



**IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL/INHERENT/EXTRA-ORDINARY APPELLATE JURISDICTION**

**Writ Petition (Civil) No 643 of 2015**

**All India Judges Association**

**... Petitioner**

**Versus**

**Union of India & Ors**

**... Respondents**

**With**

**Special Leave Petition (Civil) Nos 6471-6473 of 2020, 29232 of 2018**

**And With**

**Contempt Petition (Civil) Nos 711 of 2022, 36, 37, 38, 39, 40 of 2023,**

**848 of 2023 and 1338 of 2023 in Writ Petition (Civil) No 643 of 2015**

## J U D G M E N T

### Dr Dhananjaya Y Chandrachud, CJI

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- 1 By its orders dated 27 July 2022, 5 April 2023 and 19 May 2023, this Court has accepted the recommendations of the Second National Judicial Pay Commission<sup>1</sup>, chaired by Justice P V Reddy, former Judge of this Court of India on the revision of pay and pension for judicial officers.
- 2 The abovementioned orders have delineated *inter alia* the history of the constitution of the SNJPC, and the principles underlying judicial pay, allowances and pensions. The contents of the earlier orders shall not be repeated here. This judgment pertains to the allowances which have been granted to judicial officers and retired judicial officers by the SNJPC. At this stage, it would be necessary to note that save and except for three allowances, where there was a modification, the allowances recommended by the First National Judicial Pay Commission known as the Shetty Commission were affirmed by this Court in **All India Judges Association v Union of India**<sup>2</sup>. Thereafter, all allowances which were recommended by the subsequent pay commission, namely the Judicial Pay Commission<sup>3</sup> called the Justice Padmanabhan Committee were accepted by this Court in its decision reported as **All India Judges Association v Union of India**<sup>4</sup>.
- 3 Besides Mr K Parameshwar, *Amicus Curiae*, all the State governments and Union Territories have been given an opportunity to furnish their objections to the allowances, as proposed by the SNJPC. Objections have been filed on the record of this Court.

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<sup>1</sup> "SNJPC"

<sup>2</sup> (2002) 4 SCC 247

<sup>3</sup> "JPC"

<sup>4</sup> (2010) 14 SCC 720

- 4 In the course of hearing, the following counsel have appeared on behalf of the States, or as the case may be, the Associations of Judges :

<b>S. No.</b>	<b>Name of the counsel</b>	<b>Appearing for</b>
1	Mr Gaurab Banerji, Sr. Adv.	AIJA
2	Mr. Jaideep Gupta, Sr. Adv	High Court at Calcutta
3	Mr Gopal Jha, Adv	All India Retired Judges Association
4	Ms Gautami Yadav, Adv	Maharashtra State Judges Association
5	Mr Sunny Choudhary	Madhya Pradesh
6	Mr Mukesh Kumar Verma	Andaman & Nicobar
7	Mr Joydip Roy, Adv.	All India Judges Association
8	Ms Madhumita Bhattacharjee	West Bengal
9	Mr Sanjay Kumar Tyagi	Uttar Pradesh
10	Mr Shuvodeep Roy	Assam and Tripura
11	Mr. Ravi Shanker Jha	Bihar
12	Mr. Amit Anand Tiwari, AAG	Tamil Nadu
13	Mr. Sabarish Subramanian, Adv	Tamil Nadu
14	Mr. Karan Sharma, Adv.	Punjab
15	Dr Manish Singhvi, Sr, Adv	Rajasthan
16	Mr V N Raghupathy, Adv	Karnataka
17	Deepanwita Priyanka, Adv	Gujarat
18	Mr. Sriharsha Pichara, Adv	Telangana
19	Mr Pukhrambam Ramesh Kumar	Manipur
20	Ms K Enatoli Sema	Nagaland
21	Ravi Bakshi, Adv	Himachal Pradesh
22	Mr Alim Anvar, Adv.	Kerala
23	Mr Amit Kumar, AAG	Meghalaya
24	Mr Ashutosh Kumar Sharma, Adv	Uttarakhand
25	Mr Deepak Prakash, Adv	Kerala Judicial Officers Association.

- 5 In addition, we have had the benefit of considering intervention applications by the State of Maharashtra.
- 6 The *Amicus Curiae* has tendered a note summarizing the position. The SNJPC considered a total of twenty-one allowances in its report. These allowances are tabulated below:

1.	House Building Advance	12.	House Rent Allowance a. Residential Quarters b. HRA c. Furniture & Air Conditioner Allowance d. Maintenance e. Guest House
2.	Children Education Allowance	13.	Leave Concession/Home Travel Concession
3.	City Compensatory Allowance	14.	14. Medical Allowance
4.	Concurrent Charge allowance	15.	Newspaper and Magazine Allowance
5.	Conveyance/Transport Allowance	16.	Risk Allowance
6.	Dearness Allowance	17.	Robe Allowance
7.	Earned leave encashment	18.	Special Pay for Administrative Work
8.	Electricity and water charges	19.	Sumptuary Allowance
9.	Higher Qualification	20.	Telephone Facility
10.	Hill area/ Tough Location Allowance	21.	Transfer Grant
11.	Home orderly/Domestic Help Allowance		

- 7 Among the allowances which have been recommended by the SNJPC, two new allowances are proposed while two additional components are introduced to an additional allowance, namely :

- (i) Children Education Allowance (Serial No 2 in the tabulation);
  - (ii) A Furniture and Air conditioner allowance and maintenance as a part of the House Rent Allowance (Serial Nos 12C and 12D); and
  - (iii) Risk Allowance (Serial No 16 of the tabulation).
- 8 The SNJPC has recommended that the City Compensatory Allowance (Serial No 3 of the above tabulation) should be discontinued. In respect of the Robe Allowance (Serial No 17), the SNJPC recommended that such a demand would not be entertained by the next JPC. Twelve out of the twenty-one allowances form the subject matter of a recommendation either by the Sixth or, as the case may be, Seventh Central Pay Commission either on the same or on revised rates.
- 9 At the outset, it needs to be clarified that since the SNJPC has proposed a revision of the existing rates as applicable, the States/Union Territories shall continue to pay the allowances at the rates which were applicable in respect of each allowance where the SNJPC has recommended that the revised rates shall come into effect later than 1 January 2016.

**Objections by the Union Government and State Governments:**

- 10 Before we deal with each individual allowance, it would be necessary to record that, broadly speaking, the objections which have been raised by the States, Union Territories and the Union Government can be classified into three categories :
- (a) The revision of rates or, as the case may be, the new allowances will result in an increased financial burden and expenditure;

- (b) The rules governing the payment of allowances prescribed by each State for their own administrative establishment must be followed; and
- (c) the benefits which are provided to judicial officers must be equivalent to those provided to other Government officers.

11 The submissions urged on behalf of the States have been considered in several previous judgments of this Court, more specifically in relation to the recommendations of the SNJPC itself. On the aspect of the increased financial burden and additional expenditure, this Court, in its judgment dated 5 April 2023, relied on the earlier decision in the **All India Judges Association v. Union of India (II)**<sup>5</sup> and held that contentions regarding the financial implications of the directions are liable to be rejected when the directions stem from the obligation of the state. In other words, a plea of financial burden cannot be raised to resist mandatory duties of the state. Providing necessary service conditions for the effective discharge of judicial functions is one such duty. The observations in that regard are contained in paragraph 19 of the judgment dated 05 April 2023<sup>6</sup>.

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5 (1993) 4 SCC 288.

