

RELEVANT EXTRACT OF THE INTERIM REPORT DATED 31.03.1998 OF THE  
FIRST NATIONAL JUDICIAL PAY COMMISSION

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The Commission has to collect and collate necessary data and information after the receipt of replies from all High Courts and Associations of Judicial Officers. The Commission has also to afford an opportunity of being heard to the interested persons. This process is indeed time consuming.

In the meantime, the Central Government has, after making some improvements, implemented the recommendations of the V-Pay Commission, the benefit of which has been extended to judicial Officers at New Delhi, Pondicherry and Lakshadweep. Some of the States like Goa, Gujarat and Madhya Pradesh have given the benefit of the corresponding pay scales recommended by the V-Central Pay Commission to their Judicial officers as well. The West Bengal has extended this benefit to the officers of higher Judicial Service. Some other States like Karnataka, Maharashtra, Tamil Nadu and Kerala have given ad hoc interim reliefs. The U.P. Government has revised the pay scales of the Government employees but not of Judicial Officers. All these resulted in a wide variance in the pay scales and the total emoluments of the Judicial Officers from State to State.

The Commission has received a lot of representations from the Judges' Associations stressing on the need to grant some Interim Relief.

In the premise and taking cognizance of all facts and circumstances, it appears to the Commission that justice and fairness demand that Interim Relief should be given to the members of the Subordinate Judiciary.

Under the original terms of reference, the Commission had no power to grant Interim Relief. On December 16, 1997, the Central Government has amended the terms of reference empowering the Commission to consider and grant such Interim Relief as it considers just and proper to all categories of Judicial Officers of all the States / Union Territories.

The Commission heard some of the representatives of the Judicial Officers' Associations, particularly from Andhra Pradesh, Maharashtra, Kerala and Karnataka. The Commission has also heard Sri C. Sri Ramlu, Chairman, Sri. N.S. Saini, General Secretary and Smt. P. Santhakumari, Vice-President of the All India Judges' Association. The Commission has sought the opinion of experts from Indian Institute of Public Administration, who are the Consultants to the Commission on restructuring the pay scales.

The Commission has noticed the wide variance in the existing pay scales of similarly situated Judicial Officers from State to State. The Commission desires that such disparity should be discontinued in view of the observations of the Supreme Court that there should be uniformity in the pay scales and the emoluments of Judicial Officers in all States since they perform similar functions with similar jurisdiction.

With this object in view, the Commission has worked out a formula for determining the Interim Relief to the Judicial Officers of different States. The Commission first calculated the difference between the mean pay of existing pay scales with Dearness Allowance available as on 1st January 1996 and the mean pay of the near corresponding pay scales of the V- Central Pay Commission. An approximate percentage of the said amount at the lowest pay scale of the Judicial Officers in each State has been taken into consideration for determining the Interim Relief. Necessarily, it becomes different percentage for different States to reach near parity in the emoluments.

Accordingly, the following Interim Relief is granted to the Judicial Officers of different States as indicated below:

Name of the State/ Union Territory	Percentage on Basic Pay + Dearness Allowance of each Judicial Officer as on 1st January 1996
01. Andhra Pradesh	35 %
02. Assam	75 %
03. Bihar	35 %
04. Haryana	40 %
05. Himachal Pradesh	40 %
06. Jammu & Kashmir	40 %
07. Karnataka	35 %
08. Kerala	35 %
09. Maharashtra	40 %
10. Manipur	40 %
11. Meghalaya	40 %
12. Mizoram	40 %
13. Nagaland	40 %
14. Orissa	40 %
15. Punjab	40 %
16. Rajasthan	40 %
17. Sikkim	45 %
18. Tamil Nadu	35 %
19. Tripura	40 %
20. Uttar Pradesh	40 %
21. West Bengal	55 % - To the Officers of the Subordinate Judicial Service only.



The Commission does not propose to grant any Interim Relief to the Judicial Officers of such State / Union Territory to whom the benefits of the V-Central Pay Commission have already been extended.

The Commission, however, recommends the Interim Relief to the Judicial Officers who have retired prior to 1st July 1996 at the rate of 40% of the Basic Pension and so also to Family Pensioners.

Those who have retired after 1st July 1996 and those retire henceforward, this Interim Relief shall along with Dearness Allowance as on 1st July 1996 be treated as basic pay for determining the pension payable to them.

As to the date of giving effect to the Interim Relief, the Commission takes into account that the Central Government employees as well as some of the State Government Employees have been given the benefit of higher pay from January 1996 and the benefit of some allowances from August 1997. The Dearness Allowance to the employees is generally admissible twice a year as on 1st January and 1st July. Since the Commission was constituted with effect from 21st March 1996, the Commission considers that it is proper and necessary to implement the Interim Relief with effect from 1st July 1996.

It is, however, made clear that this Interim Relief will not count for House Rent Allowance, Compensatory Allowance, Encashment of Leave and Pay Fixation.

The Commission also directs that the Interim Relief, if any, already granted by the State Government / Union Territory to the Judicial Officers / Pensioners / Family Pensioners after 1st January 1996 shall be adjusted in the Interim Relief now granted by this Commission.

In the event any State Government in future extends the benefits of the recommendations of the V-Central Pay Commission to its Judicial Officers, the

Interim Relief hereby granted to such Judicial Officers may appropriately be adjusted.

It is also made clear that the Interim Relief hereby granted will be fully adjusted against and included in the package which may become admissible to the Judicial Officers / Pensioners / Family Pensioners on the final recommendations of the Commission.

The State Governments are, therefore, requested to give effect to this Interim Relief as above stated with effect from 1st July 1996.

Sd/-

**JUSTICE K. JAGANNATHA SHETTY (Rtd.)**  
CHAIRMAN

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**JUSTICE P.K. BAHRI (Rtd.)**  
MEMBER

Sd/-

**JUSTICE A.B. MURGOD (Rtd.)**  
MEMBER SECRETARY

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