

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

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

been functioning from the room allotted by the Registry of High Court of Delhi.

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

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

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

5. In this background, it has been decided by the Commission that it shall recommend interim relief to the Judicial Officers (serving & retired) in the form of increase of basic pay by certain percentage, so as to extend

immediate relief to them. In this context, the Commission would like to quote one of the terms of reference made by this Hon'ble Court in the order above-cited:

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

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

**6.** The Commission has examined the quantum of interim relief to be recommended from various angles. The Commission had also deliberations with a team of consultants, who have experience in the field. The Commission is of the considered view that there shall be increase in the basic pay (together with accrued increments) by thirty percent (30%) and further the said increase shall be made effective from 01.01.2016.

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

7. The pay increased by 30% shall be treated as a separate component as is the usual practice whenever interim relief is recommended. That means, no D.A., is payable on this component of pay. However, the D.A., at applicable rates with reference to the existing pay will remain intact till the new pay scales recommended by this Commission come into force. The percentage of increase will apply to all the Judicial Officers in the country across the board. The fact that, at present, they have uniform pay scales facilitates calculations without any complicated exercise.

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

**Pension:**

9. The commission recommends that the interim relief should be extended to the pensioners and family pensioners as well with effect from

01.01.2016 and their pension shall be proportionately revised in conformity with the recommendations of the Commission regarding interim relief to the serving Judicial Officers as per the formula of 30% of basic pay. It needs no emphasis that the differential pensionary benefit shall be released by all the Governments, and the arrears from 01.01.2016 shall be paid to them with utmost expedition.

**First National Judicial Pay Commission recommendation on Interim Relief:**

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

**10.1** The details of pay scales of Judicial Officers in different States/UTs., at that point of time (i.e. in 1998) are found at page 965 of the report (Vol.III). In Assam, the pay scale of Munsif Magistrate/Judicial Magistrate was as low as Rs.1835-4325. The Asst. District and Sessions Judge/Chief Judicial Magistrate's scale of pay was Rs.3375-5200. The pay of District and Sessions Judge was Rs.3825-5900. The Selection Grade District Judge was placed in the pay scale of Rs.3950-6100. In Bihar, the pay scale of Munsif/JMFC was Rs.2425-4000 and after ten years, the scale was to be raised to Rs.3000-4500. The next pay scale of Sub-Judge/CJM was Rs.3000-4500. The District & Sessions Judge/Addl. District Judge was getting the pay of Rs.3000-5000. The Selection Grade District Judge was getting Rs.4500-7500 and Super Time Scale District Judge was getting Rs.5900-6700. In Haryana, the pay scale of the first level officer was Rs.2200-4500. The officer would get senior time scale of Rs.3000-4500 after five years and the Selection Grade Pay of Rs.4100-5300 (after 12 years). The District & Sessions Judges pay scale was Rs.3200-5600 and that of Selection Grade District Judge was Rs.5900-6700. In Maharashtra, Civil Judge (Junior Division)/JMFC was getting Rs.2200-4000 and the Civil Judge (Senior Division) was getting Rs.3200-4625. The Addl. District Judge's pay scale was Rs.3700-5000. The pay scale of District Judge (Entry Level) was Rs.4500-5700. The Selection Grade District



Judge's pay was Rs.5900-6700. In Rajasthan and Uttar Pradesh, almost the same pay scales were there. In West Bengal, Civil Judge (Junior Division)/JMFC was placed in the pay scale of Rs.2200-4000. After 6 years, the enhanced pay scale of Rs.3000-4750 was being applied to the Civil Judge (Jr. Division) and after 13 years service, the officer was placed in the scale of Rs.3700-5700. The pre-revised scale of District & Sessions Judge/CMM was Rs.3200-4700. However, the pay scale was revised to 10650-15850 subsequently. The pre-revised pay scale of Selection Grade District Judge (after 9 years of service) was Rs.4800-5700 and the revised pay was Rs.12750-16500. The pre-revised scale of District Judge (Super Time Scale) was Rs.5900-6700. However, it stood revised to Rs.18400-22400. In Andhra Pradesh, perhaps, the pay scales were highest comparatively speaking. Junior Civil Judge was getting Rs.3880-8140. The officer was being given Special Grade after 8 years carrying the pay scale of Rs.4140-8140. The Senior Civil Judge was placed in the pay scale of Rs.5040-8700. District Judge Grade II/CJM was placed in the pay scale of Rs.7070-10100 and District Judge Grade I in the scale of Rs.8140-10380. In Kerala, Munsif Magistrate was in the pay scale of Rs.2500-4000 and the Sub-Judge/CJM in the scale of Rs.3900-5075. The pay scale of District Judge was Rs.5100-5700 and the Selection Grade District Judge was getting Rs.5900-6700. In Karnataka, the Civil Judge

