts are allocated to Selection Grade and 10% are earmarked for Super Time Scale. A minimum period of service of 5 years as District Judge and 3 years of service as Selection Grade District Judge is prescribed for upgradation to Selection Grade and Super Time Scale respectively. In the fixed pay regime, the merit criteria will not be applied and the upgradation benefit will be given on completion of five years service, as stated in the previous para.

25.5 The High Courts of Guwahati, Madhya Pradesh, Meghalaya support the idea of fixed pay structure. The High Courts of Allahabad, Chhattisgarh, Himachal Pradesh, Jharkhand, Karnataka, Orissa, Patna, Rajasthan and Uttarakhand are not in favour of the fixed pay structure. The High Court of Gujarat while stating that it is a desirable alternative, has furnished a pay Table starting from Rs.90,000/- and going up to Rs.2,10,000/-.

25.6 The Madras High Court, while pointing out the deficiencies in the fixed pay methodology and suggesting that the formula followed by JPC would be more appropriate, however, stated in reply to Question No.8 that "the innovative method is desirable in terms of better monetary benefits".

25.7 The Tripura High Court while supporting the fixed pay structure, at the same time, points out the shortfall in such system by reason of the fact that there will be no difference between the senior and junior officers in the same cadre. Though new comers would be benefited, the senior officers may feel that they have been deprived of financial benefits. Therefore, it is suggested that the pay fixation shall be such that the seniors get higher pay than the juniors in the same cadre in case the fixed pay scale system is adopted.

25.8 Most of the Associations have supported this idea because the serving and retired officers will be monetarily benefited (even without increments) on a larger scale than what they would get by the application of the present methodology of pay fixation. However, the Associations have given their own versions of the fixed pay model, according to which, the pay at some levels shall be higher than what is indicated by the Commission and moreover, the periodicity of increase shall get reduced from 5 to 3 years at some levels. For instance, the AIJA has proposed the following Table:

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)	2,24,000

25.9 The U.P. Judicial Services Association has suggested the following fixed pay model.

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 5 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 5 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

25.10 Dr. Ajay Nathani (General Secretary of AIJA) has given his version on fixed pay model. Based on the formula of average basic salary in the new/proposed pay matrix starting from Rs.77,700/- he has worked out the following figures for various categories of officers:

Civil Judge	Civil Judge (1 st ACP)	Civil Judge (2 nd ACP)	Senior Civil Judge	Civil Judge (Sr. Div.) 1 st stage	Civil Judge (Sr. Div.) 2 nd Stage	District Judge	District Judge (Selection Grade)	District Judge (Super Time Scale)
91276	109156	130706	130706	134258	153800	153800	169163	224100

According to him, the final Table for fixed pay model ought to be as follows:

Civil Judge (JD)	Rs.1,00,000/-
ACP-I	Rs.1,10,000/-
ACP-II	Rs.1,20,000/-
Civil Judge (SD)	Rs.1,30,000/-
ACPI	Rs.1,40,000/-
ACPII	Rs.1,50,000/-
DJ (Entry Level)	Rs.1,60,000/-
DJ (SG)	Rs.1,80,000/-
DJ (STS)	Rs.2,24,400/-

25.11 The All India Retired Judges Association, in its summarized submissions filed on 09.02.2019 at Delhi conference, has furnished a comparative Table indicating the difference in revised pay as per the formula of 2.81 times increase vis-a-vis the Fixed Pay structure. The difference in percentage between the revised Master pay scale evolved on the basis of 2.81 times increase and the fixed pay figures given in the Consultation Paper with reference to each level has been worked out according to which, for Civil Judge (Jr. Div.) at Entry Level, the difference comes to Rs.22,160/-; for Civil Judge (Sr. Div.) at Entry Level, the difference will be Rs.21,320/-; for District Judges at 3 levels/grades, the difference in pay is between 19,270/- and 23,680/-. The percentages of increase range between 3.2 and 3.9, as per the Comparative Table filed.

25.12 At the same conference Mr. Sukumaran, retired District Judge, Kerala and an office-bearer of AIRJA has suggested the fixed pay to be on the following lines:

Civil Judges (Jr. Div.)	Civil Judges (Sr. Div.)	District Judges (Entry Level)	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/-

(The percentages given above is with reference to High Court Judges' pay. It may be noted that the pay of Sr. Civil Judge is as high 80% of High Court Judges' pay and the pay of District Judge (Entry level) is as much as 90%).

25.13 The Kerala Judicial Officers Association has pointed out that if the Fixed Pay Scheme is to be adopted, it needs to be ensured that, throughout the service of an officer, there should be no pay loss in comparison with the pay otherwise drawn by him in accordance with the present system of maintaining ratio with the pay of High Court Judges.

25.14 The Commission is of the view that in relation to the Fixed Pay model, it would be appropriate to prescribe the periodicity of increase as 5 years and there is no need to reduce it to 3 years at middle levels as suggested by AIJA. It is felt that the retention of ACP does not serve any purpose and will not fit into this pay model discussed by the Commission.

25.15 The Commission would also like to clarify that even after notionally adding 5 to 7 increments to the revised pay (as per the other two models) arrived at by applying the formula of 2.81 times, it would not come close to one lakh; it will be about Rs.90,000/-. However, the Commission feels

that at the Junior Civil Judges' level for which direct recruitment is made, the starting pay should be one (1) lakh. This has been thought of in order to give incentive to the bright law graduates from premier law schools to opt for judicial service.

25.16 Secondly, the increments are dispensed with for the reason that with the addition of increments between one level and another, this scheme (fixed pay model) will become unworkable especially in view of the ceiling of Rs.2.25 lakhs. Further, having regard to the increased levels of salary far above the pay of All India Services Officers, it is but proper to strike a balance and dispense with the concept of increments altogether. Even without increments, the pay prescribed under the fixed pay model will be monetarily advantageous to the Judicial officers and the pensioners. The distinct identity in respect of the pay of the judiciary is incidentally maintained.

25.17 In relation to the Fixed Pay, the Table for migration/fitment is as follows:

Fitment/Migration Table Under Fixed Pay Structure

S. No.	Existing Pay	Proposed Pay	S. No.	Existing Pay	Proposed Pay
1.	27700	1,00,000	26.	51550	1,65,000
2.	28470	1,00,000	27.	52780	1,65,000
3.	29240	1,00,000	28.	54010	1,65,000
4.	30010	1,00,000	29.	55240	1,65,000
5.	30780	1,00,000	30.	56470	1,65,000
6.	31550	1,10,000	31.	57700	1,85,000
7.	32320	1,10,000	32.	58930	1,85,000
8.	33090	1,10,000	33.	60310	1,85,000

9.	34010	1,10,000
10.	34930	1,10,000
11.	35850	1,20,000
12.	36770	1,20,000
13.	37690	1,20,000
14.	38610	1,20,000
15.	39530	1,20,000
16.	40450	1,35,000
17.	41530	1,35,000
18.	42610	1,35,000
19.	43690	1,35,000
20.	44770	1,35,000
21.	45850	1,50,000
22.	46930	1,50,000
23.	48010	1,50,000
24.	49090	1,50,000
25.	50320	1,50,000
34.	61690	1,85,000
35.	63070	1,85,000
36.	64450	2,05,000
37.	65830	2,05,000
38.	67210	2,05,000
39.	68750	2,05,000
40.	70290	2,05,000
41.	71830	2,24,000
42.	73370	2,24,000
43.	74910	2,24,000
44.	76450	2,24,000

25.18 Thus, the **pensioners** will be fitted into the appropriate pay level applicable to the post/rank held by them and length of service in that post/rank as shown in the Table at para 24.2 page 101 at the time of retirement and the pension will be calculated accordingly.

26. The above discussion and the fixed pay model drawn up by the Commission shall not be construed to mean that the Commission prefers this model over others. In fact, the Commission has expressed its preference to the Pay Matrix model. The Commission is only presenting a holistic picture so as to give a fair idea and the features of the fixed pay model for due consideration.

27. To facilitate easy reference, an illustrative Comparative Table showing pay details under the three methodologies is as under:

S. No.	Existing Pay	Pay as per multiplier of 2.81 in MPS	Pay as per Pay Matrix	Pay as per Fixed Pay Model
1.	27700	77840	77840	1,00,000
2.	28470	80000	80180	1,00,000
3.	29240	82160	82590	1,00,000
4.	30010	84330	85070	1,00,000
5.	30780	86490	87620	1,00,000
6.	31550	88610	90250	1,10,000
7.	32320	90820	92960	1,10,000
8.	33090	92980	95750	1,10,000
9.	34010	95570	95750	1,10,000
10.	34930	98150	98620	1,10,000
11.	35850	100740	101580	1,20,000
12.	36770	103320	104630	1,20,000
13.	37690	105910	107770	1,20,000
14.	38610	108490	111000	1,20,000
15.	39530	111080	114330	1,20,000
16.	40450	113660	114330	1,35,000
17.	41530	116700	117760	1,35,000
18.	42610	119730	121290	1,35,000
19.	43690	122770	124930	1,35,000
20.	44770	125800	128680	1,35,000
21.	45850	128830	132540	1,50,000
22.	46930	131870	132540	1,50,000
23.	48010	134900	136520	1,50,000
24.	49090	137940	140620	1,50,000
25.	50320	141400	144840	1,50,000
26.	51550	144860	149190	1,65,000
27.	52780	148310	149190	1,65,000
28.	54010	151770	153670	1,65,000
29.	55240	155220	158280	1,65,000
30.	56470	158680	163030	1,65,000
31.	57700	162140	163030	1,85,000
32.	58930	165590	167920	1,85,000
33.	60310	169470	172960	1,85,000
34.	61690	173350	178150	1,85,000
35.	63070	177230	178150	1,85,000
36.	64450	181100	183490	2,05,000
37.	65830	185000	188990	2,05,000
38.	67210	188860	188990	2,05,000
39.	68750	193190	194660	2,05,000
40.	70290	197510	199100	2,05,000
41.	71830	201840	205070	2,24,000

42.	73370	206170	211220	2,24,000
43.	74910	210500	217560	2,24,000
44.	76450	214820	224100	2,24,000

28. The Commission would now like to discuss the merits and demerits of the proposed Fixed Pay pattern.

28.1 The Fixed Pay model with far higher starting pay at the level of Civil Judges, Jr. Div. (Rs.1 lakh) and substantial increase thereafter every five years will encourage bright law graduates from reputed Law Schools and young lawyers to opt for Judicial service. A decent remuneration at the initial recruitment level will be one of the important considerations in weighing their options. This trend in turn would lead to qualitative improvement of judiciary. A distinctive pay regime for the District Judiciary (within the cap of High Court Judges' salary) can be ushered in without resorting to comparisons with other services and this would in turn promote the basic principle firmly established that the members of judiciary have a legitimate claim for higher emoluments than the executive.