6 19. The directions of this court applying a uniform multiplier and the corresponding financial implications cannot be considered as excessive in view of the information extracted above. In **All India Judges Association v. Union of India (II)**, this court has earlier held that additional financial burden cannot be a ground for review:

“16. The contention with regard to the financial burden likely to be imposed by the directions in question, is equally misconceived. **Firstly, the courts do from time to time hand down decisions which have financial implications and the Government is obligated to loosen its purse recurrently pursuant to such decisions. Secondly, when the duties are obligatory, no grievance can be heard that they cast financial burden. Thirdly, compared to the other plan and non-plan expenditure, we find that the financial burden caused on account of the said directions is negligible.** We should have thought that such plea was not raised to resist the discharge

- 12 The same objection was dealt with in the subsequent judgment of this Court dated 19 May 2023 at paragraph 26.<sup>7</sup> The Court noted that the issue of financial burden has been examined in these very proceedings on at least three occasions and that this Court had earlier expressed the hope that it will not be re-agitated in view of *All India Judges Association vs Union of India (III)*<sup>8</sup>.
- 13 Judicial service is an integral and significant component of the functions of the State and contributes to the constitutional obligation to sustain the rule of law. Judicial service is distinct in its characteristics and in terms of the responsibilities which are cast upon the officers of the District Judiciary to render objective dispensation of justice to citizens. The State is duty bound to ensure that the conditions of service, both during the tenure of office and after retirement, are commensurate with the need to maintain dignified working conditions for serving judicial officers and in the post-retirement emoluments made available to former members of the judicial service. Members of the district judiciary are the first point of engagement for citizens who are confronted with the need for dispute resolution. The conditions in which judicial officers across the country are required to work are arduous. The work of a judicial officer is not confined merely to the working hours

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of the mandatory duties. The contention that the resources of all the States are not uniform has also to be rejected for the same reasons. The directions prescribe the minimum necessary service conditions and facilities for the proper administration of justice. We believe that the quality of justice administered and the caliber of the persons appointed to administer it are not of different grades in different States. Such contentions are ill-suited to the issues involved in the present case."

**(emphasis supplied)**

<sup>7</sup> 26. The submission of the States that there is a paucity of financial resources must be examined from this aspect of the matter. The States and the Union have repeatedly stated that the burden on the financial resources of the States/Union due to the Report of the SNJPC is significant and therefore the Report cannot be implemented. Without the doctrine of inherent powers, any de-funding of the Judiciary cannot be repelled.

<sup>8</sup> (1993) 4 SCC 288.



rendered in the course of judicial duties in the court. Every judicial officer is required to work both before and after the court working hours. The judicial work of each day requires preparation before cases are called out. A judicial officer continues to work on cases which may have been dealt with in court, in terms of preparing the judgment and attending to other administrative aspects of the judicial record. That apart, members of the district judiciary have wide ranging administrative functions which take place beyond working hours, especially on week-ends including the discharge of numerous duties in relation to prison establishments, juvenile justice institutions, legal service camps and in general, work associated with the Legal Services Act 1987.

- 14 The work of a Judge cannot be assessed solely in terms of their duties during court working hours. The State is under an affirmative obligation to ensure dignified conditions of work for its judicial officers and it cannot raise the defense of an increase in financial burden or expenditure. Judicial officers spend the largest part of their working life in service of the institution. The nature of the office often renders the incumbent incapacitated in availing of opportunities for legal work which may otherwise be available to a member of the Bar. That furnishes an additional reason why post-retirement, it is necessary for the State to ensure that judicial officers are able to live in conditions of human dignity. It needs to be emphasized that providing for judges, both during their tenure and upon retirement, is correlated with the independence of the judiciary. Judicial independence, which is necessary to preserve the faith and confidence of common citizens in the rule of law, can be ensured and enhanced only so long as judges are able to lead their life with a sense of financial dignity. The conditions of service while a judge is in service must ensure

a dignified existence. The post-retirement conditions of service have a crucial bearing on the dignity and independence of the office of a judge and how it is perceived by the society. If the service of the judiciary is to be a viable career option so as to attract talent, conditions of service, both for working and retired officers, must offer security and dignity.

15 As we shall indicate in the course of this judgment, the allowances which have been provided by the SNJPC are basic allowances, most of which rank on the same scale as what has been made available to officers discharging executive functions in the All India Services. It is a matter of grave concern that though officers in the other services have availed of a revision of their conditions of service as far back as 01 January 2016, similar issues pertaining to judicial officers are still awaiting a final decision eight years thereafter. Judges have retired from service. The family pensioners of those who have passed away are awaiting resolution as well.

16 The second objection which has been raised on behalf of the States is that the rules of the particular State must be followed in each instance. This has again been dealt with in the judgment of this Court dated 19 May 2023. The relevant extract is footnoted below.<sup>9</sup>

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9 22. India has a unified judiciary under the scheme of the Constitution. A unified judiciary necessarily entails that the service conditions of judges of one state are equivalent to similar posts of judges of other states. The purpose of this constitutional scheme is to ensure that the judicial system is uniform, effective and efficient in its functioning. Efficient functioning necessarily requires judges of caliber and capacity to be provided with the right incentives and promotion opportunities to maintain the high level of functioning of the judiciary.

23 This Court in *All India Judges Association (II)* has noted the position of law and observed that uniform designations and hierarchy, with uniform service conditions are unavoidable necessary consequences. It was held:

**"14. ... Secondly, the judiciary in this country is a unified institution judicially though not administratively. Hence uniform designations and hierarchy, with uniform service conditions are unavoidable necessary consequences. ...."**

- 17 This Court has categorically held that there is a need to maintain uniformity in the service conditions of judicial officers across the country. Thus, the plea that rules of each State must govern pay and allowances, lacks substance.
- 18 The third objection as to the equivalence between judicial officers and other Government officers has been elaborately analyzed in paragraph 14<sup>10</sup> of the

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10 14. In view of the above discussion, the issue is whether there is any compelling need to reduce the quantum of increase proposed by applying a lower multiplier so as to marginally reduce the gap between entry level IAS officers (in Junior and Senior time scales) and Judicial Officers at the first two levels (Civil Judge, Junior and Senior Divisions). Such an exercise is not warranted for more than one reason. Firstly, the initial starting pay must be such as to offer an incentive to talented youngsters to join judicial service. Secondly, the application of a multiplier/ factor less than 2.81 would result in a deviation from the principle adopted by SNJPC that the extent of increase of pay of judicial officers must be commensurate with the increase in the pay of High Court judges. This principle has been accepted by this Court by approving the recommendations of the SNJPC. Therefore, there is no valid reason to depart from the principle applied by JPC that the pay of judicial officers should be higher when compared to All India Service Officers of the corresponding rank. This principle has been approved by this Court in AIJA (2002)..... Thirdly, in **All India Judges Association (II) v. Union of India**, this court rejected the comparison of service conditions of the judiciary with that of the administrative executive:

“7. It is not necessary to repeat here what has been stated in the judgment under review while dealing with the same contentions raised there. We cannot however, help observing that the failure to realize the distinction between the judicial service and the other services is at the bottom of the hostility displayed by the review petitioners to the directions given in the judgment. 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. When it is said that in a democracy such as ours, the executive, the legislature and the judiciary constitute the three pillars of the State, what is intended to be conveyed is that the three essential functions of the State are entrusted to the three organs of the State and each one of them in turn represents the authority of the State. However, those who exercise the State power are the Ministers, the Legislators and the Judges, and not the members of their staff who implement or assist in implementing their decisions. The council of ministers or the political executive is different from the secretarial staff or the administrative executive which carries out the decisions of the political executive. Similarly, the Legislators are different from the legislative staff. So also the Judges from the judicial staff. The parity is between the political executive, the Legislators and the Judges and not between the Judges and the administrative executive. In some democracies like the USA, members of some State judiciaries are elected as much as the members of the legislature and the heads of the State. **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 a par with the members of the judiciary, either constitutionally or functionally.**”

(emphasis supplied)

judgment dated 05 April 2023 and in paragraphs 24, 29<sup>11</sup> of the judgment dated 19 May 2023. Judges are not comparable with the administrative executive. They discharge sovereign state functions and just like the Council of Ministers or the

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Fourthly, the argument that a uniform IoR would equate the district courts with constitutional courts is erroneous. A uniform multiplier is used for a uniform *increment* in pay and not for the purpose of uniform pay in itself. All Judges across the hierarchy of courts discharge the same essential function of adjudicating disputes impartially and independently. Thus, it would not be appropriate to apply graded IoR when SNJPC has chosen to uniformly apply the multiplier.

- 11 **24.** Separation of powers demands that the *officers* of the Judiciary be treated separately and distinct from the *staff* of the legislative and executive wings. **It must be remembered the judges are not employees of the State but are holders of public office who wield sovereign judicial power. In that sense, they are only comparable to members of the legislature and ministers in the executive. Parity, thus, cannot be claimed between staff of the legislative wing and executive wing with officers of the judicial wing. This Court in *All India Judges' Assn. (II) v. Union of India*, explained the distinction and held that those who exercise the State power are the Ministers, the Legislators and the Judges, and not the members of their staff who implement or assist in implementing their decisions. Thus, there cannot be any objection that judicial officers receive pay which is not at par with executive staff.** In this context, it may also be remembered that Article 50 of the Constitution directs the State to take steps to separate the judiciary from the Executive.

