ALL INDIA JUDGES ASSOCIATION

v.

UNION OF INDIA & ORS.

(Writ Petition (Civil) No. 643/2015)

MAY 19, 2023

[DR. DHANANJAYA Y CHANDRACHUD, CJI, V. RAMASUBRAMANIAN AND PAMIDIGHANTAM SRI NARASIMHA*, JJ.]

Judiciary – District Judiciary – Recommendations of the Second National Judicial Pay Commission (SNJPC/Commission) on pay, pension, gratuity, age of retirement etc.– Revision of pay structure was accepted vide order dtd. 27.07.2022 – Review petitions filed by some States and the Union were dismissed vide order dtd. 05.04.2023 – Benefits of the recommendations as regards pay be given w.e.f 01.01.2016 – No change in percentage of pension for retirees on or after 01.01.2016 – Multiplier of 2.81 to apply to pensioners as well – For judicial officers retired before 01.01.2016, the revised pension should be 50% of the last drawn pay – Necessary amendments to be carried out in Service Rules of the Judicial Officers across all jurisdictions – High Courts and the competent authorities to bring the rules in conformity with the various recommendations accepted by Supreme Court within 3 months – Compliance affidavits be placed on record by the High Courts, the States and the Union within 4 months – Vide orders dtd. 27.07.2022 and 18.01.2023, all arrears of pay were already directed to be cleared by 30.06.2023 – Compliance affidavits be filed by 30.07.2023 – Approved revised rates of pension shall be payable from 01.07.2023 – For the payment of arrears of pension, additional pension, gratuity and other retiral benefits, following the Orders dtd. 27.07.2022 and 18.01.2023, 25% be paid by 31.08.2023, another 25% by 31.10.2023, and the remaining 50% by 31.12.2023 – Matters to be listed for further compliance on pay and pension.

Judiciary – District Judiciary – Principles evolved for judicial pay, pension and allowances – Held: A unified judiciary requires uniform designations and service conditions of judicial officers across the country – Judges are not employees of the State but are holders of public office who wield sovereign judicial power – They are only comparable to members of the legislature and ministers in the executive – Parity cannot be claimed between staff of the legislative wing and executive wing with officers of the judicial wing – The independence

* Author

of the judiciary requires that pay of judicial officers must be stand-alone and not compared to that of staff of the political executive or the legislature – Independence of the judiciary, which includes the District Judiciary, is part of the basic structure of the Constitution – Access to an independent judiciary enforces fundamental rights guaranteed under Part III of the Constitution – The essential function of all judicial officers in the District Judiciary and judges of the High Court and this Court is essentially the same – Principles discussed – Doctrine of inherent powers – Constitution of India – Article 125, 221.

Issuing directions, the Court

HELD:

1.1 CONSIDERATION OF RECOMMENDATIONS ON PAY

Individual recommendations made by the SNJPC on pay-

I. Redesignation of Judicial Officers in Conformity with the All India Pattern

In India, the judiciary is unified. The designations of judges, therefore, ought to be uniform across the country. In this regard, the First National Judicial Pay Commission (FNJPC) suggested the following nomenclature to be adopted pan- India: i. Civil Judge (Jr. Div); ii. Civil Judge (Sr. Div); iii. District Judge. A thorough examination by the SNJPC revealed that these designations have not been adopted in few states. This recommendation had been accepted in the FNJPC by virtue of judgment in All India Judges' Assn. (II) v. Union of India. This direction be followed by the High Courts and all High Courts amend their designations in conformity with the suggestions of the FNJPC and SNJPC. It is also relevant to note that in light of the pay matrix suggested by the SNJPC, without uniform designations, issues may arise in the future for fitment of the different designations which are used in the different states. Such complications ought to be avoided by this Court. Thus, the recommendation of the Commission is accepted. Consequently, the High Courts are directed to ensure that the designation of judicial officers is uniformly the same. [Paras 42-45]]