28.2 The delays in conferment of ACP which are rampant now can be avoided. The time-bound progression to higher grades in District Judges' cadre can be ensured. The somewhat cumbersome process of calculation of increments can be avoided. Above all, the Subordinate judiciary will have the satisfaction of being governed by an exclusive pay structure.

29. DRAWBACKS & PROBLEMS

29.1 The drawbacks of this pay model and the problems associated with it cannot be overlooked. On the one hand, it cannot be said with reasonable certainty that the objective behind it will be achieved. On the other hand, it is likely to trigger certain problems for which satisfactory solution cannot be found. The structuring of pay levels on a rational basis or clear criteria is itself a problem.

30. We would like to highlight the drawbacks and problems in detail in the following paragraphs.

30.1 Even with the higher start of about Rs. 22,000/- per mensem (Rs.1,00,000/- instead of Rs.77,840/-) it is not possible to assert that more and more talented law graduates from Premier Law Schools will join judiciary. Further, if experience at the Bar has to be insisted sooner or later, the prospects of bright youngsters with 3 years of experience at the Bar, preferring to join judiciary at the level of Jr. Civil Judges are dim. The higher starting pay (without increments) may not be a real incentive for them.

30.1.1 With the increase in National Law Schools in the recent times (they are as many as 22 now) and other premier Law Schools as well, large number of students from NLUs and other premier law schools are acquiring law qualification after five years of study. Those at the top and middle levels may not be willing to join the judiciary as Jr. Civil Judges though some of them may be prepared to seek recruitment as District Judges at a later stage

after 7 years of practice. As regards others who are less merited, the prospect of getting lucrative corporate jobs or opportunities in legal profession may not be bright. With the passage of time, after a short period of wait and see, they are most likely to prefer judicial career. In fact, this trend has already started. The emerging scenario is comparable with the market principle of supply and demand.

30.1.2 Even under the proposed regime of pay fixation, (based on MPS or Pay Matrix), the emoluments of Judicial Officers are fairly good and attractive. The starting pay is much higher than the All India Service Officers and at the higher levels (District Judge onwards), the pay is equal to top level IAS Officers. The highest salary of District Judge's (STS) is very close to HC Judge's salary. Quite a good number of benefits as regards the allowance are being recommended. It is being proposed that Judicial Officers shall be outside the NPS regime. These measures together with distinct pay structure in the form of Judicial pay matrix which is far better than that applicable to the executive, will certainly serve as an incentive to join judicial service. The revised pay and allowances are adequate enough to attract bright law graduates from premier law schools to the judicial service as Junior Civil Judges. It may be that those at the higher levels of merit would not like to join, but in due course, those students from premier law institutions in the mid levels and lower levels of merit rating are likely to join Judicial service on weighing the options. It is, therefore, not possible to say with reasonable certainty that talented, bright law graduates of reputed law schools would join

the judicial service at the level of Junior Civil Judge if only the fixed pay module with higher starting pay is put into force. At the most, it would only make minimal impact on the career choice.

30.1.3 Further, it appears that the prevailing work environment in District and Subordinate Courts (which the law students would have noticed in the course of clinical training), the prospect of transfers to remote rural areas, the Court language are some of the factors that weigh with them in not choosing judicial career at the initial level.

30.1.4 The lack of awareness of the advantages (monetary) of Judicial service and dearth of initiative to sensitize the law students of the job satisfaction they derive by their contribution to the justice dispensation system, is yet another reason for many such students not preferring to join the Judicial service.

30.2 The High Court Judges' salary is always, though unfairly, equated to that of Secretary to Government of India. So long as that policy or practice remains, it would be difficult to envisage a pay structure for Judiciary vastly different from other civil servants at the All India level.

30.3 According to the concept of fixed pay with higher start, upgradation from stage to stage is automatic. What then is the position of ACP scheme? The policy behind ACP is that the officers whose performance has been fairly good or against whom there is positively nothing adverse,

shall not get stagnated without promotion for too long. It may not be proper to wholly deviate from the criteria evolved by FNJPC and confer the benefit of automatic progression irrespective of their poor performance. True, as far as the first ACP for Junior Civil Judges is concerned, a liberal approach is called for in view of the initial handicaps they face, but there is no case to dispense with work appraisal altogether.

30.4 Then, coming to the cadre of District Judges, the same problem perhaps to a greater extent would surface. The principle applied by FNJPC for functional/financial upgradation to Selection grade and Super Time Scale is 'merit-cum-seniority'. It implies scrutiny of record of service including performance. Automatic progression will go counter to the said criteria and the High Courts may feel powerless to prevent meritless candidates from getting upgradation to higher levels of SG and STS. Further, the number of higher level posts (SG/STS) are restricted by the specified percentage consciously by the FNJPC. In the history of public services, the top level positions are always limited in number. It would not be proper to do away with the percentage altogether. Of course, there is a case for increasing the percentage; however, to dispense with the limitation of posts is not desirable. If percentage is to be maintained, may be in a modified form, the District Judges who are not in a position to get into higher grade will have to remain without increment.

30.4.1 Thus, automatic progression has the tendency to dilute the supervisory powers of High Courts. High Courts may not be inclined to upgrade the Officers (District Judges) whose performance is not satisfactory. But, in such situation, the High Courts may find it difficult to prevent placement in the higher levels of SG/STS. Withholding the pay benefits of undeserving officer is not possible unless there is performance appraisal and if such criterion has to be applied, the idea of automatic progression will have to be given up.

30.4.2 There is another problem that would arise if, in order to effectuate automatic progression, the ceiling limit prescribed by FNJPC is given up. The cadre strength of the District Judges is fixed as a whole. At any given point of time, the number of District Judges with five years of service is considerable. By virtue of automatic progression rule, they will be eligible to become Selection Grade District Judges w.e.f. 01.01.2016 and in another two years from now, they will get upgraded to super-time scale. Resultantly, the number of District Judges at entry level will decline. This problem will be felt more acutely when there is recruitment of fairly large number at a time. The progression will not give rise to any new vacancy at the District Judge entry level in as much as the District Judge of all the three ranks constitute single cadre and the cadre strength is fixed accordingly. The vacancy at the District Judge entry level will then arise only on elevation or retirement of the District Judge at the top levels. Thus, there is every possibility of top being too heavy and the entry level becoming deficient. This

will disturb equilibrium in the pyramidal structure and give rise to administrative problems.

30.5 In the matter of imposition of penalties too, some problems will crop up. The minor punishment of withholding increments is quite often resorted to, to avoid too little or too severe punishment. Now, withholding increments does not arise. Instead, if reduction in certain percentage of pay or withholding the upgradation to higher pay level has to be resorted to, it amounts to major punishment and the long drawn procedure therefore has to be necessarily followed.

30.6 The feeling of stagnation is yet another factor that has to be kept in mind. While there may be some initial satisfaction on account of higher pay, dissatisfaction is likely to crop up later with the passage of time. There is a strong view point that pay scales with regular progression offers more attraction than a system in which there is higher level of initial pay without any increments.

30.7 Further, too high increase, grossly disproportionate to the level of increase of pay of All India Service officers and all the Civil and Military personnel in the country is bound to generate heart burning and the feeling that judiciary is coveting for too high remuneration. Too much of disparity has to be avoided and relativity factor needs to be kept in view. Judicial pay scales cannot be viewed in isolation and comparison with All India Services is not ruled out even on the principle that the salary structure of Judicial officers

can stand on a different pedestal. The legitimate expectations of Judges and the need to exercise self-restraint should be balanced in the larger interest of Judiciary.

30.8 Above all, it is difficult to spell out a scientific basis or clear criteria for arriving at the figures starting from Rs. 1 lakh and providing for quinquennial increase of Rs.10,000/- or so. The AIRJA and the General Secretary of AIJA have presented their own versions of Fixed Pay structure which do not help us much in resolving this issue, however, the Commission appreciates the efforts made by them in this regard.

31. Though *prima facie*, the Commission felt that the fixed pay structure is a good idea and a desirable option, on deeper consideration of pros and cons, the Commission is of the considered view that pay matrix model (similar to the one adopted by VII CPC) is the most preferable methodology. Perhaps, the Commission will be taking too much of risk by putting in place the fixed pay model in preference to the time tested methodologies while evolving the new pay structure. The Commission is not inclined to deviate substantially from the principles and criteria laid down by FNJPC on due consideration of several relevant aspects. Distinct identity to the Judicial pay structure can be ensured even with the methodology evolved by previous Commissions or by formulating a pay matrix with appropriate adaptation. Accordingly, the Commission has formulated the pay matrix for Judicial Officers on tangible criteria and well recognized principles.

32. Before concluding, the Commission would like to point out that one of us i.e., the Member, former Judge of Kerala High Court Shri R. Basant has furnished a detailed Note which is incorporated in the following pages. In the Note, the problems noted above are stated to be not insurmountable and the Fixed Pay model deserves due consideration by the Hon'ble Court as an effective alternate.