**29.** This Court in its Review Order dated 05.04.2023 has explained this position in the following words:

*"7. It is not necessary to repeat here what has been stated in the judgment under review while dealing with the same contentions raised there. We cannot however, help observing that the failure to realize the distinction between the judicial service and the other services is at the bottom of the hostility displayed by the review petitioners to the directions given in the judgment. 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. When it is said that in a democracy such as ours, the executive, the legislature and the judiciary constitute the three pillars of the State, what is intended to be conveyed is that the three essential functions of the State are entrusted to the three organs of the State and each one of them in turn represents the authority of the State. However, those who exercise the State power are the Ministers, the Legislators and the Judges, and not the members of their staff who implement or assist in implementing their decisions. The council of ministers or the political executive is different from the secretarial staff or the administrative executive which carries out the decisions of the political executive. Similarly, the Legislators are different from the legislative staff. So also the Judges from the judicial staff. The parity is between the political executive, the Legislators and the Judges and not between the Judges and the administrative executive. In some democracies like the USA, members of some State judiciaries are elected as much as the members of the legislature and the heads of the State. 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 a par with the members of the judiciary, either constitutionally or functionally."*

**(emphasis supplied)**

political executive and their service is different from the secretarial staff or the administrative executive which carries out the decisions of the political executive, judges are distinct from judicial staff, and are thus comparable with the political executive and legislature. It would be wholly inappropriate to equate judicial service with the service of other officers of the State. The functions, duties, restrictions and restraints operating during and after service are entirely distinct for members of the judicial service. Consequently, the plea of equivalence has been consistently rejected in the judgments of this Court. We affirmatively do so again.

### **Allowances recommended by the SNJPC**

19 We will now deal with each of the allowances as recommended by the SNJPC.

#### **1 House Building Advance (HBA)**

20 At the outset, it needs to be noted that the HBA forms a subject matter of the recommendations of the Seventh CPC, FNJPC, JPC and now the SNJPC. The SNJPC has recommended that :

- (i) HBA shall be made available to judicial officers in terms of the House Building Advance Rules, 2017; and
- (ii) HBA shall be available to judicial officers also for the purchase of a ready built house from private individuals subject to such safeguards as may be prescribed by the State Government in consultation with their respective High Courts.

21 The Ministry of Housing and Urban Affairs, Government of India has issued an Office Memorandum<sup>12</sup> dated 9 November 2017 providing for the payment of HBA. The recommendations of the SNJPC are based on the terms of this OM. However para 2(v) of the OM of the Union Government contains the following stipulation :

“5. Outright purchase of a new ready-built house flat from Housing Boards, Development Authorities and other statutory or semi-Government bodies and from registered builders i.e., registered private builders, architects house building societies, etc. but not from private individuals.”

22 The above clause in the OM indicates that the HBA can be availed of for the outright purchase of a new or ready built house or flat from public bodies as well as from registered private builders, architects and societies but not from private individuals. The SNJPC, in the course of its recommendations has observed as follows :

“6. The Commission having given its consideration to the same is of the view that the HBA advance to the Judicial Officers shall be in terms of HBA Rules, 2017. However, the expression “but not from private individual” in Clause 2(v) needs to be suitably modified. It is quite possible that an individual may have purchased the house from the institutions/societies mentioned in the O.M. and if he subsequently intends to sell it and a Judicial Officer is inclined to purchase it. In such an event, the HBA may not be available to the Judicial Officer if Clause 2(v) is strictly construed. Further, quite often the Government servants/officials as well as Judicial Officers would prefer to have ready built house and mere fact that the seller is a private individual should not be a good reason to deny the HBA on the terms set out in the Rules. It may be noted from O.M. that from registered private builders, architects, house building societies etc. purchase by a private individual is allowed. There is no good reason for exclusion of purchase from private individuals. However, suitable safeguards to check any overestimation in the case of purchases from private individual can be evolved by the State Government in consultation with the High Court. “

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<sup>12</sup> “OM”

- 23 The SNJPC has basically adopted the same financials as incorporated in the OM of the Union Government with the modification that the purchase from a private individual may also be permitted.
- 24 We are inclined to accept the modification particularly since the State Governments have been permitted to evolve suitable safeguards, to check any over estimation in case of a purchase from private individuals, in consultation with the High Court to ensure that there is not delay in implementation, we direct that the Committee constituted in terms of the directions issued in a later part of this judgment under the authority of every High Court shall sort out any difficulties which may arise in the implementation of the recommendations of the SNJPC as accepted by the present order.
- 25 We accordingly accept the recommendations of the SNJPC on the adoption of HBA.

## **2 Children Education Allowance (CEA)**

- 26 The SNJPC has recommended the payment of the allowance with effect from academic year 2019-2020. The recommendation by the SNJPC on the payment of the CEA is in accordance with the recommendations of the Seventh CPC for Central Government employees which is in the following terms :
- (a) Rs 2,250 per month as CEA and Rs 6,750 per month as hostel subsidy for two children up to Class 12;
- (b) For children with special needs, the reimbursement would be at double the

rate stated in (a);

- (c) When the DA increases by 50%, the allowances and subsidy shall increase by 25%; and
- (d) The rights of officers who are already receiving this benefit will not be adversely affected by the recommendation.

27 While arriving at the above rates for the CEA, the SNJPC has considered the fact that the judicial service has a pan India character. In making the recommendation, the SNJPC has based the payment of the allowance of the CEA in terms of the OM dated 16 August 2017 of the Union Government in the Department of Personnel and Training. The payment of the allowance as recommended shall accordingly stand approved.

### **3 City Compensatory Allowance (CCA)**

- 28 While recommending that the CCA be discontinued prospectively on the ground that it is not being paid to High Court or Supreme Court Judges after the Seventh CPC recommendations, the SNJPC has also directed that no recovery shall be effected on the amount already paid on account of the allowance.
- 29 We approve both the recommendation for discontinuation and the recommendation that no recovery shall be made.



#### 4 Concurrent Charges Allowance

30 The SNJPC has observed that concurrent charge allowance is payable to officers who are required to hold full charge of the duties of equal or higher responsibilities in addition to the duties of their own post. The following recommendations were made by the FNJPC:

“a) The charge allowance be paid to the Judicial Officer when he is placed in charge of another Court continuously beyond the period of 10 working days and if he performs appreciable judicial work of that Court;

AND

b) The charge allowance be paid to such Judicial Officer at 10% of the minimum of the time scale of the additional post held.”

31 The SNJPC has made a similar recommendation for the payment of a like allowance where a judicial officer was placed in charge of another court continuously beyond a period of ten working days. The SNJPC was of the view that the Concurrent Charge Allowance with a ceiling @ 10% of the minimum of the scale of the additional post held beyond a period of ten working days is reasonable and does not require any upward revision. Moreover, it opined that with the revision of pay, the quantum of allowance at the rate of 10% is an adequate sum. The SNJPC observed that the actual amount payable within the ceiling of 10% depends upon the number of days worked, the quantum of judicial work turned out and the administrative work handled. Moreover, as was being done earlier, the High Courts would decide the amount payable having regard to the relevant factors. The SNJPC, however, recommended that the parameter of “appreciable judicial work” of the FNJPC is vague and involves a cumbersome process. That criterion has accordingly been dispensed with. The summary of the recommendations of SNJPC

in that regard is set out below:

- “1. The concurrent charge allowance to be available maximum at the rate of 10% of the minimum of the scale of the additional post held beyond a period of ten working days.
2. No upward revision in the percentage of the Concurrent Charge allowance.
3. High Court to decide the Concurrent Charge allowance to be available to the Officer within the ceiling of 10% on the basis of the number of days worked, the quantum of judicial work turned out and the administrative work handled.
4. The criterion laid down by FNJPC be dispensed with and there shall not be any insistence on the performance of ‘appreciable judicial work’ of the Court concerned. “

32 The recommendations made by the SNJPC is accordingly accepted.

## **5 Conveyance/Transport Allowance (TP)**

33 As regards Conveyance/Transport Allowance, the SNJPC made the following recommendations:

- (a) The pool car service for various judicial officers, as recommended by FNJPC, must be dispensed with. However, if the officers wish, they can forgo the transport allowance and continue with the pool car service for a period of one year or so;
- (b) The transport allowance at the rate of Rs 10,000 per month be given to those judicial officers who own the car so as to cover the cost of maintenance and driver's salary and this will be increased to Rs 13,500 from 01.01.2021. The

transport allowance would be payable at a reduced rate of Rs 4,000 per month in those States where there is an existing practice of allocating a driving-knowing office attendant/peon to the officer;