II. New Pay Structure as per Pay Matrix Model

As the recommendation of the SNJPC is only to bring the pay structure in conformity with the 7th Central Pay Commission, there cannot be any objection on these recommendations. Thus, it is directed that the pay structure of the Judicial Officers be modified suitably, reflecting the recommendations suggested by the SNJPC. [Para 46]

III. Multiplier of 2.81 and Its Uniform Application

The pay of judicial officers is to be increased commensurate to the pay of the Judges of High Courts. When the judges of the High Courts were granted a multiplier of 2.81, the judicial officers were also to be granted the same multiplier. This has been the precedent set by the previous Judicial Pay Commissions and endorsed by this Court repeatedly. This Court has already rejected the objections of the States and the Union and consequently accepted the multiplier/Index of Rationalization of 2.81 in Order dated 27.07.202223 and Order dated 05.04.202324. The multiplier/index of rationalization as suggested by the SNJPC be accepted. The pay of the judicial officers be increased as per the Table-I annexed to the Order dated 27.07.2022. [Paras 48-50]]

IV. Increments

The recommendations of the Commission in so far as it notionally grants the increment for the purposes of pension is completely justified. As a consequence of the acceptance of the recommendation, the calculation of pension must notionally include the increment for the purposes of calculation of pension. The High Courts are directed to amend the applicable rule to state that the increment which becomes due to the judicial officer on the day after his retirement may be notionally included in the calculation of his pension as his last pay, subject to the vertical ceiling of Rs. 2,24,100/-. [Para 55]

V. Fitment and Migration from Master Pay Scale to Pay Matrix System

The Commission recommended the formula and method to ensure that the migration from the master pay scale to the pay matrix system is smooth. The Commission has devised the fitment/ migration formula. While accepting this recommendation for fitment/migration as amended by the Corrigendum dated March 2021, the examples must form part of the relevant rules that are required to be encoded by the High Courts, the States and the Union. Therefore, the recommendation is accepted and the authorities are directed to implement the same keeping in mind the examples that have been given by the Commission. [Paras 56, 59]

VI. Application of Recommendations from 01.01.2016

The 7th Central Pay Commission came into force from 01.01.2016. However, the last pay revision of the judicial officers was with effect from 01.01.2006. More than 17 years have passed since the judicial officers have received a pay revision. Noting

this, the recommendation must be accepted by this Court. The benefits of the recommendations as regards pay be given effect to with effect from 01.01.2016. [Para 60]

VII. DA on basis of Rates fixed by Central Government

The recommendation of the SNJPC is that Dearness Allowance may be paid at the rate fixed by the Central Government. A fixed rate of Dearness Allowance would also ensure that there is no lag in the accrual of the dearness allowance to the judicial officers. A uniform rate of DA would achieve the goals of uniformity as well as efficiency. In such circumstances, the recommendation deserves acceptance. [Paras 62, 63]

VIII. Grant of 1st ACP to Civil Judge (Jr Div)

The Commission suggested that the 1st Assured Career Progression be given to the Civil Judges (Jr Div) be granted on the basis of relaxed norms of performance. The grant of 1st ACP to Civil Judge (Jr Div) be given on the basis of relaxed norms which may be devised by the High Courts, with reference to the suggestions of the Commission. [Paras 64, 69]

All India Judges Association (III) v. Union of India, **(2002) 4 SCC 247 : [2002] 2 SCR 712;** *All India Judges Association (3) v. Union of India* **(2010) 15 SCC 170;** *All India Judges Assn. v. Union of India* **(2022) 7 SCC 494 – referred to.**