33. NOTE BY SHRI R. BASANT, MEMBER, SNJPC ON FIXED PAY MODEL

33.1 In the interests of unanimity and bowing to the wisdom and experience of the respected Chairperson, I have assented to the opinion of the Hon'ble Chairperson – revered Justice P.V. Reddi and have made the suggestion that the Pay Matrix Module of the Commission can be put forth as the 1st option of the Commission. But that was on the specific understanding that the Fixed Pay Module can also be placed before the Court for its consideration, and acceptance. Hence, we have placed the same before this Court.

33.2 The idea of Fixed Pay may of course be novel, and unprecedented and also unconventional, and in that view, one without the advantage of practical experience of working. But the amount of acceptance and hope that it generated among the Judicial Officers and others in the responses to the consultation paper and in the consultation conferences, persuade me to add this note, and request the Hon'ble Supreme Court to give a thought to this module also. The idea is attractive, has a lot of merit in it,

and the problems in its acceptance and execution are not according to me, insurmountable at all. That conviction persuades me to add this note.

33.3 First and foremost, the Fixed Pay Module would give the Subordinate Judiciary the pride that they belong to the Judicial Institution, which is a team constituted by the Judges of the Supreme Court, the High Courts, and the Subordinate Judiciary. In the present-day context, it is highly important that they are, and do feel that they belong to the tribe of Judges which has a distinctive identity, and which discharges the Constitutional Sovereign duties/responsibilities as the stakeholders of the judicial arm. The Supreme Court and High Court Judges who ordinarily serve for ten to fifteen years or less as Judges do not have an increment and the years that they put in is not reflected in their pay packages. Rather than speak or write volumes to impress upon the Judges of the Subordinate Judiciary that they are discharging sovereign functions and not mere members of a service; this inclusion of them along with higher Constitutional Judicial functionaries would achieve that purpose most satisfactorily.

33.4 To persuade Judicial Officers, with traditional exposure only, to agree to work with no increment at all, has by no means been an easy task but the Commission was able to sell this idea and induce acceptance among the Judicial Officers in the various consultation conferences.

33.5 Every Judicial Pay Commission is today burdened with the responsibility of considering the relativities with members of the 'other

Services' and to always make suggestions in tandem with the pay packages of Officers of such 'other Services'. The idea that Judicial Officers are sovereign functionaries and not members of any such 'Service' is thus challenged every now and then. If the Judges – of the Supreme Court, of the High Courts, and the Subordinate Judiciary together are treated as a different and distinct group, this difficulty may get solved once for all.

33.6 That today, the salary of the Judges of the superior courts may, though not directly, but indirectly, have a bearing on the salaries of members of the Administrative Executive, should not deter us from accepting the Fixed Pay Module. Perhaps the acceptance of the Fixed Pay Module may tomorrow send round the message that salaries of superior Constitutional Judges are not to be fixed by comparing the same with members of other Administrative Executive of any level, but by comparison with other Constitutional Functionaries like President, Vice President, Governor, etc. Some of the Constitutional functionaries draw the salary as stated below:

i.	President	:	Rs. 5 Lakh
ii	Vice-President	:	Rs. 4 Lakh
iii.	Governors of the States	:	Rs.3.50 Lakh

33.7 It may be noted that these functionaries draw much higher salary than the judges of the High Court who draw Rs.2.25 Lakh per menses which is reckoned as a vertical cap for the District/Subordinate Judiciary.

33.8 The idea of the same fixed salary for the cadres of Junior Division, Senior Division, and District Judges without any distinction, ignoring

their length of service, was considered by the Commission. But it was considered advisable to have three levels within each cadre considering the long periods that Judicial Officers have to spend in each cadre unlike the Judges of the superior Constitutional Judiciary.

33.9 This Commission had taken note of the paramount importance of attracting bright young men and women to the Judiciary at the entry level. The respect and admiration that the judicial institution commands today and shall be able to claim tomorrow, are attributable to the competence, character, and sublimity of the grass root level operatives. The best available quality of persons must occupy the grass root level judicial chairs. Hence the importance of attracting the best men and women with character, competence, and commitment at the grass root level. It is important that the best available persons are attracted to the Subordinate Judiciary to maintain the high profile of the Judicial Organ. It is hence of significance that we make the grass root level posts attractive to rope in outstanding men and women.

33.10 That outstanding men and women may join only at the District Judge level is no consolation as the attempt and the understanding is that we must make the grass root level attractive – both in terms of pay package and upward mobility in the system.

33.11 It is always a question of opinion whether, even with the Fixed Pay Module, we can succeed a hundred percent in attracting the best talent. The experiment will have to prove itself. But today, a basic pay of Rupees

One Lakh at the entry level may be very attractive to competent men and women from the lower and middle classes of society. For responsible discharge of the judicial function, it is that constituency which has to be given incentive.

33.12 That the disciplinary power of the High Courts will be detracted if barring of increments or ACP vanishes, is not an argument that can appeal to us. Lure of an increment or the prospect of losing it cannot according to me enthuse or deter a person of the type that we are targeting. Monetary deprivation provisions – barring of an increment as punishment, or not granting an ACP increment, is definitely not a crucial factor in these circumstances. Even assuming it to be so, service rules can be amended to ensure that the High Courts have power to impose punishments having monetary implications as minor penalty.

33.13 On the disciplinary power of the High Courts, such power must primarily be calculated to improve the improvable incumbents, or to throw the incorrigible out punitively, and to zealously protect the institution from improper or unsuitable incumbents. The provisions to reduce the rank, to bar promotions, or to dismiss from service and to compulsorily retire, must certainly be sufficient for the High Courts to ensure disciplinary control.

33.14 The mean basic pay of Junior Division, Senior Division and District Judges under the Fixed Pay Module will be Rs. 1,10,000/-. Rs. 1,50,000/- and Rs. 2,04,500/- which will work out only to 48.8%, 66% and

90.8% respectively, of the salary of the Judges of the High Courts; and by no stretch of the imagination can that be held to be grossly excessive and disproportionate salary in comparison with 'other Services' – considering the fact that the Judicial Officers will have no increments annually under the Fixed Pay Module for a period of five years.

33.15 That the institution will become top heavy, is again not an acceptable argument. A promotee District Judge – after his stint of service as Junior Division Judge and Senior Division Judge, will have to spend five more years at the entry level before he reaches middle level, and ten more years before he reaches the final level of District Judgeship. All District Judges – whether entry level, middle level, or final level have to discharge identical judicial duties (like their counterparts in the Junior Division and Senior Division levels), and the system being top heavy may not be true and a valid apprehension. Of course, the senior-most among them with superior administrative skills, expertise and experience may always be posted as High Court Registrars, Principal District Judges, Law Secretaries, Secretary – Legal Service Authority etc.

33.16 For the Pensioners also, the Fixed Pay Module may be advantageous. Their length of service in the cadre from which they retired will have to be ascertained. They will be entitled to 50% of the pay admissible to that segment as their pension. This would ensure that the laudable objective of One Rank One Pension is virtually achieved.

33.17 While I have, in the interests of unanimity, agreed that the first suggestion of the Commission can be the Pay Matrix Module, I do earnestly want the Supreme Court to consider the Fixed Pay Module as a very attractive, workable, and worthwhile alternative.

33.18 The purpose of this note – not a dissent at all, is only to appeal to the Supreme Court to consider the Fixed Pay Module alternative with or without any modification if any necessary.

34. APPLICATION OF REVISED PAY SCALES TO THE PRESIDING OFFICERS OF INDUSTRIAL TRIBUNALS AND LABOUR COURTS

34.1 As regards the pay of Presiding Officers serving in Industrial Tribunals/Courts and Labour Courts, JPC clarified at Para 5 of Section 1 of Part-III that the revised pay scales will also be applicable to them, though they do not belong to a regular cadre of Subordinate Judiciary. This recommendation has been made in view of two judgments of Supreme Court vide **State of Kerala v B. Renjit Kumar** 2008 (12) SCC 2019 and **State of Maharashtra v Labour Law Practitioners' Association** 1998 (2) SCC 688.

34.2 We reiterate the recommendations of JPC and they shall continue to get the benefit of revised pay scales though they do not belong to regular cadre of District Judges.

34.3 By way of clarification, we would like to mention that in most of the States, the District Judge rank Officers belonging to the regular cadre are deployed by the High Court to preside over the Labour Courts/Industrial Tribunals. While the same practice is also prevalent in the State of

Maharashtra, a separate cadre of Presiding Officers of Industrial Tribunals and Labour Courts has been created. The Maharashtra State Judicial Officers of the Labour Courts and Industrial Courts (Recruitment, Appointment and Disciplinary Action) Rules were framed in 2014. The appointment of such Officers is made on the basis of selection conducted by the High Court. Rule 4 lays down that the President of the said Courts shall be appointed by the Governor in consultation with the High Court by way of promotion of the Member of the said Court or by nomination on the basis of selection made by High Court of persons qualified for being appointed as Judges of the High Court and also by transfer of suitable District Judges who fulfil certain requirements. In the case of nomination pursuant to the selection made by the Committee of High Court Judges, the candidate shall be not less than 35 years and not more than 45 years on the date of publication of advertisement. The retirement age of the President or Member of the said Court/Tribunal is 62 years. The Commission could not get information from other States as to the existence of a similar/separate cadre of Presiding Officers of Labour Courts/Industrial Tribunals.

34.4 In Chhattisgarh, the cadre of Industrial/Labour Court Judges got merged with the Judicial services of the State. The Member-Judge of the Industrial Court is in level-13 of the State Pay Matrix and the Judge of the Labour Court is in Level-12. According to the information received from Allahabad High Court, retired Judges of High Court are also appointed as Presiding Officers of Industrial Tribunals apart from retired Judicial Officers

from UPHJS cadre on the recommendation of the Selection Committee of High Court.