- (c) In addition to the transport allowance, there should be a reimbursement of the cost of 100 litres of petrol/diesel in cities and 75 litres of petrol/diesel in other areas;
- (d) After the recommendations of FNJPC, the following judicial functionaries were eligible for official vehicles, namely, Principal District Judge, Chief Judicial Magistrate/Chief Metropolitan Magistrate, Principal Judge of City Civil Court and Principal Judge of Small Causes Court. In addition to these functionaries, three more judicial functionaries would be eligible for official vehicles, namely, Director of the Judicial Academy/Judicial Training Institute, Principal Judge of the Family Courts and Secretary of the District Legal Services Authority. The High Courts were permitted to prune down the list depending upon the financial capacity of the State;
- (e) The quantum of petrol/diesel for official cars would be raised to the actual consumption for official purposes as certified by the concerned official and supported by a log book, which would be maintained. The judicial officers using official cars may be permitted to use them for private purposes to the extent of 300 kms per month;
- (f) The judicial officers shall be permitted to exhibit a sticker at their option on the lower left side of the windscreen with inscription 'Judge' printed in

moderately sized letters; and

- (g) Soft loan facilities to the extent of Rs ten lakhs at nominal interest for the purchase of car shall be extended to the judicial officers.

34 The report of the SNJPC in regard to the payment of conveyance/transport allowance is accepted. All concerned authorities shall take steps for the purpose of implementing the recommendations.

## **6 Dearness Allowance**

35 By its order dated 19 May 2023, this Court has accepted the recommendation of the SNJPC on dearness allowance.

## **7 Earned Leave Encashment**

36 The SNJPC has recommended that the judicial officers be entitled to earned leave encashment in the following manner:

### "9. SUMMARY OF RECOMMENDATIONS

1. No enhancement in the maximum limit of 300 days leave encashment at the time of retirement.
2. A judicial officer shall be entitled to encash :
  - (a) 10 days earned leave while availing LTC subject to maximum 60 days – 10 at a time upto six occasions during the entire service.
  - (b) 30 days in a block of two years.
  - (c) S.No.(a) and (b) shall be in addition to the right of the Judicial Officers to encash upto 300 days EL at the time of retirement.

3. In case of officers who have retired and while granting leave encashment at the time of retirement, the leave encashment availed during service stand adjusted shall be paid the amount of the so adjusted earned leave, at the time of retirement as explained in the example above, within a period of three months from the date of acceptance of the report."

37 The report submitted by the SNJPC in regard to the earned leave encashment is accepted.

## **8 Electricity and Water Charges**

38 The SNJPC has made the following recommendations:

- "1. No change in the percentage of reimbursement. The 50% of reimbursement formula recommended by FNJPC and reiterated by the JPC shall continue.
2. The ceiling in terms of units of electricity and the quantity of water consumed shall be as follows:

Designation	Electricity Units	Water Quantity
District Judges	8000 units per annum	420 Kls per annum
Civil Judges	6000 units per annum	336 Kls per annum

3. Reimbursement of electricity and water charges shall be on the quarterly basis on production of proof of payment of the billed amount.
4. This allowance shall be available at the enhanced rates w.e.f. 01.01.2020."

39 The SNJPC duly considered the objections. While some High Courts suggested the continuance of the existing system of 50% reimbursement, others suggested reimbursement at 75%, while still others at 100%. The High Courts of Madhya Pradesh and Jharkhand suggested the fixation of a ceiling on the number of units. The Union of India and almost all States except Jharkhand and Kerala have accepted the

recommendation of SNJPC. The State of Jharkhand recommended a ceiling of Rs 1,250 per month for electricity and water charges.

40 Having considered the recommendation, we are of the view that it should be accepted and it is ordered accordingly.

## **9 Higher Qualification Allowance**

41 The SNJPC noted that for acquiring higher qualifications in law, specialized study of the subjects concerned is involved and the acquisition of such qualifications in the nature of a post graduate or doctoral degree will improve the quality of work of a judicial officer. The recommendations of the SNJPC are summarized below:

- “1. The Judicial Officers shall be granted three advance increments for acquiring higher qualification i.e. post- graduation in law and one more advance increment if he acquires Doctorate in Law.
2. The advance increments once granted for post-graduation degree or Doctorate in law shall not be again granted if, in future, the officer acquires post graduate or Doctorate degree in any other subject.
3. The advance increments shall be available to the officer who had acquired the post-graduation degree or Doctorate either before recruitment or at any time subsequent thereto while in service.
4. The advance increments shall be granted from the date of initial recruitment, if the officer has already acquired the post-graduation degree or Doctorate and from the date of acquiring the post-graduation or Doctorate degree, if acquired after joining the service.
5. The advance increments shall be made available to the officers only and only if the higher qualification has been acquired through regular studies (full time or part time) and not through distant learning programmes.
6. The benefit of advance increments shall not be extended at the

ACP stage (ACP I or II). However, the advance increment shall be available when the Officer is promoted from Civil Judge (Jr. Div.) to Civil Judge (Sr. Div.) and from Civil Judge (Sr. Div.) to District Judge cadre.

7. The advance increments shall be available in the District Judge Cadre from District Judge (Entry Level) to District Judge (Selection Grade) and from District Judge (Selection Grade) to District Judge (Super Time Scale).
8. The advance increments for all practical purposes shall be part of salary and Dearness Allowance shall be available on the same."

42 The recommendation made by the SNJPC that the benefit of advance increment shall not be extended at the ACP stage appears to be covered by the order of this Court dated 30 September 2022 in **State of Maharashtra v Tejwant Singh Sandhu**<sup>13</sup> where this Court held:

"The short question which is posed for consideration of this Court is whether the judicial officers who have acquired the the degree of LL.M. are entitled to the benefit of an additional increment? It is the case on behalf of the State that once the concerned Judicial Officer is getting the benefit of ACP, is not entitled to the additional increment on acquiring the additional qualification of LL.M. The aforesaid cannot be accepted. The grant of ACP has nothing to do with the benefit of additional increment on acquiring the additional qualification like LL.M. Even otherwise, the issue is squarely covered by the decision of this Court in Bharat Kumar Shantilal Thakkar Vs. State of Gujarat & Anr. (2014) 15 SCC 305.

In view of the above, there is no substance in the present Special Leave Petition and the same deserves to be dismissed and is accordingly dismissed."

43 There is no justification for denying the benefit of advance increments at the ACP stage. The object and purpose of ACP is to prevent stagnation. On the other hand,

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<sup>13</sup> SLP(C) 1041 of 2020

the object and purpose of advance increments for acquiring higher qualifications is to improve judicial performance. Hence, the restrictive condition imposed by the SNJPC in regard to non-extension of advance increments at the ACP stage is not accepted. The advance increments for acquiring higher qualifications shall also be made available to officers who have acquired their degrees through distance learning programmes.

44 Subject to the above clarifications, the recommendation of the SNJPC is accepted.

#### **10 Hill Area/Tough Location Allowance**

45 The SNJPC has made the following recommendations:

- “1. Hill Area/Tough Location Allowance @Rs.5000/- per month shall be paid to the Judicial Officers posted in hill areas/tough locations.
2. More beneficial provision, if any, already applicable to the officials of the State/UT shall be extended to the Judicial officers.
3. In case of doubt, whether a particular area can be considered to be hilly or tough location area, decision of the High Court shall be followed in relation to the Judicial officers.
4. This allowance shall be available w.e.f. 01.01.2016.”

46 The recommendation is accepted. All High Courts are directed to specify the areas classifiable as hill areas/tough locations within a period of two months from the date of this order.



## 11 Home Orderly/Domestic Help Allowance

47 The SNJPC has made the following recommendations:

- "1. The Home-cum-office orderly allowance shall be available to the serving Judicial officers at the following rates :

District Judges : minimum wages for one unskilled worker in the concerned State/UT subject to minimum of Rs.10,000/- per month

Civil Judges : 60% of the minimum wages for one unskilled worker in the concerned State/UT subject to minimum of Rs.7,500/- per month.