IX. Delay in Grant of ACP

A perusal of the Commission's Report shows that, in many states, the grant of ACP scale is delayed. The SNJPC's finding that the lack of timely preparation and scrutiny of ACR is the primary reason behind delay is concerning. ACRs are bound to be done in a timely manner and without delay so as to ensure that the whole judicial system is functioning in an efficient manner. Accordingly, the High Courts may be directed to ensure that the delay in making ACRs is avoided in the future. To avoid this delay in the future, the Commission suggested that the process of grant of ACP should be initiated 3 months in advance from the date on which the judicial officers will be completing 5/10 years and the financial benefits should be paid to the judicial officer within a period of 6 months after the judicial officer steps into the 6th/11th year of Service. Therefore, the Commission recommended that if grant of ACP is delayed for every year, one additional increment shall be granted for every year of delay subject to the adjustment with the ACP arrears. The recommendations of the Commission are reasonable. Thus, the recommendation merits acceptance. [Paras 70-73]

X. Pay Revision to be Given to Presiding Judges of Industrial Tribunals/Labour Courts The recommendation of the Tribunal that the pay revision be extended to judges of the Industrial Tribunals/ Labour Courts merits acceptance as it is only an extension of the law laid down by this Court. [Para 77]

> *State of Kerala v. B. Renjith Kumar,* **(2008) 12 SCC 219 : [2008] 9 SCR 1078;** *State of Maharashtra v. Labour Law Practitioners & Assn.,* **(1998) 2 SCC 688 : [1998] 1 SCR 793 – relied on.**

XI. Judges in Family Courts in Maharashtra

The recommendation of the Commission is that the Judges of the Family Court also be entitled to the benefit of Selection Grade and Super Time Scale as well. The Commission further recommends that quarters also be given to them from the general pool of accommodation. The recommendation of the SNJPC is in line with the same principles as laid down by this Court in State of Kerala v. B. Renjith Kumar and State of Maharashtra v. Labour Law Practitioners' Assn. for Labour Courts. When equal work is done by the judicial officers, their pay and conditions of service must also be equal. Thus, the recommendation of the Commission is accepted. [Paras 79, 80]

XII. Minimum Remuneration to Special Judicial Magistrates (Second Class) and Special Metropolitan Magistrates

The recommendations and their modifications/acceptance is tabulated.

1.2 CONSIDERATIONS OF RECOMMENDATIONS ON PENSION, GRATUITY ETC.

I. No Change in Percentage of Pension for Retirees On or After 01.01.2016

The Commission has not recommended any change in the current percentage of pension, fixed at 50% of last drawn pay for pension and 30% for last drawn pay for family pension. The FNJPC had also recommended this position and this Court had accepted it. Therefore, when no change is recommended, no real objections can be raised regarding the recommendation. [Para 86]

II. Revised Pension of Retired Judicial Officers should be 50% of the Last Drawn Pay

After considering the opinions of the FNJPC and the One-Person Commission, the Commission recommended that for judicial officers who retired before 01.01.2016, the revised pension

should be 50% of the last drawn pay of the post held at the time of retirement. This is also unchanged in its formulation and thus remains the same. [Para 87]

III. Multiplier and Fitment of Pensioners in Pay Matrix

The recommendation of the Commission is that the multiplier of 2.81 will equally apply to pensioners as well as with the recommendation on fitment in pay, the SNJPC has issued a corrigendum on fitment in its Supplemental Report dated March 2021. This Corrigendum corrects arithmetical mistakes made in the original report. Therefore, the fitment table must be construed in accordance with the corrected table on fitment. The multiplier which applies to pay must also apply to pension. Consequently, the pensioners must be therefore fitted into the same scheme in the pay matrix. The recommendation is thus accepted. [Paras 88-90]

IV. Consequential Re-fixation of Judicial Officers who Retired Prior to 01.01.1996

The Commission noted that due to a discrepancy in the report of the One-Person Commission, the pension granted to judicial officers who retired after 2006 was not being given in parity to those who retired before 2006. The recommendation of the Commission is only in furtherance of parity. State Governments have, in the past, been directed to undertake the consequential re-fixation before. However, if such consequential re-fixation has not been undertaken, the officers who had retired prior to 1996, and who would have aged significantly would be discriminated against. Such a situation ought to be avoided and thus the recommendation merits acceptance. This recommendation is directed to be implemented immediately and without delay. [Paras 91, 92]