34.5 At the conference in Mumbai, it was pointed out that there are administrative delays in extending the revised pay benefits to the Presiding Officers of Industrial Tribunals/Labour Courts because the proposals are not processed by the Registry of High Court, but, by the concerned Department of Government connected with the establishment and maintenance of these Courts.

34.6 It would, therefore, be appropriate that suitable directions are issued by this Hon'ble Court to the Principal Secretary, Finance Department of all the Governments to simultaneously consider and extend the revised pay benefits to the presiding officers of Industrial Tribunals and Labour Courts while effecting the revision of pay of Judicial Officers in the regular cadre. Further, the Registry of High court, while sending proposals to the Government for pay revision, shall mark a copy to the Department of Government concerned with Industrial and Labour Courts and it shall be the personal responsibility of the Secretary to Government of that Department to initiate the proposals of pay revision on receiving the communication from the Finance Department or the Registry of the High Court. The representation if any made by the Judges of Industrial Tribunals/ Labour Courts as regards the pay revision benefit shall receive prompt response from their administrative Department.

34.7 **Accordingly, we recommend.**

35. JUDGES OF FAMILY COURTS (IN MAHARASHTRA)

35.1 In almost all the states, District Judges belonging to regular cadre of Judicial service are being posted as Family Court Judges. However, in the **State of Maharashtra**, there is a dedicated cadre of Judges of Family Courts. They constitute a separate cadre and they are not members of the Higher Judicial service. They are selected and appointed as per the recruitment Rules framed by High Court and approved by the State Government. The recruitment Rules relating to Family Court Judges provide for preference to women candidates. The Family Court Judges are recruited through a competitive examination consisting of written test and viva voce conducted by the High Court and pursuant to the selection made by the High Court, notification is issued by Law and Justice Department of the State Government appointing the selected candidates. They are trained at the State Judicial Academy. Their pay, allowances and most of the perks are at par with the District Judges of the regular cadre. However, they are at present not entitled to the benefit of Selection Grade and Super Time Scale which the District Judges of regular cadre are eligible to get. The Family Court Judges are paid the salary equivalent to that of District Judge (Entry level). There is stagnation after reaching the maximum of the pay scale of District Judge (Entry level).

35.2 Rule 8 of the Judges of the Family Courts (Recruitment and Service Conditions) Maharashtra Rules, 1990 reads thus:

a)The Judge of the Family Court in Bombay shall draw pay and allowances at par with the judges (i.e., of Principal Judge, Additional Principal Judge and Judge respectively) of the City Civil Court, Bombay and at other places pay and allowances as admissible to the District Judge. The Principal Judge of the Family Courts at other places, however, will be entitled to such additional allowances as sanctioned, from time to time.

(b) The service conditions of the Principal Judge, Additional principal Judge/Judges and Judges of the Family Court, Bombay shall be at par with the Principal Judge, Additional Principal Judge/Judges and Judges of the City Civil Court, Bombay, the judges of the Family Courts outside Bombay shall be at par with the District Judges.

35.3 In spite of the above Rule providing for parity with the Judges of City Civil Court, Bombay and District Judges in the State in regard to pay and allowances and service conditions, there is no good reason why they are denied the benefit of Selection Grade and Super Time Scale. We have already referred to the decisions of Hon'ble Supreme Court while referring to the Presiding officers of Industrial Tribunals and Labour Courts in Maharashtra etc. In our considered view, the ratio of these judgments would squarely apply to the Family Court Judges as well. The Commission therefore, **recommends** that the benefit of Selection Grade and Super Time scale ought to be extended to the Judges of Family Courts to the same extent to which the District Judges of regular cadre are eligible for. The number of Selection Grade and Super Time Scale for Family Court (ex-cadre) Judges shall be determined as per their cadre strength on the basis of the ratio of 50%, 35% and 15% as already suggested for regular cadre of District Judges. Further, as Family Court Judges in Maharashtra retire at the age of 62 years and have extra tenure of 2 years when compared to the regular

officers, the High Court may prescribe the minimum age at which they shall be given the benefit of Selection Grade, if considered necessary.

35.4 Similar benefit shall be extended to the Judges/Presiding officers of Family Courts in other States if in any State, they constitute a separate cadre outside the regular Judicial hierarchy.

35.5 The difficulty in getting official residential accommodation has also been pointed out by the Family Court Judges in Mumbai who are mostly lady officers. On this aspect, the Commission considers it appropriate to **recommend** that the Principal Judge Family Court (ex-cadre) shall be allotted quarters preferentially in General Pool Accommodation just as preference is being given to Principal District Judge/Chief Judge, City Civil Court in major cities, in the matter of allotment of residential accommodation.

36. SPECIAL JUDICIAL MAGISTRATES

36.1 In some States such as Andhra Pradesh, Telangana, Karnataka, Uttar Pradesh and Jharkhand, the officials who worked in Judicial establishment and retired or the retired Executive Officials possessing the law degree qualification are being appointed as Special Judicial Magistrates under Sections 11 & 13 of Cr. P.C. and conferred with the powers of Judicial Magistrate of Second Class. They work on part time basis and try petty offences such as those relating to traffic violations. Generally, they hold Courts in morning times. The maximum numbers of such Courts are in Andhra

Pradesh and Telangana (almost in all cities). Further, under the 13th Finance Commission's scheme, retired Judicial Officers (mostly those who worked as District Judges) are designated as 'Special Judicial Magistrates' with first class magisterial powers to try specified offences. They work on full time basis. The Magistrates belonging to this category working in Andhra Pradesh and Telangana get fairly adequate remuneration as it has been enhanced to Rs.60,000/- per month recently including conveyance allowance. As far as Judicial Magistrates of Second Class are concerned, their remuneration is quite low. In Andhra Pradesh and Telangana even after enhancement in the year 2016, their present remuneration is Rs.15,000/- per month. In Uttar Pradesh, it is only Rs.6,000/- per month. In Karnataka, it is Rs.10,000/- per month. In Delhi, the Special Metropolitan Magistrates invested with the powers of Second Class Magistrates are retired executive officials having law degree and they get "out of pocket expenses" of Rs.35,000/-, apart from Conveyance Allowance of Rs.7,500/- per month and Dress Allowance Rs.1,000/- per month. In Kerala, there are Special Magistrates of Second Class to deal with summary trial cases and also the offences under the Indian Railways Act. They are paid Rs.20,000/- per month honorarium. In Jharkhand the power of Special Judicial Magistrate of Second Class are conferred on the executive officers of the State by the High Court on the proposals sent by the State Government. In Madhya Pradesh, it appears there are 96 Second Class Magistrate Courts working on full time basis. They are directly recruited

through examination conducted by the High Court. They get entry level pay of Civil Judge.

36.2 The Commission feels that there is every need to increase the remuneration of the officials working as Special Judicial Magistrates (Second Class)/Special Metropolitan Magistrates to a reasonable extent. The Commission **recommends** that the Special Judicial Magistrates/Special Metropolitan Magistrates who are invested with the powers of Magistrate of Second Class to deal with petty offences/summary trial cases shall get minimum remuneration of Rs.30,000/- per month and conveyance allowance of Rs.5,000/-. This benefit shall be given from 01.04.2019. The said remuneration shall be revised suitably every five years, keeping in view the rate of inflation.

36.3 It is desirable that a moderate-sized permanent building shall be constructed and proper facilities provided to the public so that the proceedings are conducted in a proper atmosphere in the Spl. Magistrates' Courts.

37. FINANCIAL IMPLICATION

37.1 As noted earlier in Para 3 of Chapter I (Introductory) that as per the data received from the High Courts the total sanctioned cadre strength of Civil Judges is 15965 and that of District Judges is 7382, the working strength being 7237 Civil Judges (Jr. Div.), 4675 Civil Judges (Sr. Div.) and 6135 District Judges of various grades.

37.2 The Commission has calculated the additional financial outgo after adjusting the interim relief made available by virtue of the order of Supreme Court dated 27.03.2018 accepting the Commission's report dated 09.03.2018. The Commission has calculated the same in terms of all the three methodologies of pay structure i.e. the Master Pay Scale, the Pay Matrix and the Fixed Pay pattern.

37.3 In calculating the financial commitment, the Commission has followed two methods:

- i. **Average Pay Method** suggested by one of the Experts wherein all the stages in a particular scale have been added and divided by the number of stages in that scale to arrive at the average pay.
- ii. **Mean Pay Method** wherein the minimum and maximum of the Pay has been added and divided by 2 (two) to arrive at the Mean Pay.