2. Judicial officers getting higher allowance on this account by virtue of the orders issued by some States, they may continue to draw the same.
3. The allowance at the aforesaid rates shall be available to the Judicial Officers w.e.f. 01.01.2016 in States where they are getting the same prior to 01.01.2016 and in other cases, w.e.f. 01.01.2020.
4. The Judicial officers provided with Group D employee as an Attender/Peon/office subordinate for residential duties may exercise their option either to continue with the present system and forego the allowance that has been recommended or to claim the allowance instead of availing the services of the official Attender/Peon.
- 5(a). The payment of home orderly allowance should not result in discontinuance of practice, if any, of deputing the Office Peons/Attenders or other Group D employee during nights at the residences of (i) Magistrates who are called upon to attend the Judicial work at times during night times. (ii) the Office Peon/Attender or such other Group D employee deputed for night duty at the residence of Judicial officer living in the areas generally considered to be disturbed or security risk areas or outsourced security guards to be deployed in such areas and (iii) such personnel can also be deputed to the residence of Principal District Judge or equivalent rank officer having administrative responsibilities.
- (b) The deployment of Peons/Attenders for such residential duties shall be subject to the availability of Group D/Class IV personnel and without detriment to Court related duties.
6. Drawing up a panel of Home Orderlies/residential

attendants/sevaks appointed on consolidated salary equivalent to minimum wages and allotting them to the Judicial officers (as suggested by the Madras High Court) can be thought of as an alternative subject to the decision taken in this regard by the concerned High Court. However, in such a case, Home Orderly allowance cannot be claimed.

- 7a. Domestic Help Allowance to the pensioners and family pensioners shall be available at the following rates from 01.01.2016 :

Pensioner : Rs.9,000/- per month

Family pensioners : Rs.7,500/- per month

- 7b. This allowance shall stand increased by 30% on completion of five years from 01.01.2016 that is, w.e.f. 01.01.2021.
8. The allowance shall be drawn on the self certification of the Judicial Officer/Pensioner/Family Pensioner."

48 We accept the recommendations of the SNJPC.

## **12 House Rent Allowance and Residential Quarters**

49 The allowance under the above head has the following components:

### **(a) Residential Quarters:**

The SNJPC took note of the fact that there is a dearth of residential government quarters and that securing suitable accommodation has become an acute problem for judicial officers. The SNJPC made the following recommendations:

1. The State Governments should urgently take up construction of the residential quarters for the Judicial Officers and the progress of construction be monitored by this Court.
2. The Judicial Officer is to be provided accommodation or

requisitioned private accommodation within one month of taking charge of the post.

3. If the Judicial Officer is not provided with the government accommodation or requisitioned private accommodation within one month, then the Judicial Officer may secure private accommodation and should be paid rent in the following terms:
  - a. If the rent of the private accommodation is within the admissible house rent allowance mentioned below, no fixation of rent is required. But the concerned Judicial Officer has to certify the actual rent being paid.
  - b. If the rent of the private accommodation is more than permissible house rent allowance, the rent shall be assessed by Principal District Judge with the assistance of PWD/R&B officials.
  - c. If the difference between the permissible house rent allowance and the rent assessed is more than 15% and Principal District Judge may seek approval of High Court for payment of the said amount unless the officer is ready to pay the differential cost.
4. The minimum plinth area for the residential accommodation shall be 2500 sq. ft. for District Judge and 2000 sq. ft. for Civil Judge. However, The High Court administration have the discretion to sanction the design with higher plinth area.

**(b) House Rent Allowance**

The SNJPC noticed that different rates of HRA are prevalent in different cities. Taking all aspects into account, the SNJPC was of the view that the Central Government notified rates may be adopted by the States and made the following recommendations:

- (i) Judicial officers who are allotted official quarters for residence shall not be entitled to HRA;
- (ii) Judicial officers residing in their own houses, including the house of a parent or spouse, shall also be entitled for the recommended HRA with effect from

01.01.2016 after obtaining permission from the High Court to reside in their own house and judicial officers already residing in hired accommodation will be entitled to the recommended HRA with effect from 01.01.2020, subject to the actual rent paid within the said ceiling;

- (iii) The Office of the Principal District Judge or equivalent shall pay rent directly to the landlord, in which case, the officer is not eligible to draw HRA; and
- (iv) The SNJPC rates of HRA should be applicable to all Judicial Officers as per the notification dated 07.07.2017 which was issued after the VIIth Central Pay Commission (CPC) by the Central Government:

“	Rates of HRA/pm as % of basic pay
X	24%
Y	16%
Z	8%

However, the minimum rates prescribed are 5400/-, 3600/- and 1800/- respectively.

And the rate will be changed in accordance with the change in Dearness

Allowance in the following terms:

Classification of Cities	Rates of HRA/pm as % of basic pay	When crosses	DA
X	27%	25%	
	30%	50%	
Y	18%	25%	
	20%	50%	
Z	9%	25%	
	10%	50%	

'Z' Category is unclassified at present and the High Court is at liberty to upgrade and add the cities in different classes."

**(c) Furniture and Air Conditioner Allowance**

The SNJPC was apprised of the fact that some furniture is provided to the judicial officers in certain places, but there is a lack of uniformity. The SNJPC made the following recommendations:

- “4. Furniture grant of Rs.1.25 lakhs every five years shall be provided to the Judicial Officer subject to production of proof of purchase by the Judicial Officer. Household electrical appliances can also be purchased by availing of the said grant. The Officers having not less than two years of service will also be eligible for this allowance. The option to purchase the furniture being used by the officer at the depreciated rate shall be available at the time of fresh grant or retirement.
- 4.1 Apart from the furniture grant, one air-conditioner shall be provided at the residence of every Judicial Officer once in every five years.”

**(d) Residential quarters - maintenance**

In order to obviate the problems faced by judicial officers in securing services of electricians, plumber, carpenters, sanitary workers and masons and bearing in mind that the Public Works Department, which is in-charge of maintenance, does not have sufficient funds to carry out the work, the SNJPC recommended that an amount of Rs Ten lakhs be made available to each Principal District Judge on the basis of a proposal sent by the Registry of the High Court for the proper maintenance of the residential quarters and that the Government must sanction the amount proposed within two months from the date of the receipt of their proposal.

**(e) Guest House/Transit Accommodation**

The SNJPC has been in agreement with the suggestions made by the Associations that guest house facility should be provided exclusively for judicial officers bearing in mind the problem faced in securing accommodation in State guest houses. While the SNJPC was aware that it is not possible to construct guest houses in all districts, it emphasized the need to have a guest house-cum-transit accommodation at least in cities and major towns. In that regard, the following recommendations were made:

"17.2 The Commission does not expect that the Guest houses for the Judiciary should be constructed in all Dist. Headquarters irrespective of the size of the District. The travails of the Judicial Officers in securing suitable accommodation for stay is undeniable at least in the cities and major important towns. There is every need to construct Guest houses-cum-transit homes. One wing can be earmarked as a transit home where the transferred Officer can stay initially for a few weeks till s(he) finds residential accommodation – Official or private. The Guest house-cum-transit home facility is a long felt need of the Judicial Officers. The Commission recommends that the Guest houses/transit homes shall be constructed in a phased manner by the Governments concerned. The officials concerned shall act in coordination with the Registry of the High Court to identify the places. The details such as number and size of rooms and the amenities shall be finalized after mutual discussion. As regards the first phase of such construction, the State Governments/UTs may be directed to initiate action within a time frame of six months and necessary financial allocation has to be made for this purpose during the financial year 2020-21. Needless to say that after construction, the High Courts will issue necessary instructions regarding maintenance, minimal catering arrangement, rent to be charged etc."

Of the above five components of house rent related allowances, those at (c) (Furniture and Air Conditioner Allowance) and (d) (Maintenance) have been introduced for the first time. The other components form part of the service conditions of judicial officers.

50 We find reason and justification for the addition of the two components. All the components which have been suggested by the SNJPC are integral to the proper performance of the duties by judicial officers and are accordingly accepted.

### 13 Leave Travel Concession(LTC)/Home Travel Concession(HTC)

51 The FNJPC recommended that LTC should be provided once in a block of four years to any place in India. However, it laid down a threshold of a completion of five years of service before availing of LTC. The FNJPC also recommended that HTC be extended once in two years and the entitlement for the journey would be according to the rules of the respective States. The recommendation was accepted in 2002 by the decision in the **All India Judges Association** case by this Court.

52 The JPC, while reiterating these recommendations, proposed two modifications:

- (i) A judicial officer may be permitted to avail of LTC on completion of two years of service and on completion of probation (thereby relaxing the requirement of five years of minimum service); and
- (ii) The restriction on the availing of LTC in the last year of service was dispensed with.