(Junior Division) was in the pay scale of Rs.2375-4450. The Civil Judge (Senior Division) was in the scale of Rs.3825-5825. The pay scale of District Judge was Rs.4700-6400 and that of Super Time Scale District Judge was Rs.5825-6800.

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

**10.3** The percentage of **interim relief** recommended by 1<sup>st</sup> NJPC depended on the pay scales in vogue at that point of time in the relevant State. That is why in Assam, the benefit of 75 percent addition was recommended by way of interim relief. The percentage of interim relief was applied on basic pay + D.A., as on 01.01.1996. Keeping in view the then existing pay scales of Judicial Officers which stood equated to the pay scales of State Government officials and the meagre salaries they

were drawing, the high quantum of interim relief was recommended by the Commission. It may be noted that even with the addition of such interim relief, the pay benefit which accrued to the Judicial Officers as interim measure turned out to be much lower than the ultimate pay scales evolved by the Commission (which are set out in the table at page 12 and 13). That situation is no longer present and therefore the formula applied by 1<sup>st</sup> NJPC cannot form the proper basis for arriving at interim relief to be fixed now in the light of the present circumstances and changed scenario.

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

**11.1** The prevalent pay structure has been evolved as a result of the acceptance of recommendations of Justice Padmanabhan Commission, which was appointed by the Hon'ble Supreme Court by the order dated 28.04.2009 in I.A.No.244 in W.P (C) No.1022 of 1989. The recommendations made by Justice Padmanabhan Commission on 17.07.2009 were accepted by the Supreme Court vide order dated 04.05.2010 and were given effect to by revising the pay scales with effect from 01.01.2006. The

pay scales evolved by Justice Padmanabhan Commission continue to be in force till now. The details of pre-existing scales and the present scales are furnished below for ready reference:

<b>S.No.</b>	<b>Designation</b>	<b>Scale of Pay as per 1<sup>st</sup> NJPC (w.e.f.01.01.1996)</b>	<b>Revised Scale of Pay as per Justice Padmanabhan Commission (w.e.f.) 01.01.2006 (IV)</b>
<b>(I)</b>	<b>(II)</b>	<b>(III)</b>	<b>(IV)</b>
1.	Civil Judge (Junior Div.) (Entry Level)	Rs.9000-250-10750-300- 13150-350-14550	Rs.27700-770-33090- 920-40450-1080-44770
2.	Civil Judge (Junior Div.) 1 <sup>st</sup> Stage ACP Scale	Rs.10750-300-13150-350- 14900	Rs.33090-920-40450- 1080-45850
3.	Civil Judge (Junior Div.) 2 <sup>nd</sup> Stage ACP Scale	Rs.12850-300-13150-350- 15950-400-17550	Rs.39530-920-40450- 1080-49090-1230-54010
4.	Civil Judge (Sr. Div.) (Entry Level)	Rs.12850-300-13150-350- 15950-400-17550	Rs.39530-920-40450- 1080-49090-1230-54010
5.	Civil Judge (Sr. Div.) 1st Stage ACP Scale	Rs.14200-350-15950-400- 18350	Rs.43690-1080-49090- 1230-56470
6.	Civil Judge (Sr. Div.) 2 <sup>nd</sup> Stage ACP Scale	Rs.16750-400-19150-450- 20500	Rs.51550-1230-58930- 1380-63070
7.	District Judge (Entry Level)	Rs.16750-400-19150-450- 20500	Rs.51550-1230-58930- 1380-63070

8.	District Judge (Selection Grade)	Rs.18750-400-19150-450- 21850-500-22850	Rs.57700-1230-58930- 1380-67210-1540-70290
9.	District Judge (Super Time Scale)	Rs.22850-500-24850	Rs.70290-1540-76450

**11.2** One important aspect to be noticed is that, at present, dearness allowance is within the range of 132 to 139%. In most of the States, it is 139% now. The D.A., in force for Central Government personnel on the date of acceptance of 7<sup>th</sup> CPC report in July, 2016 was 125 percent and it was increased from time to time upto 136 percent and the same is being applied to the High Court Judges till now. After the benefit of 7<sup>th</sup> CPC scales has been given to the Central Government staff and officials, the D.A., of 5 percent is being drawn by them with effect from 01.07.2017.