37.4 By following the **Average Pay method**, the financial commitment for all the cadres is as follows:

Designation	As per Master Pay Scale (In Crores)	As per Pay Matrix (In Crores)	As per Fixed Pay (In Crores)
Civil Judge (Entry Level)	Rs.58.37	Rs.85.68	Rs.160.06
Civil Judge (Jr. Div.) ACP-I/Middle Level	Rs.23.27	Rs.30.55	Rs. 57.92
Civil Judge (Jr. Div.) ACP-II/Senior Level	Rs. 1.33	Rs.1.86	Rs. 2.64
Civil Judge (Sr. Div.) (Entry Level)	Rs.57.00	Rs.79.59	Rs. 124.21
Civil Judge (Sr. Div.) ACP-I/Middle Level	Rs.10.60	Rs.14.62	Rs. 22.38
Civil Judge (Sr. Div.) ACP-II/Senior Level	Rs.0.84	Rs.1.16	Rs. 1.57
District Judge (Entry Level)	Rs.80.41	Rs.109.96	Rs.168.50
District Judge (Selection Grade/Middle Level)	Rs.18.86	Rs.26.38	Rs. 38.40
District Judge (Super-time Scale)/ Senior Level	Rs.11.56	Rs.14.74	Rs. 22.37
TOTAL	Rs. 262.24	Rs.364.51	Rs.598.14

37.5 By following the Mean Pay method, financial commitment for all the cadres is as follows:

Designation	As per Master Pay Scale (In Crores)	As per Pay Matrix (In Crores)	As per Fixed Pay (In Crores)
Civil Judge (Entry Level)	Rs.59.27	Rs. 94.27	Rs.160.06
Civil Judge (Jr. Div.) ACP-I/Middle Level	Rs.23.41	Rs. 32.14	Rs. 57.58
Civil Judge (Jr. Div.) ACP-II/Senior Level	Rs. 1.34	Rs. 1.96	Rs. 2.64
Civil Judge (Sr. Div.) (Entry Level)	Rs.57.33	Rs. 83.69	Rs.124.21
Civil Judge (Sr. Div.) ACP-I/Middle Level	Rs.10.64	Rs. 19.40	Rs. 22.38

Civil Judge (Sr. Div.) ACP-II/Senior Level	Rs. 0.86	Rs. 1.36	Rs. 1.57
District Judge (Entry Level)	Rs.81.72	Rs.129.45	Rs.170.05
District Judge (Selection Grade)/ Middle Level	Rs.19.14	Rs. 30.88	Rs. 38.21
District Judge (Super-time Scale)/ Senior Level	Rs.11.56	Rs. 14.85	Rs. 22.37
TOTAL	Rs. 265.28	Rs.408.00	Rs.599.07

37.6 The current pay being the pay as on 01.01.2016 has been calculated in the following manner :

Pay in the pre revised pay scale	Rs.100
DA as on 01.01.2016 (125%)	Rs.125
Interim Relief @30% w.e.f. 1.01.2016 (granted vide order dated 27.03.2018 of the Supreme Court)	<u>Rs. 30</u> <u>Rs.255</u>

37.7 In arriving at additional financial outgo per year the present outgo as on 01.01.2016 and the outgo on average pay basis has been calculated as per all the three pay methodologies and the differential amount (additional requirement) is reflected in Table in para 36.4.

37.8 Similarly, the additional financial outgo per year on mean pay basis on the pre-revised pay and the revised pay as per three pay methodologies has also been calculated and is given in Table in para 36.5.

Proposed Average Pay =	Total Pay of 20 Stages ÷ 20
Total Pay of 20 stages	77840 to 136520 = 2092000/-
	2092000 ÷ 20 = Rs. 104600/-
Total Current Outgo =	90985 x 5244 x 12 = 5,72,55,04,080/-
Total Proposed Outgo =	104600 x 5244 x 12 = 6,58,22,68,800/-
Additional Outgo =	6,58,22,68,800/-
	(-) <u>5,72,55,04,080/-</u>
	<u>85,67,64,720/-</u>

Civil Judge (Jr. Div.) ACP - I**Working Strength 1901**

Existing pay	= 33090 - 45850
Current Pay	= Existing Pay under the JPC x 2.55
	1.00 + 1.25 (DA@125% as on 01.01.2016) +
	0.30 (30% Interim Relief) = 2.55
Average Pay	= Total pay of no. of stages ÷ No. of stages
Current Pay	= Total Pay from 84380 to 116920 (14 Stages)
Current Average Pay	= Total Pay of 14 Stages ÷ 14
	= 1400930 ÷ 14 = Rs. 100070/-
Proposed Pay (as per Pay Matrix)	
Proposed Average Pay =	Total Pay of 14 Stages ÷ 14
Total Pay of 14 stages	92960 to 136520 = 1588360/-
	1588360 ÷ 14 = Rs. 113460/-
Total Current Outgo =	100070 x 1901 x 12 = 2,28,27,96,840/-
Total Proposed Outgo =	113460 x 1901 x 12 = 2,58,82,49,520/-
Additional Outgo =	2,58,82,49,520/-
	(-) <u>2,28,27,96,840/-</u>
	<u>30,54,52,680/-</u>

Civil Judge (Jr. Div.) ACP - II**Working Strength 92**

Existing Pay	= 39530 - 54010
Current Pay	= Existing Pay under the JPC x 2.55

		1.00 + 1.25 (DA@125% as on 01.01.2016) + 0.30 (30% Interim Relief) = 2.55
Average Pay	=	Total pay of no. of stages ÷ No. of stages
Current Pay	=	Total Pay from 100800 to 137730 (14 Stages)
Current Average Pay	=	Total Pay of 14 Stages ÷ 14
	=	1660370 ÷ 14 = Rs. 118600/-
Proposed Pay (as per Pay Matrix)		
Proposed Average Pay	=	Total Pay of 14 Stages ÷ 14
Total Pay of 14 stages		111000 to 163030 = 1896680/-
		1896680 ÷ 14 = Rs. 135480/-
Total Current Outgo	=	118600 x 92 x 12 = 13,09,34,400/-
Total Proposed Outgo	=	135480 x 92 x 12 = 14,95,69,920/-
Additional Outgo	=	14,95,69,920/-
	(-)	<u>13,09,34,400/-</u>
		<u>1,86,35,520/-</u>

Civil Judge (Sr. Div.) Entry Level**Working Strength 3929**

Existing Pay	=	39530 - 54010
Current Pay	=	Existing Pay under the JPC x 2.55
		1.00 + 1.25 (DA@125% as on 01.01.2016) + 0.30 (30% Interim Relief) = 2.55
Average Pay	=	Total pay of no. of stages ÷ No. of stages
Current Pay	=	Total Pay from 100800 to 137730 (14 Stages)
Current Average Pay	=	Total Pay of 14 Stages ÷ 14
	=	1660370 ÷ 14 = Rs. 118600/-
Proposed Pay (as per Pay Matrix)		
Proposed Average Pay	=	Total Pay of 14 Stages ÷ 14
Total Pay of 14 stages		111000 to 163030 = 1896680/-
		= 1896680 ÷ 14 = Rs. 135480/-
Total Current Outgo	=	118600 x 3929 x 12 = 5,59,17,52,800/-
Total Proposed Outgo	=	135480 x 3929 x 12 = 6,38,76,11,040/-

Additional Outgo	=	6,38,76,11,040/-
	(-)	<u>5,59,17,52,800/-</u>
		<u>79,58,58,240/-</u>

Civil Judge (Sr. Div.) ACP- I**Working Strength 681**

Existing Pay	=	43690 - 56470
Current Pay	=	Existing Pay under the JPC x 2.55 1.00 + 1.25 (DA@125% as on 01.01.2016) + 0.30 (30% Interim Relief) = 2.55
Average Pay	=	Total pay of no. of stages ÷ No. of stages
Current Pay	=	Total Pay from 111410 to 144000 (12 Stages)
Current Average Pay	=	Total Pay of 12 Stages ÷ 12 = 1526720 ÷ 12 = Rs. 127230/-

Proposed Pay (as per Pay Matrix)

Proposed Average Pay	=	Total Pay of 12 Stages ÷ 12
Total Pay of 12 stages	=	122700 to 169850 = 1741380/- = 1741380 ÷ 12 = Rs. 145115/-
Total Current Outgo	=	127230 x 681 x 12 = 1,03,97,23,560/-
Total Proposed Outgo	=	145115 x 681 x 12 = 1,18,58,79,780/-
Additional Outgo	=	1,18,58,79,780/- (-) <u>1,03,97,23,560/-</u> <u>14,61,56,220/-</u>

Civil Judge (Sr. Div.) ACP- II**Working Strength 48**

Existing Pay	=	51550 - 63070
Current Pay	=	Existing Pay under the JPC x 2.55 1.00 + 1.25 (DA@125% as on 01.01.2016) + 0.30 (30% Interim Relief) = 2.55
Additional Outgo		
Average Pay	=	Total pay of no. of stages ÷ No. of stages
Current Pay	=	Total Pay from 131450 to 160830 (10 Stages)

$$\begin{aligned} \text{Current Average Pay} &= \text{Total Pay of 10 Stages} \div 10 \\ &= 1459970 \div 10 = \text{Rs. } 145997/- \end{aligned}$$

Proposed Pay (as per Pay Matrix)

$$\text{Proposed Average Pay} = \text{Total Pay of 10 Stages} \div 10$$

$$\text{Total Pay of 10 stages } 144840 \text{ to } 188990 = 1660520/-$$

$$= 1660520 \div 10 = \text{Rs. } 166052/-$$

$$\text{Total Current Outgo} = 145997 \times 48 \times 12 = 8,40,94,272/-$$

$$\text{Total Proposed Outgo} = 166052 \times 48 \times 12 = 9,56,45,952/-$$

$$\begin{aligned} \text{Additional Outgo} &= \quad 9,56,45,952/- \\ &\quad \underline{8,40,94,272/-} \\ &\quad \mathbf{1,15,51,680/-} \end{aligned}$$

District Judge (Entry Level)

Working Strength 4569

$$\text{Existing Pay} = 51550 - 63070$$

$$\begin{aligned} \text{Current Pay} &= \text{Existing Pay under the JPC} \times 2.55 \\ &\quad 1.00 + 1.25 \text{ (DA@125\% as on 01.01.2016)} + \\ &\quad 0.30 \text{ (30\% Interim Relief)} = 2.55 \end{aligned}$$

$$\text{Average Pay} = \text{Total pay of no. of stages} \div \text{No. of stages}$$

$$\text{Current Pay} = \text{Total Pay from } 131450 \text{ to } 160830 \text{ (10 Stages)}$$

$$\begin{aligned} \text{Current Average Pay} &= \text{Total Pay of 10 Stages} \div 10 \\ &= 1459970 \div 10 = \text{Rs. } 145997/- \end{aligned}$$

Proposed Pay (as per Pay Matrix)

$$\text{Proposed Average Pay} = \text{Total Pay of 10 Stages} \div 10$$

$$\text{Total Pay of 10 stages } 144840 \text{ to } 188990 = 1660520/-$$

$$= 1660520 \div 10 = \text{Rs. } 166052/-$$

$$\text{Total Current Outgo} = 145997 \times 4569 \times 12 = 8,00,47,23,516/-$$

$$\text{Total Proposed Outgo} = 166052 \times 4569 \times 12 = 9,10,42,99,056/-$$

$$\begin{aligned} \text{Additional Outgo} &= \quad 9,10,42,99,056/- \\ &\quad (-) \quad \underline{8,00,47,23,516/-} \\ &\quad \mathbf{1,09,95,75,540/-} \end{aligned}$$