53 While reiterating the recommendation for HTC, the JPC suggested an additional HTC if a judicial officer was subjected to two or more transfers in the same cadre from one end of the State to another for administrative reasons.

54 The SNJPC considered the views of the High Courts and of the Associations. On considering all aspects of the matter, the SNJPC made the following recommendations:

- “i. Payment of one month's salary for not availing the LTC is unwarranted and it would defeat the objective of LTC.
- ii. Encashment of 10 days earned leave while availing LTC (not HTC) (subject to the maximum of 60 days) can continue. The same will be in addition to encashment of 300 days at the time of retirement and 30 days in a block of two years.
- iii(a) As regards frequency of LTC, the Judicial Officers may be permitted to avail one LTC and one HTC in a block of 3 years.
- (b) As far as fresh recruits are concerned, the HTC shall be allowed 2 times in the first block of 3 years. However, the block of 3 years will commence on completion of the period prescribed for probation (not necessarily declared).
- iv(a) The Judicial officers irrespective of their rank shall be allowed to travel by air and the reimbursement shall be made subject to the condition that the tickets have been purchased either directly from the Airlines or from the agents authorized, namely, Ashoka Travels, Balmer and Lawrie and IRCTC by the Central/State Government subject to further addition or deletion of the authorized agent by the Central/State Government.
- b) The other details such as class of travel, advance etc. shall be governed by the respective Rules/Orders of States/UTs.
- v. The Judicial officers may be allowed to carry forward LTC anywhere in India beyond retirement for a period of one year.
- vi. There is no justification for extending the LTC/HTC facility to the retired Judicial officers.
- vii. As regards the foreign travel to SAARC countries, the District Judges and Senior Civil Judges may be



allowed the said facility on two occasions in their service career and only economy class travel shall be allowed.

- viii. The Judicial officers shall not be required to avail of earned leave only, for LTC/HTC purpose and they may be permitted to avail of casual leave as a prefix and suffix to the extent of two days."

55 LTC/HTC were components already provided for by the FNJPC and JPC. The recommendations of the SNJPC are on a continuum. We accept the recommendations, save and except for foreign travel to SAARC countries which shall be deleted.

#### **14 Medical Allowance/Medical Facilities**

56 The subject matter of the above allowance/facility has been duly considered in the earlier reports of the FNJPC and JPC. Before proceeding further, it would be appropriate to extract from the recommendations of the SNJPC in regard to medical allowances and medical facilities. The recommendations read as follows:

- "1. Fixed medical allowance shall be payable @Rs.3,000/- p.m. to the serving Judicial Officers with effect from 01.01.2016.
- 2. Fixed medical allowance shall be payable @Rs.4,000/- to the pensioners and family pensioners with effect from 01.01.2016.
- 3. The spouse or other dependents of Judicial Officers drawing family pension shall also be eligible for medical facilities/reimbursement at par with the pensioners of the judiciary.
- 4(a) The necessity of reference from the Medical Officer of a Government hospital shall be dispensed with. Straightaway, the Judicial Officers including pensioners/family pensioners shall be

entitled to have consultations/treatment in the Government notified/empanelled private hospitals/Pathological Labs and seek reimbursement by submitting the bills as per the usual procedure (which is now being followed).

- 4(b) In regard to Judicial Officers governed by DGEHS or CGHS, the existing procedure which is quite simple and systematic, can be followed.
  - 4(c) The Principal District Judges or Registry of High Court [in respect of Principal District Judge] shall be empowered to address credit letters to the concerned hospitals where the Judicial Officer or Judicial Pensioner/Family Pensioner has been or to be admitted as inpatient.
  - 4(d) For the Pensioners and Family Pensioners, a Medical Card on the lines of what is being issued in Delhi as shown in Appendix III shall be issued by the Principal District Judge.
  - 4(e) The expenditure incurred towards inpatient treatment or for serious ailments requiring more or less continuous treatment shall be processed and sanctioned by the Principal District Judges or other authorized Officer of that rank or as the case may be by the Registry of the High Courts.
  - 4(f) In the case of emergency, the Judicial Officer, serving & retired as well as the family pensioner can take treatment in any nearest private hospital – not necessarily, Government notified hospitals and seek reimbursement as per the usual procedure. If necessary, Credit letter shall be issued for this purpose.
5. On submission of the estimate given by the recognized/empanelled hospital, 80% shall be sanctioned as advance, subject to preliminary scrutiny by the Principal District Judge or a District Judge of equivalent rank authorized by the Registry of the High Court. The balance shall be reimbursed on certification by the designated Civil Surgeon or Official of the Directorate of Medical & Health Services as the case may be. If the

Government approved rates are not available for any particular item, the certifying officer shall have due regard to the rates generally charged in the hospitals concerned. Though there needs to be scrutiny before sanctioning the payment in view of the tendency to exaggerate the estimates, the extent of disallowance shall be minimal and the reasons for disallowance shall be disclosed by the certifying authority. The bills sent by the District Judge for scrutiny of the designated Civil Surgeon/Officer of Directorate shall be cleared within a maximum period of one month from the date of receipt.

- 6(a) The retired Judicial Officers and the family pensioners who have settled down in another State shall have the facility to claim medical reimbursement/advance from the State from which s(he) is drawing pension/family pension.
- 6(b) The cost of treatment including room charges/tests undergone in any Government/Government notified/recognized hospitals/pathological labs in an emergency or otherwise shall be reimbursed to the serving officers on tour (official or private purpose) to another State or settled in another State after retirement even though it is not recognized hospital/lab in the State in which the officer is serving or had served.
- 7 The Registry of the High Court shall examine whether the notified/empanelled hospitals sufficiently cater to the needs of the Judicial Officers including the pensioners/family pensioners and send proposals to the Government for notifying additional hospitals/pathological Labs to the extent it is considered necessary.
8. To avoid delays in processing and sanctioning the bills for want of funds, the Registry of High court shall take prompt action in addressing the Government for releasing additional funds and the Finance Department of the State shall take immediate action by way of making available the additional funds to the High Court on this account."

We analyze the recommendations of the SNJPC below.

### **Fixed Allowance**

57 The SNJPC has justifiably increased the fixed medical allowance to Rs 3,000 per month for serving judicial officers and to Rs 4,000 per month to pensioners and family pensioners with effect from 01.01.2016. This recommendation was made in view of the fact that the FNJPC had recommended a fixed medical allowance of Rs 300 per month, which was increased by the JPC to Rs 1,000 per month for serving judicial officers. The JPC enhanced the medical allowance to Rs 1,500 per month for retired judicial officers and Rs 750 per month for family pensioners. The recommendation made by the SNJPC for uniformity in the medical allowance payable to pensioners and family pensioners is wholesome and is consistent with Article 14. Of the Constitution. There is no valid basis to distinguish between pensioners and family pensioners for the payment of a fixed medical allowance. Moreover, an increase of Rs 1,000 per month for pensioners as compared to serving judicial officers is also justified considering the fact that the pensioners as a class would need more medical attention with advancing years.

### **Medical Facilities and Reimbursement**

58 The medical facilities to be provided to serving judicial officers, retired judicial officers and family pensioners differ from State to State. There are three broad models which are followed in the case of government servants:

(a) Access to a health scheme like CGHS under which there are empaneled

hospitals;

- (b) Access to government hospitals and thereafter upon following a procedure of reference; and
- (c) Cashless facilities pursuant to group insurance policies.

59 The FNJPC recommended that the judicial officers should also be given similar medical facilities as are being given to the members of the State legislature. It recommended that the State Government should notify the list of hospitals for medical treatment of judicial officers and their families. A similar benefit was extended to retired judges. The FNJPC's recommendations were accepted by this Court in **All India Judges Association v Union of India**<sup>14</sup>.

60 The JPC reiterated the recommendations of the FNJPC. Its recommendations were accepted in **All India Judges Association v Union of India**<sup>15</sup>.