**12.** Taking the D.A., as 136 percent/139 percent, the total pay together with D.A., drawn by the Judicial Officers, viz., Civil Judge (Junior Division), Civil Judge (Senior Division) and District Judges in various ranks and grades at present is as follows:

<b>S.No.</b> <b>(I)</b>	<b>Designation</b> <b>(II)</b>	<b>Starting pay with D.A @ 136% (inclusive of D.A.) (III)</b>	<b>Starting pay with D.A @ 139% (inclusive of DA) (IV)</b>
1.	Civil Judge (Junior Division) (Entry Level)	Rs.65,372/-	Rs.66,203/-

2.	Civil Judge (Junior Division) 1 <sup>st</sup> Stage ACP Scale	Rs.78,092/-	Rs.79,085/-
3.	Civil Judge (Junior Division) 2 <sup>nd</sup> Stage ACP Scale	Rs.93,290/-	Rs.94,477/-
4.	Civil Judge (Senior Division) (Entry Level)	Rs.93,290/-	Rs.94,477/-
5.	Civil Judge (Senior Division) 1 <sup>st</sup> Stage ACP Scale	Rs.1,03,108/-	Rs.1,04,419/-
6.	Civil Judge (Senior Division) 2 <sup>nd</sup> Stage ACP Scale	Rs.1,21,658/-	Rs.1,23,204/-
7.	District Judge (Entry Level)	Rs.1,21,658/-	Rs.1,21,658/-
8.	District Judge (Selection Grade)	Rs.1,36,172/-	Rs.1,37,903/-
9.	District Judge (Super Time Scale)	Rs.1,65,884/-	Rs.1,67,993/-

**12.1** If 30% as proposed now is adopted for the purpose of interim relief, the benefit in terms of differential amount is as set out in **Annexure 'I'** to this report. Without going into incremental stage by stage details, the figures relating to the additional pay benefit which the officers of various ranks/grades will be entitled to are set out below for ready reference:

<b>S.No. (I)</b>	<b>Designation (II)</b>	<b>Extra pay benefit accruing from 30% increase in basic pay now recommended (III)</b>
1a.	Civil Judge (Junior Division) (Entry Level)	Rs.8310/-
1b.	Civil Judge (JD) with 3 years of service	Rs.8772/-
2.	Civil Judge (Junior Division) 1 <sup>st</sup> Stage ACP Scale	Rs.9927/-
3.	Civil Judge (Junior Division) 2 <sup>nd</sup> Stage ACP Scale	Rs.11,859/-
4a.	Civil Judge (Senior Division) (Entry Level)	Rs.11859/-
4b.	Civil Judge (Senior Division) with 3 years of service	Rs.12459/-
5.	Civil Judge (Senior Division) 1 <sup>st</sup> Stage ACP Scale	Rs.13107/-
6.	Civil Judge (Senior Division) 2 <sup>nd</sup> Stage ACP Scale	Rs.15,465/-
7a.	District Judge (Entry Level)	Rs.15465/-
7b.	District Judge with 3 years of service	Rs.16203/-
8.	District Judge (Selection Grade)	Rs.17,310/-
9.	District Judge (Super Time Scale)	Rs.21,087/-

**Interim relief in other States:**

**13.** As mentioned earlier, in the State of Haryana, the salary of Judicial Officers has been increased by 32 percent of the basic pay drawn as on 31.12.2015 by way of interim relief. This benefit was given prospectively with effect from 01.05.2017. In the State of Punjab, interim relief to the extent of 5 percent of basic pay/pension was granted to all the Government employees including Judicial Officers with effect from 01.01.2017. However, the Registrar of Punjab & Haryana High Court addressed a letter to the State Government to suitably revise the interim relief keeping in view the relief granted by Haryana Government. In the State of Assam, interim relief was allowed to the officers of Assam Judicial Service by merging 50% D.A., (132%) as on 31.10.2017 into existing basic pay subject to adjustment after the pay is revised as per the recommendations of the 2<sup>nd</sup> NJPC. This order was issued on 06.12.2017. In NCT of Delhi, the corresponding CPC scales have been applied as interim measure. Chattisgarh Government has also proposed to adopt the Delhi pay scales as an interim measure though it is not finalised.