District Judge (Selection Grade) Working Strength 959

Existing Pay	=	57700 - 70290
Current Pay	=	Existing Pay under the JPC x 2.55 1.00 + 1.25 (DA@125% as on 01.01.2016) + 0.30 (30% Interim Relief) = 2.55
Average Pay	=	Total pay of no. of stages ÷ No. of stages
Current Pay	=	Total Pay from 147140 to 179240 (10 Stages)
Current Average Pay	=	Total Pay of 10 Stages ÷ 10 = 1629500 ÷ 10 = Rs. 162950/-
Proposed Pay (as per Pay Matrix)		
Proposed Average Pay	=	Total Pay of 10 Stages ÷ 10
Total Pay of 10 stages		162140 to 211550 = 1858720/- = 1858720 ÷ 10 = Rs. 185872/-
Total Current Outgo	=	162950 x 959 x 12 = 1,87,52,28,600/-
Total Proposed Outgo	=	185872 x 959 x 12 = 2,13,90,14,976/-
Additional Outgo	=	2,13,90,14,976/- (-) 1,87,52,28,600/- <u>26,37,86,376/-</u>

District Judge (Super Time Scale) Working Strength 505

Existing Pay	=	70290 - 76450
Current Pay	=	Existing Pay under the JPC x 2.55 1.00 + 1.25 (DA@125% as on 01.01.2016) + 0.30 (30% Interim Relief) = 2.55
Average Pay	=	Total pay of no. of stages ÷ No. of stages
Current Pay		Total Pay from 179240 to 194950 (5 Stages)
Current Average Pay	=	Total Pay of 5 Stages ÷ 5 = 935470 ÷ 5 = Rs. 187094/-
Proposed Pay (as per Pay Matrix)		
Proposed Average Pay	=	Total Pay of 5 Stages ÷ 5
Total Pay of 10 stages		199100 to 224100 = 1057050/-

	=	1057050 ÷ 5 = Rs. 211410/-
Total Current Outgo	=	187094 x 505 x 12 = 1,13,37,89,640/-
Total Proposed Outgo	=	211410 x 505 x 12 = 1,28,11,44,600/-
Additional Outgo	=	1,28,11,44,600/-
	(-)	<u>1,13,37,89,640/-</u>
		<u>14,73,54,960/-</u>

Mean Pay basis:**Civil Judge (Jr. Div.) Entry Level****Working Strength 5244**

Existing pay	=	27700 - 44770
Current Pay	=	Existing Pay under the JPC x 2.55 1.00 + 1.25 (DA@125% as on 01.01.2016) + 0.30 (30% Interim Relief) = 2.55
Current Pay	=	Total Pay from 70640 to 114160
Mean Pay	=	(Minimum Pay + Maximum pay) ÷ 2
Current Mean Pay	=	(70640 + 114160) ÷ 2 = 92400
Proposed Pay (as per Pay Matrix)		
Proposed Mean Pay	=	(77840 + 136520) ÷ 2 = 107180
Total Current Outgo	=	92400 x 5244 x 12 = 5,81,45,47,200/-
Total Proposed Outgo	=	107380 x 5244 x 12 = 6,75,72,08,640/-
Additional Outgo	=	6,75,72,08,640/-
	(-)	<u>5,81,45,47,200/-</u>
		<u>94,26,61,440/-</u>

Civil Judge (Jr. Div.) ACP - I**Working Strength 1901**

Existing pay	=	33090 - 45850
Current Pay	=	Existing Pay under the JPC x 2.55 1.00 + 1.25 (DA@125% as on 01.01.2016) + 0.30 (30% Interim Relief) = 2.55
Current Pay	=	Total Pay from 84380 to 116920

Mean Pay	=	(Minimum Pay + Maximum Pay) ÷ 2
Current Mean Pay	=	(84380 + 116920) ÷ 2 = Rs. 100650/-
Proposed Pay (as per Pay Matrix)		
Proposed Mean Pay	=	(92960 + 136520) ÷ 2 = Rs. 114740/-
Total Current Outgo	=	100650 x 1901 x 12 = 2,29,60,27,800/-
Total Proposed Outgo	=	114740 x 1901 x 12 = 2,61,74,48,880/-
Additional Outgo	=	2,61,74,48,880/-
	(-)	<u>2,29,60,27,800/-</u>
		<u>32,14,21,080/-</u>

Civil Judge (Jr. Div.) ACP - II Working Strength 92

Existing Pay	=	39530 - 54010
Current Pay	=	Existing Pay under the JPC x 2.55 1.00 + 1.25 (DA@125% as on 01.01.2016) + 0.30 (30% Interim Relief) = 2.55
Current Pay	=	Total Pay from 100800 to 137730
Mean Pay	=	(Minimum Pay + Maximum Pay) ÷ 2
Current Mean Pay	=	(100800 + 137730) ÷ 2 = Rs. 119265/-
Proposed Pay (as per Pay Matrix)		
Proposed Mean Pay	=	(111000 + 163030) ÷ 2 = Rs. 137015/-
Total Current Outgo	=	119265 x 92 x 12 = 13,16,68,560/-
Total Proposed Outgo	=	137015 x 92 x 12 = 15,12,64,560/-
Additional Outgo	=	15,12,64,560/-
	(-)	<u>13,16,68,560/-</u>
		<u>1,95,96,000/-</u>

Civil Judge (Sr. Div.) Entry Level Working Strength 3929

Existing Pay	=	39530 - 54010
Current Pay	=	Existing Pay under the JPC x 2.55 1.00 + 1.25 (DA@125% as on 01.01.2016) + 0.30 (30% Interim Relief) = 2.55

Current Pay	=	Total Pay from 100800 to 137730
Mean Pay	=	(Minimum Pay + Maximum Pay) ÷ 2
Current Mean Pay	=	(100800 + 137730) ÷ 2 = Rs. 119265/-
Proposed Pay (as per Pay Matrix)		
Proposed Mean Pay	=	(111000 + 163030) ÷ 2 = Rs. 137015/-
Total Current Outgo	=	119265 x 3929 x 12 = 5,62,31,06,220/-
Total Proposed Outgo	=	137015 x 3929 x 12 = 6,45,99,83,220/-
Additional Outgo	=	6,45,99,83,220/-
	(-)	<u>5,62,31,06,220/-</u>
		<u>83,68,77,000/-</u>

Civil Judge (Sr. Div.) ACP- I Working Strength 681

Existing Pay	=	43690 - 56470
Current Pay	=	Existing Pay under the JPC x 2.55 1.00 + 1.25 (DA@125% as on 01.01.2016) + 0.30 (30% Interim Relief) = 2.55
Current Pay	=	Total Pay from 111410 to 144000
Mean Pay	=	(Minimum Pay + Maximum Pay) ÷ 2
Current Mean Pay	=	(111410 + 144000) ÷ 2 = Rs. 127705/-
Proposed Pay (as per Pay Matrix)		
Proposed Mean Pay	=	(122700 + 180200) ÷ 2 = Rs. 151450/-
Total Current Outgo	=	127705 x 681 x 12 = 1,04,36,05,260/-
Total Proposed Outgo	=	151450 x 681 x 12 = 1,23,76,49,400/-
Additional Outgo	=	1,23,76,49,400/-
	(-)	<u>1,04,36,05,260/-</u>
		<u>19,40,44,140/-</u>

Civil Judge (Sr. Div.) ACP- II Working Strength 48

Existing Pay	=	51550 - 63070
Current Pay	=	Existing Pay under the JPC x 2.55

	$1.00 + 1.25$ (DA@125% as on 01.01.2016) +
	0.30 (30% Interim Relief) = 2.55
Current Pay	= Total Pay from 131450 to 160830
Mean Pay	= Total pay of no. of stages \div No. of stages
Current Mean Pay	= $(131450 + 160830) \div 2 =$ Rs. 146140/-
Proposed Pay (as per Pay Matrix)	
Proposed Mean Pay	= $(144840 + 194660) \div 2 =$ Rs. 169750/-
Total Current Outgo	= $146140 \times 48 \times 12 =$ 8,41,76,640/-
Total Proposed Outgo	= $169750 \times 48 \times 12 =$ 9,77,76,000/-
Additional Outgo	= $9,77,76,000/-$
	(-) $8,41,76,640/-$
	<u>1,35,99,360/-</u>

District Judge (Entry Level)**Working Strength 4569**

Existing Pay	= 51550 - 63070
Current Pay	= Existing Pay under the JPC x 2.55
	$1.00 + 1.25$ (DA@125% as on 01.01.2016) +
	0.30 (30% Interim Relief) = 2.55
Current Pay	= Total Pay from 131450 to 160830
Mean Pay	= (Minimum Pay + Maximum Pay) \div 2
Current Mean Pay	= $(131450 + 160830) \div 2 =$ Rs. 146140/-
Proposed Pay (as per Pay Matrix)	
Proposed Mean Pay	= $(144840 + 194660) \div 2 =$ Rs. 169750/-
Total Current Outgo	= $146140 \times 4569 \times 12 =$ 8,01,25,63,920/-
Total Proposed Outgo	= $169750 \times 4569 \times 12 =$ 9,30,70,53,000/-
Additional Outgo	= $9,30,70,53,000/-$
	(-) $8,01,25,63,920/-$
	<u>1,29,44,89,080/-</u>