61 While noting the varying practices which are followed across the country, the SNJPC observed that while the CGHS and DGEHS are working well, difficulties are faced by judicial officers in several States where there is neither a proper empanelment of doctors, hospitals and labs nor is there an effective procedure for reimbursement of medical bills. It specifically noted the case of the State of Maharashtra where the earlier orders of this Court were not observed. The SNJPC further noted that in the absence of proper empanelment, referral by a Medical Officer of a government hospital is needed for treatment in private hospitals. The SNJPC has taken note of

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<sup>14</sup> (2002) 4 SCC 247

<sup>15</sup> (2010) 14 SCC 720

the grievance of the judicial officers while formulating its recommendations. The grievances which were projected by the judicial officers included the following:

- “1) Lack of adequate number of notified hospitals/pathological labs.
- 2) Non-availability of cashless treatment for in-hospital treatment even in case of serious ailments and emergency.
- 3) The Civil Surgeon or Directorate of Medical/Health services to whom the claims are referred to are enforcing unjustifiable cuts.
- 4) Delay in processing/passing the bills in case of high claims.
- 5) Insistence of Essentiality Certificate even for medicines purchased on the basis of the prescription issued by Registered Medical Practitioner or even the Consultant of the notified hospital.
- 6) Procedural problems being faced by the Judicial Officers who have settled down in other States after retirement.
- 7) Non-specification of premier hospitals of repute in other States for the purpose of availing reimbursable medical treatment in cases of serious ailments.
- 8) Non-extension of medical facilities to the family pensioners.”

62 During the course of the hearing, the attention of this Court has been drawn to the situation in the State of Uttar Pradesh by members of the Association representing former judges. It has been submitted that the hospitals which have been empaneled by the State Government for the purpose of cashless facilities are providing sub-standard treatment. As a result, the cashless facilities cannot be availed of by the officers. It has been submitted that since a sufficiently large number of hospitals is empaneled under CGHS (nearly 300 hospitals in the State of Uttar Pradesh alone), the State Government may be directed to follow the hospitals which are empaneled for the purpose of CGHS so as to ensure that the quality of treatment which is extended to the judicial officers and retired judicial officers as

well as family pensioners is of a requisite standard.

63 The primary concern which has been expressed by serving judicial officers and by retired officers is that the recommendations made by the SNJPC appear to lower the bench-mark or standard set by the FNJPC of entitling the judicial officers to the same medical facilities as those provided to members of the legislative assembly.

64 Mr K Parameshwar, *Amicus Curiae*, has submitted that this may not be an appropriate manner of reading the recommendations made by the SNJPC. According to him, the recommendations of the SNJPC should be read holistically and harmoniously with those of the FNJPC. Hence, the recommendations which were made by the FNJPC to have empaneled doctors, hospitals or labs and the recommendations to do away with the referral system must be viewed in addition to the standards which were set by SNJPC. We find force on the submission.

65 The substantive recommendations which are made by the SNJPC are accepted. In exercise of the jurisdiction under Article 142 of the Constitution, we institutionalize the process issuing the following directions in the segment of this judgment which follows.

## **15 Newspaper and Magazine Allowances**

66 The following recommendations have been made by the SNJPC:

- "1. Reimbursement for newspaper and magazines shall be Rs.1000/- for District Judges (two newspapers and two magazines) and Rs.700/- for Civil Judges (two newspapers and one magazine).

2. The reimbursement shall be on half yearly basis from January to June and July to December, on the basis of self certification.
3. The allowance at the above mentioned rates shall be available from 01.01.2020.
4. More beneficial provision already in operation in any State shall continue."

67 The recommendations are accepted.

## **16 Risk Allowance**

68 The SNJPC has considered it reasonable to grant risk allowance. The SNJPC has issued the following recommendations:

- "1. Risk allowance shall be made available to the Judicial Officers working in the States of Jammu & Kashmir and insurgency affected North East States at the same rate as is available to the Civilian Government officials working in those areas.
2. The allowance will be available w.e.f. 01.01.2020."

69 The recommendation is accepted.

## **17 Robe Allowance**

70 The SNJPC has noted that the pay and facilities of judicial officers have considerably improved in view of the recommendations made by the Judicial Commissions. Hence, the situation which existed at the time when the FNJPC had examined the matter "no longer exists now". Hence, it was of the view that it would be appropriate if judicial officers do not raise such a demand. The Seventh CPC recommended a uniform allowance only to those employees who are required to



wear a prescribed dress in the course of the discharge of their duties. However, having regard to the practice which was in force for a considerable time and the essential nature of the robe as apparel for Judges, the SNJPC recommended a "modest increase of the allowance, with the hope that such demand for robe allowance will not be raised before the next Commission". Consequently, the SNJPC recommended that:

- (i) An allowance of Rs 12,000 will be payable once in three years with effect from 01.01.2016; and
- (ii) The demand for the robe allowance may not be raised before the next Commission.

71 We are inclined to accept and accordingly accept the above recommendations.

## **18 Special Pay for Administrative Work**

72 The SNJPC noted that judicial officers in-charge of certain courts/tribunals have administrative responsibilities for which extra time outside the court working hours has to be spent. This is especially so in the case of Principal District and Sessions Judges or other District Judges having similar responsibilities. The SNJPC noted that Principal District Judges in the districts and officers of equivalent ranks in the cities are required to inspect courts, monitor the progress of cases, assess the performance of officers, conduct discreet inquiries in vigilance cases, and send reports to the High Courts. The administrative work, as the SNJPC noted, is considerable and extra time has to be devoted both at the residence and office for

carrying out such duties.

73 Bearing in mind the additional administrative duties which have to be discharged by judicial officers, the SNJPC made the following recommendations:

- "1. Special Pay for Judicial officers doing administrative work shall be payable to :
- a) Principal District and Sessions Judges : Rs.7000/- per month
  - b) Other District Judges including I Additional District Judges entrusted with administrative work who have to generally spend time beyond Court working hours : Rs. 3500/- per month.
  - c) District Judges presiding over Special Courts and Tribunals having independent administrative responsibilities : Rs.3500/- per month.
  - d) CJMs and Principal Senior, Junior Civil Judges and other Judicial Officers having administrative responsibilities being in charge of independent Courts with filing powers : Rs.2000/- per month.
2. The Special Pay shall be available w.e.f. 01.01.2019."

74 The SNJPC has adduced a sound rationale for the above recommendation. The recommendation is accordingly accepted.

## **19 Sumptuary Allowance**

75 The SNJPC has made the following recommendations:

1. The sumptuary allowance shall be available to the Judicial Officers at the following rates :

District Judges	Rs. 7,800/- per month
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Civil Judges (Sr. Div.)Rs. 5,800/- per month

Civil Judges (Jr. Div.)Rs. 3,800/- per month

2. The allowance shall be available w.e.f. 01.01.2016.
3. The following categories of Judicial Officers shall get Rs.1,000/- (One thousand) more by virtue of their status or the additional responsibilities they shoulder.
  - Principal District Judge in-charge of administration in the Districts/Cities.
  - District Judges in selection grade and super time-scale.
  - Director of Judicial Academy/Judicial Training Institute/Member Secretary, State Legal Services Authority.
  - Chief Judicial Magistrate/Chief Metropolitan Magistrate.
4. No sumptuary allowance shall be payable to retired Judicial Officers.

76 The report of the SNJPC notes that the Seventh CPC recommended the abolition of sumptuary allowance while observing that expenditure on hospitality should be treated as office expenditure and that the Ministry of Finance shall lay down the ceilings for various levels. In that context, the SNJPC observed:

- “5. The VII CPC recommended abolition of sumptuary allowance and observed that the expenditure on hospitality should be treated as office expenditure and the Ministry of Finance shall lay down the ceilings for various levels. Accepting the recommendation of CPC, the sumptuary/entertainment allowance was abolished w.e.f. 30.06.2017. At the same time, by the Office Memorandum dated 22.09.2017, the Government of India (Department of Expenditure, Ministry of Finance) having observed that “the hospitality related expenditure is now to be incurred as office expenditure”, conveyed the President's decision prescribing the ceiling of office expenditure on hospitality only for a few dignitaries and officials. The Table appended to the O.M. is as follows:

Sl.No.	Designation	Existing	Prescribed
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		Rates of sumptuary/ Entertainment Allowance (Rs. per month)	ceiling in respect of hospitality related office expenditure (Rs. per month)
1.	Chief Justice of India	20000/-	45000/-
2.	Judges of the Supreme Court and Chief Justice of High Courts	15000/-	34000/-
3.	Judges of the High Court	12000/-	27000/-
4.	Cabinet Secretary	10000/-	23000/-
5.	Training Establishments		
	Director or Head	3500/-	8000/-
	Course Directors	2500/-	5700/-
	Counsellors	2000/-	4500/-
6	Judicial Officers in Supreme Court Registry	At the same rate as they were getting in the parent office	Existing rates may be multiplied by a factor of 2.25"

77 The SNJPC rejected the demand of the Association in regard to the quantum of increase in sumptuary allowance and decided to adopt an increase of 2.25 times, broadly speaking, as the guiding principle to arrive at this conclusion, based on the yardstick of annual inflation and increase of points in the consumer price index.