**13.1** The Government of NCT of Delhi decided on 30.09.2016 to grant replacement of pay matrix and pay level of Judicial Officers on the pattern of 7<sup>th</sup> CPC as interim relief. Whenever there was pay revision based on CPC recommendations, the Delhi Government has been issuing orders



revising the pay of Judicial Officers as an interim measure, by fitting the pay scales of Judicial Officers into the approximately corresponding pay matrix/pay level of Central Government officers of All India Cadre. Accordingly, the Civil Judge (Junior Division) at entry level, whose present scale of pay is Rs.27,700-44,770, has now been fitted into the scale of pay of Rs.56,100-1,77,500, corresponding to pay matrix No.10 specified in the 7<sup>th</sup> CPC report. The existing pay scale of Civil Judge (Senior Division) at entry level is Rs.39,530-54,010. It has been fitted into pay matrix No.12, under which the new pay scale is Rs.78,800-Rs.2,09,200. The existing scale of pay of District Judge (entry level) is Rs.51,550-63,070. It has now been assigned the pay scale of Rs.1,31,100-2,16,600. The existing scale of pay of District Judge (Super Time Scale) is Rs.70,290-76,450 and the same has been fitted into pay matrix No.15, carrying the pay scale of Rs.1,82,200-2,24,100 (the maximum being almost High Court Judges' salary). By virtue of this interim revision, Junior Civil Judge starts with the pay of Rs.73,200/- plus 2% D.A., as on 01.09.2016 which comes to Rs.74,664/-. A Senior Civil Judge starts with the pay of Rs.1,02,800/- plus 2% D.A., as on 01.09.2016 which comes to Rs.1,04,856/-. A District Judge (Entry Level) gets Rs.1,35,000/- plus 2% D.A., which comes to Rs.1,37,700/-. A District Judge (Selection Grade) gets Rs.1,48,500/- plus 2% DA which comes out to Rs.1,51,470/-. A Super Time Scale District

Judge gets pay of Rs.1,82,200/- plus 2% D.A., which comes to Rs.1,85,844/-. All allowances continue to be paid at the existing rates in the existing pay structure. In view of the fact that the benefit on the pattern of 7<sup>th</sup> CPC pay structure has been extended to the Judicial Officers in Delhi, practically, they may not be getting any benefit from the interim relief proposed by this Commission (at 30% increase of basic pay). It appears that the arrears have already been paid to the Judicial Officers in Delhi.

**Representations and Views received :**

14. The All India Judges Association desires fixation of starting pay of Civil Judge (Junior Division) at Rs.77,900/-, that of Senior Civil Judge at Rs.1,13,500/- District Judge (Entry Level) at Rs.1,47,675/-, District Judge (Selection Grade) at Rs.1,64,300/- and District Judge (Super-time Scale) at Rs.1,97,825/-. Almost similar scales of pay have been suggested by UP Judicial Service Association, Judges Forum, West Bengal and Kerala Judicial Officers Association. However, Kerala Judicial Officers Association desires fixation of pay of District Judge (STS) at Rs.2,04,000/- - Rs.2,20,100/-. The Society for Former Judges Association, Jaipur also proposed the same scales of pay, i.e. Rs.77,872/- in the case of Civil Judge (Junior Division) and Rs.1,97,950/- in the case of District Judge (STS). These figures have been arrived at by adopting the multiplier of 2.81 percent which is the percentage of increase for High Court Judges. The said Associations suggest the interim relief to be accorded on the same lines as the revised scales suggested by

them. The Madhya Pradesh Nyayadeesh Sangh, All India Retd. Judges Association, Hyderabad, Telangana State Retd. Judicial Officers Association sought interim relief at the appropriate rate. The Tripura Retd. Judges Association suggested “parity between the pay scales of Judicial Officers and the pay of Judges of High Court” and sought interim relief at the appropriate rate. The H.P. Higher Judicial Officers Association, Simla, suggested interim relief at 20% of basic pay plus D.A. The Judicial Officers of Meghalaya sought interim revision of pay by applying 100% D.A. merger principle with effect from 01.01.2016.