District Judge (Selection Grade)**Working Strength 959**

Existing Pay	= 57700 - 70290
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Current Pay	= Existing Pay under the JPC x 2.55 1.00 + 1.25 (DA@125% as on 01.01.2016) + 0.30 (30% Interim Relief) = 2.55
Current Pay	= Total Pay from 147140 to 179240
Mean Pay	= (Minimum Pay + Maximum Pay) ÷ 2
Current Mean Pay	= (147140 + 179240) ÷ 2 = Rs. 163190/-
Proposed Pay (as per Pay Matrix)	
Proposed Mean Pay	= (162140 + 217900) ÷ 2 = Rs. 190020/-
Total Current Outgo	= 163190 x 959 x 12 = 1,87,79,90,520/-
Total Proposed Outgo	= 190020 x 959 x 12 = 2,18,67,50,160/-
Additional Outgo	= 2,18,67,50,160/- (-) <u>1,87,79,90,520/-</u> <u>30,87,59,640/-</u>

District Judge (Super Time Scale)**Working Strength 505**

Existing Pay	= 70290 - 76450
Current Pay	= Existing Pay under the JPC x 2.55 1.00 + 1.25 (DA@125% as on 01.01.2016) + 0.30 (30% Interim Relief) = 2.55
Current Pay	= Total Pay from 179240 to 194950
Mean Pay	= (Minimum Pay + Maximum Pay) ÷ 2
Current Mean Pay	= (179240 + 194950) ÷ 2 = Rs. 187095/-
Proposed Pay (as per Pay Matrix)	
Proposed Mean Pay	= (199100 + 224100) ÷ 2 = Rs. 211600/-
Total Current Outgo	= 187095 x 505 x 12 = 1,13,37,95,700/-
Total Proposed Outgo	= 211600 x 505 x 12 = 1,28,22,96,000/-
Additional Outgo	= 1,28,22,96,000/- (-) <u>1,13,37,95,700/-</u> <u>14,85,00,300/-</u>

38. WHETHER THE CENTRAL GOVERNMENT SHOULD SHARE THE FINANCIAL BURDEN ON ACCOUNT OF REVISION OF PAY :

38.1 This issue is invariably raised by the States whenever pay revision for Judicial Officers takes place. The Government of Manipur which is one of the few State Governments that have responded to the Consultation paper has pleaded for the extra burden arising from pay revision being borne by the Central Government. In the Conferences held, wherever the senior Government Officials were present such as at Guwahati, such a plea was made by them. Even in the Consultation Conference held at Kochi (Kerala) it was suggested that in view of the difficult financial position of the State, the Central Government should bear atleast part of the expenditure on account of pay revision.

38.2 The subject – “Administration of Justice, Constitution and Organization of Courts except Supreme Court and the High Court” is in the Concurrent List. “Jurisdiction and powers of all Courts except Supreme Court” is in the State list.

39. Though FNJPC recommended that 50% of the additional financial expenditure by reason of pay revision shall be borne by the Central Government, the Supreme Court firmly rejected this recommendation and negatived the contention of the States in the following words: (vide All India Judges Association v Union of India, (2002 (4) SCC 247):

“22.....Had there been an All-India Judicial Service, then the Union of India may have been under an obligation to bear the expense, but as the State Governments had not agreed to the establishment

of the All-India Judicial Services and no legislation had been passed under Entry 11-A of List III by Parliament, therefore it will not be correct to direct the Central Government to bear 50 per cent of the expense on the judicial system....”

23. It has not been disputed that at present the entire expense on the administration of justice in the States is incurred by the respective States. It is their responsibility and they discharge the same. Logically, if there is to be any increase in the expenditure on the judiciary, then it would be for the States to mobilize the resources in such a way whereby they can meet the expenditure on the judiciary for discharging their constitutional obligations. Merely because there is increase in the financial burden as a result of the Shetty Commission Report being accepted, can be no ground for fastening liability on the Union of India when none exists at present. Accordingly, disagreeing on this point with Justice Shetty Commission recommendations, we direct that the entire expenditure on account of the recommendations of the Justice Shetty Commission, as accepted, be borne by the respective States. It is for the States to increase the court fee or to approach the Finance Commission or the Union of India for more allocation of funds. They can also mobilize their resources in order to meet the financial obligation. If such a need arises and the States approach the Finance Commission or the Union of India for allocation of more funds, we have no doubt that such a request shall be favourably considered”

39.1 Referring to the argument advanced on behalf of certain States viz., Assam and other NE States, the State of J & K that they should get assistance from the Union of India for implementation of recommendations of JP Committee, the three-Judge Bench of Supreme Court approvingly quoted the above observations of the earlier Bench and rejected the contention of the States. (vide Order dated 04.05.2010 in I.A. No. 5 in WP (C) 1022/89, All India Judges Association v Union of India 2010 14 SCC 720).

40. Certain observations were made by the Supreme Court in the Judgment in AIJA Review Petition of 1993 as regards the obligation of the Central Government to meet the Judicial infrastructural needs.

41. Now, the Central Government is helping the States in a big way as regards the infrastructure for Judiciary including construction of Court complexes, residential quarters and ICT enablement. Apart from that, the Central Government funding is available for Gram Nyayalayas, Legal Services network and some Fast Track Special Courts such as those under POCSO Act. It is learnt that for North-Eastern States, Jammu & Kashmir and hilly States such as Himachal Pradesh and Uttarakhand, 90% funds are being provided by the Central Government for the development of judicial infrastructure and for other States, the allocation is to the extent of 60%. Certain details relating to the Central funds sanctioned/released in the past and the number of Court halls available/under construction were furnished by the Department of Justice (Govt. of India) through letters dated 18.01.2019 and 29.01.2019. The letters together with annexures are enclosed to this Chapter and the same have been referred to while dealing with the residential accommodation also.

41.1 According to the information gathered by the Commission, the problem of non-release of matching funds by many States even after getting allocation from the Centre is being experienced. It is not known what machinery has been put in place by the Government of India for the purpose of ensuring that the funds allocated by the Central Government are not diverted by the States for other public purposes. However, with the recent monitoring of Judicial infrastructure related issues by the Hon'ble Supreme Court in Malik Mazhar Sultan (2008) case Civil Appeal No. 1867/2006, it is

learnt that the pace of construction of Court complexes and residential units has picked up.

42. The next and more controversial issue is whether the Central Government shall allocate funds atleast partly to meet the expenditure on account of salaries of Judicial Officers consequent to pay revision. As already pointed out, the Supreme Court negated the contention of the States that the Central Government shall come to their aid by financing the additional cost resulting from revision of pay and allowances. In this context, this Commission would like to refer to the elaborate report of Task Force on Judicial Impact Assessment. The Task Force constituted by the Government of India (Ministry of Law & Justice) submitted the report on 15.06.2008. The said Committee was headed by a former Judge of the Supreme Court Shri Justice M. Jagannadha Rao. The other Members of the Commission were eminent Professors. The broad outlines of the recommendations are discernible from the letter addressed by the Chairman of Task Force to the Union Law Minister. The 2nd para of the letter is extracted hereunder;

"We have stated that in view of Entry 11-A of the Concurrent List, the Central Government must bear the financial burden of the additional case-loads that get added to the Subordinate courts by virtue of Acts/Bills of Parliament on subjects in the Union List and Concurrent List and not leave the financial burden to the State Governments. We have also stated that the Central Government must establish additional courts under Art 247 of the Constitution for administering Central Laws made under the Union List and provide funds in respect of case-loads arising out of Central Laws made under the Concurrent List too. Nearly 340 Central Legislations referable to the Union List and Concurrent List are being administered by the Courts established by the State Governments. We have also said that the Planning Commission and Finance Commission must make adequate provision in consultation with the Chief Justice of India, for realization of the basic human rights of

'access of justice' and 'speedy justice' both civil and criminal. The present allocation of 0.071%, 0.078% and 0.07% of the Plan outlay in the 9th, 10th and 11th Plans are wholly insufficient."

42.1 We may also refer to page 64 (Chapter 5) of the Report which is quite relevant in the present context.

"The purpose of the proviso below clause (1) of Art.73 is that the Central Government should not exercise Executive powers in relation to the matters referred to in the entries in the Concurrent List in order to avoid conflict of orders of the Central Government and the State Government in this area. The said proviso has no relevance while dealing with the question of Central Government funding the subordinate courts established by the State Government, where the subordinate courts are implementing the laws made by the Parliament on subjects in the Concurrent List.

While it is true that Art. 73 states that the Executive power of the Central Government will not extend to a subject in the Concurrent List unless such Executive power is conferred by the Constitution or by law made by the Parliament, the present issue does not relate to the exercise of Executive power by the Central Government in the sphere of the subjects enumerated in the Concurrent List. Here we are concerned with the consequences of Central Legislation on the subject in the Concurrent List which throw burden on the Courts established by the State Governments. The simple point is that Central Government cannot make such laws without providing adequate budgetary support from the Central Government. Therefore, the proviso below clause (1) of Art. 73 is wholly irrelevant in the context and cannot be interpreted to absolve the Central Government from providing funds necessary for implementation of Central laws on subject in the Concurrent List."

42.2 It is not clear whether and to what extent the report of Task Force Commission has been implemented. Be that as it may, the pertinent observations of the Task Force Committee quoted supra deserve serious consideration. There are quite a number of courts such as those dealing with the trial of offences under the Prevention of Corruption Act, NDPS Act, Economic Offences relating to Central enactments etc. Apart from that, considerable part of the Court time is devoted for dealing with cases/offences

covered by the laws enacted by the Parliament in exercise of the power drawn from the Concurrent List such as the Negotiable Instruments Act. On an overall consideration, the Commission is of the *prima facie* view that notwithstanding what has been observed by the Hon'ble Supreme Court in the earlier two decisions, the question of central funding to meet part of the additional expenditure towards salaries and allowances on account of pay revision needs to be revisited, especially having regard to the precarious financial position of several States. As the Commission is not having full information on various aspects relevant for consideration of this subject, the Commission is not offering its final recommendation. After hearing the Union of India, this Hon'ble Court may pass appropriate orders to mitigate the financial burden of the States.