V. Benefit of Years of Practice at the Bar while calculating pension

The recommendation, being the implementation of the judgment of this Court, merits acceptance. [Para 93]

> *Government of NCT Delhi v All India Young Lawyers Association* **(2009) 14 SCC 49 : [2009] 3 SCR 555 – relied on.**

VI. Recommendations on Family Pension

As regards family pension, the Commission has not recommended any change in the existing percentage, i.e., 30% of the last drawn pay. Therefore, this recommendation, as such, does not warrant any further deliberation as it is the mere continuation of the existing regime. The recommendation is accepted. At the same

time, the Commission has recommended payment of family pension @ 30% to the eligible family member after the death of the spouse. This benefit has been given in light of Rule 54 CCS (Pension) Rules, 1972, which grants similar benefits to members of the central civil services. This recommendation is also thus accepted as it has been granted to members of the central civil services. The quantum of family pension must be increased as per the same multiplier/index of rationalization applicable for pension. This is because the same factors which are applicable to pay and pension leading to their increase also equally apply to family pension. The Commission has also recommended the same. The recommendation is accepted and it is directed that the quantum of family pension also worked out in the same manner as quantum of pension is worked out. The last recommendation is that on the income limit prescribed by States to be eligible for family pension. The minimum limit prescribed by the Commission was Rs. 30,000/-. This limit is reasonable but it must be left to the discretion of the States to prescribe a higher limit which is more beneficial to the judicial officers. Thus, the recommendation is accepted. [Paras 94-97]

VII. Recommendations on Additional Quantum of Pension/Family Pension

On account of the additional assistance required on increasing age, it has been the policy of the Central Government to grant additional quantum of pension. The Commission has recommended the payment of additional quantum of pension from the age of 75 years onwards. Given that many of the States granted this benefit from the age of 70 and the Commission recommended the grant of additional quantum of pension from the age of 75. This reasoning of the Commission merits acceptance. If States have been granting more beneficial pension rates, it cannot be denied to the judicial officers. Judicial Officers cannot be left worse off than officers of the State. Therefore, this Court accepts this recommendation. The Commission has further recommended that this benefit be paid from 01.01.2016. As with the other similar recommendations for the aspects of pay and pension, this recommendation is accepted. If judicial officers have already been granted a more beneficial regime and are moved to the regime suggested by the Commission and accepted by the Court, no recovery ought to be made against them. Consequently, it is left to the States to continue the benefits upto the age of 75 years as well. These recommendations are accordingly accepted. [Para 98, 100-102]

VIII. Recommendations on Gratuity

The first recommendation on Gratuity by the Commission is to bring the calculation of gratuity on par with Rule 50(1)(a) of the Central Civil Services (Pension) Rules, 1972. There cannot be any dispute regarding this recommendation as it is to bring about uniformity in conditions of service. Therefore, this recommendation merits acceptance by this Court. The Commission further recommended that the maximum limit for retirement gratuity/death gratuity shall be Rs. 20 lakhs which shall be increased by 25% whenever DA rises by 50%. This recommendation has also been made in accordance with the Report of the 7th CPC, and the purpose of the same is to ensure that the cost of living does not make the gratuity without purpose. Therefore, this recommendation also merits acceptance by the Court. The third recommendation is to make the recommendations effective from 01.01.2016. The recommendations must come into force from 01.01.2016. Consequentially, those judicial officers who retired after 01.01.2016 must also benefit from the acceptance of the Report. Thus, the Commission has suggested that the differential gratuity be paid to them subject to the revised maximum limit. This is merely consequential and is accepted by this Court. The final recommendation made by the Commission on the subject of gratuity is that death gratuity be paid on the same lines as the 7th CPC. Accordingly, the recommendation is accepted as it is in line with the already accepted principles laid down by this Court. [Paras 103-106]

IX. Recommendations on Financial Assistance in Case of Death

The Commission has recommended that where a judicial officer dies while in service, the family pension and death cum retirement gratuity as per the applicable rules is payable to the spouse/dependent, of the deceased officer. The recommendation of the Commission is in terms of Rule 54 of the CCS (Pension) Rules, 1972. This recommendation is reasonable and in furtherance of the principle of uniformity across services. Therefore, it merits acceptance by this Court.