**14.2** The Registrar General, High Court of Gujarat, addressed a letter suggesting that the interim relief shall be based on the pay scales equivalent to the percentages arrived at by Justice Shetty Commission in comparison with the increase in High Court Judge’s salary. The said percentages are: Civil Judge (JD) 42.3, Civil Judge (SD) 58.5, DJ (Entry Level) 71.6, DJ (Selection Grade) 80 and DJ (STS) 91.7. Accordingly, the new proposed pay scales have been suggested as Rs.78,850/- - Rs.1,26,000/-; Rs.1,11,400/- - Rs.1,52,000/-; Rs.1,45,000/- - Rs.1,77,700/-; Rs.1,62,500/- - Rs.1,98,200/- and Rs.1,98,200/- - Rs.2,15,800/-.

**14.3** The sum and substance of the approach in most of the representations adverted to above is to revise and fix the pay first as per a set formula and to grant interim relief accordingly. The Commission feels that such approach for grant of interim relief will not be quite appropriate. Though these suggestions

will be kept in view and given earnest consideration while preparing the final Report, the Commission feels that for the purpose of recommending interim relief as an ad hoc measure, it is not advisable to do the exercise of pay fixation straightaway even before eliciting the views of the stakeholders, especially the State Governments, who have to bear the ultimate financial burden. The pay fixation/fitment into appropriate pay scales with incremental stages is not a mechanical exercise, following a particular percentage corresponding to the increase in High Court Judges' salaries. Various relevant factors such as those considered by Justice Shetty Commission, those indicated in the terms of reference as well as the recommendations of 7<sup>th</sup> CPC do enter into the arena of consideration and the Commission cannot, at this stage, prejudge the entire issue and proceed on the basis that a particular pay scale shall be arrived at straightaway albeit tentatively. Almost invariably, there has been considerable difference between the interim relief announced by the Governments concerned and final pay fixation. The Commission would like to recall that the interim relief recommended by the 1<sup>st</sup> NJPC was much less than the pay finally recommended. There was no exercise of pay fixation at that stage though, of course, a broad idea of the likely increase would always be kept in view by the Pay Commissions while suggesting the interim relief. It would be in the fitness of things if some cushion is provided for upward revision at a later stage ruling out the possibility of recovery on account of excess payments, if any. Keeping all these factors in view, the Commission would like to adopt

a middle path for the purpose of recommending the interim relief. The fact that the Commission is proposing the interim relief to be given retrospectively, i.e., from 01.01.2016 would go a long way in benefiting the Judicial Officers in all the States substantially, except in Delhi, where interim relief has already been extended on the pattern of CPC recommended scales (as was done on earlier occasions too).

**14.4** Further, the Commission would like to stress that it would do its best to ensure the expeditious completion of final report in regard to pay, allowances and pension. The report would, in all probability, be submitted within four or five months time. The other aspects of reference will be dealt with thereafter in a separate report.

**14.5** As regards merger of D.A., wholly or partly for the purpose of working out interim relief, the Commission is not in favour of adopting such a course. The merger of D.A., with pay is normally to be taken into account for the purpose of revision of pay. When interim relief is being considered, it would be more appropriate to relate it to the basic pay. The merger of DA upto certain percentage and leaving the rest to remain as DA would not be in conformity with Price Index Neutralisation factor which forms the basis for fixation of DA from time to time.

In this context, it is noted that the interim relief extended on the basis of 50% merger of D.A., into basic pay as adopted in the State of Assam

was done only prospectively, i.e., from the date of issuance of orders in November, 2017.

**15. Summary of recommendations:**

1. Interim relief to the extent of 30% of increase in basic pay with accrued increments shall be paid to all categories/ranks of Judicial Officers.
2. The said increased in Pay shall be treated as a separate component and no D.A. is payable thereon.
3. Arrears shall be worked out with effect from 01.01.2016 on the above basis. The details of calculations are set out in **Annexure-I**.
4. On the same basis, the interim relief shall be provided to the pensioners and family pensioners with effect from 01.01.2016 and the arrears to be paid accordingly.
5. Wherever the benefit of interim relief has already been granted, the Judicial Officers in those States/UTs can exercise their option to continue to be governed by such Orders.

6. The amounts payable by way of interim relief now proposed are liable to be adjusted against the future determination pursuant to the final report submitted by the Commission.

**Sd/-**  
**Justice (Retd.) P.V. Reddi**  
**Chairman**

**Sd/-**  
**Justice (Retd.) R. Basant**  
**Member**

**Sd/-**  
**Vinay Kumar Gupta**  
**Secretary**

**Dated : 09.03.2018**