The increase which has been granted by the SNJPC is reasonable and commends itself for acceptance. We accordingly accept the recommendation.

## 20 Telephone Facility

78 The following recommendations have been made by the SNJPC:

"1. The Judicial Officers shall be provided with the following

telephone facilities:

- i. Residential Telephone (Landline) :
  - (a) The landline telephone and broadband facility (by the same or different service providers) shall be provided at the residence of the Judicial Officers with the permitted user as follows :
 

District Judges : Rs.1500/- per month

Civil Judges : Rs.1000/- per month

inclusive of rent, calls (local and STD both) and internet use.
  - (b) At places where broadband facility is not available, the permissible user shall be :
 

District Judges : Rs.1000/- per month

Civil Judges : Rs.750/- per month

inclusive of rent and calls (local and STD both).
- ii. Mobile Phone :
  - (a) The provision of mobile phone (handset) with internet shall be as follows:
 

District Judge : Rs.30,000/-

Civil Judges (Jr. & Sr. Divisions) : Rs.20,000/-

And the permissible user shall be :

District Judges : Rs.2000/- per month

Civil Judges : Rs.1500/- per month

inclusive of internet data package.
  - (b) At the request of the Judicial Officers, the mobile phone handset shall be replaced once in three years.
  - (c) The Judicial Officers shall be given option to retain the old mobile phone handset at a price to be determined as per the guidelines prescribed by the Registry of High Court.

(d) The existing facilities in so far as they are more beneficial by virtue of the order issued by some of the State Governments/UTs shall be continued notwithstanding the above recommendations.

iii. Office Telephone:

Regarding telephone connection to the office, the present arrangement shall continue."

79 The recommendation is reasonable and is accepted.

## **21 Transfer Grant**

80 The summary of the recommendations of the SNJPC reads as follows:

- "1. On transfer, the composite transfer grant shall be equivalent to one month's basic pay.
2. If the transfer is to a place at a distance of 20 kilometres or less or within the same city (if it involves actual change of residence), the transfer grant shall be 1/3 rd of the basic pay.
3. For the transportation of personal effects, the O.M. dated 13.07.2017 (annexed as Appendix I) issued by the Department of Expenditure; Government of India pursuant to the recommendations of VII CPC shall be applicable.
4. In case of transportation by road, the admissible amount shall be Rs.50/- per km. inclusive of labour charges for loading and unloading or the actual whichever is lower. The said amount shall be raised by 25% when the DA increases by 50%.
5. The recommendations will come into effect from 01.01.2016.
6. The Officers who have undergone transfer(s) after 01.01.2016 and their claims for transfer grant paid as per pre-revised pay scales, shall be paid the differential amount on the basis of revised pay w.e.f. 01.01.2016."

81 The above recommendations are reasonable and are accordingly accepted.

### **Institutionalization**

82 We are of the considered view that a framework has to be set up under the auspices of every High Court for institutionalizing the implementation of the orders of this Court with respect to the service conditions of the district judiciary and for implementing the recommendations of the SNJPC, as approved. Institutionalizing the mechanism for enforcement and implementation will have several benefits which are set out below:

- (a) The implementation of the orders of this Court will be streamlined. A Committee set up by this Court at the level of every High Court to act as a bridge between the High Court and the State Government will facilitate seamless implementation;
- (b) Experience indicates that this Court is flooded with individual applications and grievances concerning pay and service conditions leading to multiplicity of proceedings and issues. This would be obviated by institutionalizing the process at the level of each High Court; and
- (c) An institutionalized entity can act as a body for recording and archiving information and suggestions, maintaining a record of difficulties faced in implementation and generating an institutional memory which will facilitate a consultative framework for the next Pay Commission.

83 Bearing in mind the above benefits, we hereby direct the constitution of a Committee in each High Court for overseeing the implementation of the recommendations of the SNJPC as approved by this Court. The Committee shall be called the '**Committee for Service Conditions of the District Judiciary**<sup>16</sup>'. The composition of the Committee shall consist of the following:

- (i) Two Judges of the High Court to be nominated by the Chief Justice of which one should be a Judge who has previously served as a member of the district judiciary;
- (ii) The Law Secretary/Legal Remembrancer;
- (iii) The Registrar General of the High Court who shall serve as an *ex officio* Secretary of the Committee; and
- (iv) A retired judicial officer in the cadre of District Judge to be nominated by the Chief Justice who shall act as a nodal officer for the day to day redressal of grievances.

84 The senior most Judge nominated by the Chief Justice shall be the Chairperson of the Committee. The Chairperson may co-opt officers of the State Government, including the Secretaries in the Departments of Home, Finance, Health, Personnel and Public Works, when issues concerning these departments are being deliberated upon and implemented. The Chairperson of the Committee may at their discretion co-opt the Accountant General to ensure due implementation of the recommendations of the SNJPC, as approved by this Court. The Committee would

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<sup>16</sup> "CSCDJ"



be at liberty to consult with the representatives of the Judges' Association or, as the case may be, the Retired Judges' Association in the State.

85 The principal functions of the CSCDJ shall be to :

- (i) Oversee the proper implementation of the recommendations of the SNJPC, including pay, pension, allowances and all allied matters as approved by this Court by its orders;
- (ii) Act as a single point nodal agency for the redressal of the grievances of the judicial officers, both serving and retired to secure the implementation of the recommendations of the SNJPC which have been approved by this Court;
- (iii) Develop an institutional mechanism for recording and archiving institutional concerns pertaining to pay, pension and service conditions of the district judiciary which shall aid in the consultative framework for subsequent Pay Commissions constituted for judicial officers; and
- (iv) Ensure that hospitals of a requisite standard with necessary facilities are empaneled for every district in consultation with the Secretary in the Health Department of the State Government. The Collectors of the districts shall render all necessary assistance in ensuring that the process of empanelment is duly streamlined. The process of empanelment shall ensure that the hospitals which are empaneled have a demonstrable track record and possess requisite medical facilities required for affording medical treatment of the requisite quality and care. The Committee may also ensure the

empanelment of institutions for the purpose of carrying out medical investigations. The Committee will prescribe the benchmarks for empanelment. The Committee shall ensure that where medical care of the requisite standard for specified ailments is not available in the district concerned, treatment in respect of those ailments may be availed of elsewhere in an empaneled hospital. The Committee would be at liberty to take incidental measures covering situations where officers who have served in the State are residing outside the State. In such a case, the Committee may consider empanelment of hospitals outside the State so as to facilitate the availing of medical facilities.

- 86 Each of the CSCDJs constituted under the auspices of the High Court shall consider the following:
- (i) Formulating a Standard Operating Procedure (SOP) with specified timelines for claims and disbursal of allowances as approved by this Court, including the payment of arrears of salary and pension to judicial officers, pensioners and family pensioners; and
  - (ii) The SOP shall, *inter alia*, cover the following:
    - (a) The nodal agency for disbursement of allowances, arrears and other service and retiral benefits;
    - (b) Laying down a simplified and effective procedure for reimbursement and disbursement of claims;
    - (c) Providing contact details of the nodal agency at the district or State level;

- (d) Publication of the SOP on the website of the High Court, together with the details of the nodal officer; and
- (e) Maintenance of a database of retired Judges and family pensioners in the district judiciary with a process for periodical updating, at least on a quarterly basis.

87 All States and Union Territories shall now act in terms of the above directions expeditiously. Disbursements on account of arrears of salary, pension and allowances due and payable to judicial officers, retired judicial officers and family pensioners shall be computed and paid on or before **29 February 2024**. The CSCDJs institutionalized in terms of the directions issued earlier shall monitor compliance. Each Committee working under the auspices of the High Court shall submit its report to this Court on or before **7 April 2024** through the Registrar General of the High Court.

88 The CSCDJs shall also verify that the earlier orders of this Court in regard to the payment of arrears of salary and pension have been duly implemented.

.....CJI.  
**[Dr Dhananjaya Y Chandrachud]**

.....J.  
**[J B Pardiwala]**

.....J.  
**[Manoj Misra]**

**New Delhi;  
 January 04, 2024**