All India Judges Association (II) v. Union of India **(1993) 4 SCC 288 : [1993] 1 Suppl. SCR 749;** *S.P. Gupta v. Union of India,* **1981 Supp SCC 87 : [1982] SCR 365;** *Supreme Court Advocates-on-Record Assn. v. Union of India* **(1993) 4 SCC 441 : [1993] 2 Suppl. SCR 659;** *Special Reference No. 1 of 1998, In re,* **(1998) 7 SCC 739 : [1998] 2 Suppl. SCR 400;** *Supreme Court Advocates-on-Record Assn. v.*

Union of India **(2016) 5 SCC 1 : [2015] 13 SCR 1;** *Director, KPTCL v. CP Mundinamani* **(2023) SCC Online SC 401;** *Anita Kushwaha v. Pushap Sudan* **(2016) 8 SCC 509 : [2016] 9 SCR 560 – relied on.**

All India Judges Association. v. Union of India **(2019) 12 SCC 314;** *Brij Mohan Lal v. Union of India* **(2012) 6 SCC 502 : [2012] 5 SCR 305;** *Hussainara Khatoon (I) v. Home Secy., State of Bihar* **(1980) 1 SCC 81 : [1979] 3 SCR 169;** *Commissioner of Police Delhi v. Registrar, Delhi High Court* **(1996) 6 SCC 323 : [1996] 7 Suppl. SCR 432;** *Mohd. Hussain v. Govt. of NCT of Delhi* **(2012) 9 SCC 408 : [2012] 10 SCR 480;** *All India Judges Association v. Union of India* **(2010) 14 SCC 720;** *Nand Vijay Singh v. Union of India* **(2021) SCC Online All 1090;** *Bengal Chemical & Pharmaceutical Works Ltd. v. Its Workmen* **(1969) 2 SCR 113;** *All India Judges Assn. v. Union of India* **(2014) 14 SCC 444;** *All India Judges Assn. v. Union of India* **WP(C) No.1022/1989 Order dated 14.07.2016;** *All India Judges Assn. v. Union of India* **WP(C) No.1022/1989 Order dated 13.03.2018 – referred to.**

Commonwealth ex rel Carroll vs. Tate, **274 A.2d. 193 – referred to.**

CIVIL ORIGINAL JURISDICTION : Writ Petition (Civil) No. 643 of 2015.

(Under Article 32 of The Constitution of India)

With

Special Leave Petition (Civil) Nos. 6471-6473 of 2020 And Contempt Petition (Civil) Nos. 711 of 2022, 36, 37, 38, 39, 40, 848 of 2023 In Writ Petition (Civil) No. 643 of 2015

Kuldeep Parihar, Dy AG, K. M. Nataraj, A.S.G., B.K. Satija, Hemant Gupta, Barun Kumar Sinha, Nikhil Goel, Nachiketa Joshi, Gaurav Dhama, Amit Anand Tiwari, A.A.Gs., Gourab Banerjee, P. Vishwanatha Shetty, V. Giri, Jaideep Gupta, Sanjay Parikh, Vinod Ghai, Dr. Manish Singhvi, Sr. Advs., K. Parameshwar, (Amicus Curiae), Ms. Mayuri Raghuvanshi, VP Singh, Vyom Raghuvanshi, Ms. Akanksha Rathore, Subhro, Milind Kumar, Deepak Prakash, V. N. Raghupathy, Wasim Qadri, Mohd Akhil, Mrs. Swarupama Chaturvedi, Rajan Kumar Chourasia, Arvind Kumar Sharma, Shreekant Neelappa Terdal, Anmol Chandan, Vatsal Joshi, Annirudh Sharma-(ii), Ishaan Sharma, Dr. N. Visakamurthy, Kanu Agrawal, Bhuvan Kapoor, Ms. Indira Bhakar, Mukesh Kr. Verma, Gurmeet Singh Makker, Raj Bahadur Yadav, Amrish Kumar, Mahesh Thakur, Ms. Geetanjali Bedi, Ms.