43. The Commission is of the considered view that the issue of sharing expenditure on Judicial salaries ought not to be treated as a closed chapter by relying on the dicta of Supreme Court in 2002 AIJA case. In fact, as noticed earlier, there are observations to the effect in the above cases that the States may approach the Central Government or Finance Commission. In both the AIJA cases of 2002 and 2010, the Hon'ble Supreme Court had no occasion to consider the issue with reference to the Judicial Impact Assessment report referred to supra. The said report shows the way forward for taking a fresh look in the matter.

43.1 To undertake the exercise of Judicial Impact Assessment on the lines indicated by the Task Force may be a long-drawn exercise for the Govt of India. However, once the principle enunciated therein is accepted, it would be appropriate that the Union of India devises a formula for sharing the expenditure atleast in respect of the Courts dealing with the offences under Central laws. A sort of interim arrangement can be worked out, subject to revision on deeper analysis.

43.2 Having indicated the *prima facie* view in the matter, the Commission, for the reasons stated above, would not like to delve further into this subject.

44. SUMMARY OF RECOMMENDATIONS

- 1.** States/High Courts shall take immediate steps to re-designate the officers in conformity with the All India pattern as recommended by FNJPC i.e. those who have not done it so far.
- 2.** The new pay structure shall be as per the 'Pay Matrix' pattern on the model of VII CPC as against the 'Master Pay Scale' pattern so as to remove the anomalies and to rationalize the pay structure and to ensure due benefit to the judicial officers of all cadres within the framework of established principles.

- 3.** The categorization of the Judicial officers shall be based on their status in the functional hierarchy reflected in horizontal range in

Table-I below para 13.1 in the following levels:

Civil Judge (Jr. Div.) (Entry Level)	J-1
Civil Judge (Jr. Div.) ACP-I	J-2
Civil Judge (Jr. Div.) ACP-II	J-3
Civil Judge (Sr. Div.) (Entry Level)	J-3
Civil Judge (Sr. Div.) ACP-I	J-4
Civil Judge (Sr. Div.) ACP-II	J-5
District Judge (Entry Level)	J-5
District Judge (Selection Grade)	J-6
District Judge (Super Time Scale)	J-7

- 4.** The initial pay for each rank of officer is about 2.81 times the existing entry pay of each rank except J-6 and J-7, which is in the same proportion of increase as that of the High Court Judge. Accordingly, the first row in the horizontal range (J-1 to J-7) denotes the entry pay for fresh recruits/appointees in that level.

- 5.** A distinct pay matrix for judicial officers contained in Table-I at para 13.1 of this Chapter, is as under:

TABLE-I

Sr. No.	Civil Judge (Jr. Div) Entry Level	Civil Judge (Jr. Div) I Stage ACP	Civil Judge (Jr. Div) II Stage ACP/Civil Judge (Sr. Div) Entry Level	Civil Judge (Sr. Div) I Stage ACP	Civil Judge (Sr. Div) II Stage ACP/District Judges Entry Level	District Judges (Selection Grade)	District Judges (Super Time Scale)
Existing Pay Scale	27700-44700	33090-45850	39530-54010	43690-56470	51550-63070	57700-70290	70290-76450
Existing Entry Pay Level	27700	33090	39530	43690	51550	57700	70290
Level	J-1	J-2	J-3	J-4	J-5	J-6	J-7
Year 1	77840	92960	111000	122700	144840	163030	199100
Year 2	80180	95750	114330	126380	149190	167920	205070
Year 3	82590	98620	117760	130170	153670	172960	211220
Year 4	85070	101580	121290	134080	158280	178150	217560
Year 5	87620	104630	124930	138100	163030	183490	224100
Year 6	90250	107770	128680	142240	167920	188990	
Year 7	92960	111000	132540	146510	172960	194660	
Year 8	95750	114330	136520	150910	178150	200500	
Year 9	98620	117760	140620	155440	183490	206510	
Year 10	101580	121290	144840	160100	188990	212710	
Year 11	104630	124930	149190	164900	194660	219090	
Year 12	107770	128680	153670	169850			
Year 13	111000	132540	158280	174950			
Year 14	114330	136520	163030	180200			
Year 15	117760						
Year 16	121290						
Year 17	124930						
Year 18	128680						
Year 19	132540						
Year 20	136520						

In this two dimensional pay matrix, the horizontal range (J-1 to J-7) reflects the functional hierarchy and the vertical range in each level (J-1 to J-7) denotes pay progression within that level.

- 6.** The new Mean Pay percentage vis-a-vis the salary of High Court Judge in relation to each cadre and grade, shall be as under:

Civil Judge (Jr. Div.) (Entry Level)	J-1	47.63%
Civil Judge (Jr. Div.) ACP-I	J-2	50.99%
Civil Judge (Jr. Div.) ACP-II	J-3	60.89%

Civil Judge (Sr. Div.) (Entry Level)	J-3	60.89%
Civil Judge (Sr. Div.) ACP-I	J-4	67.3%
Civil Judge (Sr. Div.) ACP-II	J-5	75.44%
District Judge (Entry Level)	J-5	75.44%
District Judge (Selection Grade)	J-6	84.91%
District Judge (Super Time Scale)	J-7	94.04%

- 7.** The annual increment shall be @3% cumulative, meaning thereby that the increment @3% has to be calculated on the previous years basic pay instead of fixed amount increments recommended by FNJPC and JPC.
- 8.** In the Pay Matrix pattern, there shall be now 37 stages instead of 44.
- 9.** The fitment/migration of the existing officers shall be as reflected in Table II at para 13.3 of this chapter, which is as under:

TABLE-II (Fitment)

S.No	Existing Pay	New Proposed Pay Scale
1	27700	77840
2	28470	80180
3	29240	82590
4	30010	85070
5	30780	87620
6	31550	90250
7	32320	92960
8	33090	95750
9	34010	95750
10	34930	98620
11	35850	101580
12	36770	104630
13	37690	107770

14	38610	111000
15	39530	114330
16	40450	114330
17	41530	117760
18	42610	121290
19	43690	124930
20	44770	128680
21	45850	132540
22	46930	132540
23	48010	136520
24	49090	140620
25	50320	144840
26	51550	149190
27	52780	149190
28	54010	153670
29	55240	158280
30	56470	163030
31	57700	163030
32	58930	167920
33	60310	172960
34	61690	178150
35	63070	178150
36	64450	183490
37	65830	188990
38	67210	188990
39	68750	194660
40	70290	199100
41	71830	205070
42	73370	211220
43	74910	217560
44	76450	224100

10. The procedure for migration/fitment of the serving Judicial officers and also the procedure for fixation of pay on promotion shall be as explained in paras 13.5 and 13.8.

11 (i). As regards the date of accrual of increment, there shall be no change in the existing system which is being followed in various

states/UTs i.e. the increment shall be once in a year as per the date of appointment or promotion or financial upgradation.

- 11 (ii).** The retiring Judicial officers shall have the benefit of increment becoming due the next day following their retirement. That increment shall be for the purposes of pension only and shall be subject to vertical ceiling of Rs. 2,24,100/-.
- 12.** The pay of the judicial officers of all ranks/grades in the new pay matrix/pay structure shall be effective from **01.01.2016**.
- 13.** Arrears of Pay **w.e.f. 01.01.2016** shall be paid during the calendar year 2020, after adjusting the interim relief already paid under the Interim Report dated 09.03.2018.
- 14.** The present practice of sanction of DA at the rates prescribed by Central Government from time to time shall continue. The Hon'ble Supreme Court may issue directions that the benefit of revised DA in conformity with the orders issued by the Central Government from time to time shall be paid to the Judicial officers without delay, and in any case, not later than **3** months from the date of issuance of the order by the Central Government. The benefit of revised rates of DA shall accrue from the effective date as specified in the Order issued by Central Government in this behalf.

- 15 (i).** Grant of 1st ACP to Civil Judge (Jr. Div.) shall not be based on the application of the existing norm of seniority-cum-merit. There shall be relaxed norms for assessing the performance in terms of output. The scrutiny shall be for the limited purpose of ascertaining whether there is anything positively adverse such as consistently poor/unsatisfactory performance or adverse report of serious nature leading to the inference that the Officer is unfit to have the benefit of ACP.
- 15 (ii).** If for any reason, delay in grant of ACP goes beyond one year, one additional increment for every year delay shall be granted subject to adjustment while drawing the arrears on grant of ACP.
- 16 (i).** The posts of District Judges (Selection Grade) shall be increased to 35% of the cadre strength as against the existing 25%, and the District Judges (Super Time Scale) shall be increased to 15% of the cadre strength as against the existing 10%. It will be effective from **01.01.2020**.
- 16 (ii).** The upgradation benefit shall be given to the District Judges by applying the principle of seniority-cum-merit instead of merit-cum-seniority.

- 16 (iii).** If the post remains or continues for three years it shall form part of cadre strength.
- 17.** The Pay Revision benefit which is already available to the Presiding Judges of Industrial Tribunals/Labour Courts (outside the regular cadre of subordinate judiciary) in view of the recommendation of JPC, shall be extended to them also simultaneously with Judicial Officers of regular cadre without administrative delays.
- 18.** The Judges of the Family Courts in Maharashtra who belong to a separate cadre have to be extended the benefit of pay of District Judge (Selection Grade) and District Judge (Super Time Scale) in the same ratio as prescribed for regular District Judges. The High Court to propose the minimum age for grant of Selection Grade, if considered necessary. The Principal Judge Family Court (ex-cadre) to be allotted quarters preferentially, in General Pool Accommodation.
- 19.** Special Judicial Magistrates (Second Class)/Special Metropolitan Magistrates (dealing with petty criminal cases) shall get minimum remuneration of Rs.30,000/- per month in addition to conveyance allowance of Rs.5,000/- per month w.e.f. **01.04.2019** and to be suitably revised every five years.

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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