Vipasha Singh, Ms. Shivani, Gopal Jha, Ms. Preetika Dwivedi, Abhisek Mohanty, Sudhanshu S. Choudhari, Mahesh P. Shinde, Ms. Rucha A. Pande, M. Veeraragavan, Sandeep Sudhakar Deshmukh, Nishant Sharma, Kunal Chatterji, Ms. Maitrayee Banerjee, Rohit Bansal, Ms. Kshitij Singh, Apoorv Kurup, Ms. Kirti Dadheech, Ojaswa Pathak, Ms. Kavita Jha, James P. Thomas, Ravi Sagar, P. I. Jose, Naresh K. Sharma, Sanjai Kumar Pathak, Arvind Kumar Tripathi, Mrs. Shashi Pathak, Nikhil Goel, Ms. Naveen Goel, Ms. Pragati Neekhra, Aditya Bhanu Neekhra, Nishant Kumar, Sunando Sir, Anupam Raina, Krishnanand Pandeya, Harshit Gupta, Raghavendra S. Srivatsa, Likhi Chand Bonsle, Rahat Bansal, Ms. Komal Mundhra, T. G. Narayanan Nair, A. Radhakrishnan, Arjun Garg, Aakash Nandolia, Ms. Sagun Srivastava, Sibo Sankar Mishra, Mrs. Prabhati Nayak, Niranjan Sahu, Debabrata Dash, Ms. Apoorva Sharma, Ashok Mathur, Mukul Kumar, Avneesh Arputham, Ms. Anuradha Arputham, M/s. Arputham Aruna and Co, Mukesh K. Giri, Mahfooz Ahsan Nazki, Polanki Gowtham, K V Girish Chowdary, T Vijaya Bhaskar Reddy, Ms. Rajeswari Mukherjee, Ms. Niti Richhariya, Shuvodeep Roy, Sai Shashank, Deepayan Dutta, Manish Kumar, Sumeer Sodhi, Devashish Tiwari, Gaurav Arora, Ms. Sujata Kurdukar, Ms. Deepanwita Priyanka, Ms. Payal Gupta, Samar Vijay Singh, Shivang Jain, Ms. Preeti Chauhan, Ms. Purva, Arun Kumar Jaiswal, Keshav Mittal, Ms. Amrita Verma, Ms. Sabarni Som, Ms. Pratishtha Vij, Abhinav Mukerji, Mrs. Bihu Sharma, Akshay C. Shrivastava, Shailesh Madiyal, Vaibhav Sabharwal, Akshay Kumar, Rajiv Shankar Dvivedi, Anando Mukherjee, Shwetank Singh, V. N. Raghupathy, Manendra Pal Gupta, Mrs. Ansha Varma, Nishe Rajen Shonker, Mrs. Anu K Joy, Alim Anvar, Ms. Manicka Priya, Riddhi Bose, Sunny Choudhary, Ankit Mishra, Siddharth Dharmadhikari, Aaditya Aniruddha Pande, Bharat Bagla, Ms. Shreya Saxena, Ms. Yamini Singh, Sourav Singh, Pukhrambam Ramesh Kumar, Karun Sharma, Ritwik Parikh, Ms. Anupama Ngangom, Avijit Mani Tripathi, Nirnimesh Dube, Siddhesh Kotwal, Ms. Ana Upadhyay, Ms. Manya Hasija, Nihar Dharmadhikari, Ms. K. Enatoli Sema, Ms. Limayinla Jamir, Amit Kumar Singh, Ms. Chubalemla Chang, Prang Newmai, Shibashish Misra, Ajay Pal, Mayank Dahiya, Ms. Sugandh Rathor, Ms. Shubhangi Agarwal, Sameer Abhyankar, Ms. Vani Vandana Chhetri, Ms. Nishi Sangtani, Ms. Sugandh Rathore, Sabarish Subramanian, Ms. Devyani Gupta, Vishnu Unnikrishnan, Naman Dwivedi, Danish Saifi, C Kranthi Kumar, Sriharsha Peechara, Rajiv Kumar Choudhry, Ms. Pallavi, Duvvuri Subrahmanya Bhanu, Sanjay Kumar Tyagi, Sanjay Kumar, Sunil Kumar Tomar, Pawan, Sudarshan Singh Rawat, Ms. Rachna Gandhi, Parijat Sinha, Ms. Madhumita Bhattacharjee, Ms. Urmila Kar Purkayastha, Annant, Ms. Arushi Mishra, Chirag M. Shroff, Aravindh S., Ms. Uma Bhuvaneswari C.,

Abbas, Mrs. Anjani Aiyagari, Ankur Kashyap, Rohit Rajershi, Aman Bajaj, Gopal Jha, Gaurav Agrawal, Uday B. Dube, Ms. Arti Gupta, Ms. Kanti, Advs. for the appearing parties.

The following Judgment of the Court was delivered:

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*** Ed. Note : Pagination in the Table is as per the original judgment.**

ALL INDIA JUDGES ASSOCIATION v. UNION OF INDIA & ORS.

PAMIDIGHANTAM SRI NARASIMHA, J.

1. INTRODUCTION TO PAY COMMISSIONS

1. The District Judiciary[1] is the backbone of the judicial system. Vital to the judicial system is the independence of the judicial officers serving in the District Judiciary. To secure their impartiality, it is important to ensure their financial security and economic independence. To this end, at the instance of the *All India Judges Association*, this Court, in 1993 found the need to state that there must be a Judicial Pay Commission, separate and independent from the Executive in order to ensure that the system of checks and balances are in place, and the Judiciary has a say in their pay and service conditions.[2]

2. Pursuant to the judgment of this Court, the First National Judicial Pay Commission ("FNJPC") was constituted by the Government of India by Resolution dated 21.03.1996. The FNJPC, headed by Justice K. Jagannatha Shetty, submitted a comprehensive report on 11.11.1999. This comprehensive report contained recommendations on pay, pension and allowances as well as other service conditions pertaining to the district judiciary. After prolonged proceedings, on 21.03.2002, this Court approved the recommendations of the FNJPC pertaining to emoluments with certain modifications relating to allowances.[3] Notably, the recommendations were accepted with effect from 01.01.1996. This was because the employees of the Central Government were given the benefits of the 5th Central Pay Commission from that date.

3. Within the next few years, the Central Government appointed the 6th Central Pay Commission, and the Commission made its recommendations which were accepted from 01.01.2006. To ensure that the District Judiciary does not lag behind, this Court once again stepped in at the instance of the very same *All India Judges Association*. This Court appointed a One-Person Commission headed

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1 No longer should this Court refer to the District Judiciary as 'subordinate judiciary'. Not only is this a misnomer because the District Judge is not *per se* subordinate to any other person in the exercise of her jurisdiction but also is disrespectful to the constitutional position of a District Judge. Our Constitution recognizes and protects a District Judge as a vital cog in the judicial system. Respect ought to be accorded to this institution and its contribution to the country.
See also, Upendra Baxi, The judiciary as a resource for Indian democracy, India Seminar, November 2010 – available at https://www.india-seminar.com/2010/615/615_upendra_baxi.htm.

2 All India Judges' Association (II) v. Union of India, (1993) 4 SCC 288.

3 All India Judges' Association (III) v. Union of India, (2002) 4 SCC 247.

by Justice E Padmanabhan (Retd Judge of the High Court of Madras) by Order dated 28.04.2009. The One-Person Commission once again submitted a report, which was accepted by this Court by Order dated 20.04.2010.[4] The revised pay scales, which are currently in force, as recommended by this Commission, were made effective from 01.01.2006.

2. THE SNJPC'S REPORT AND THE ORDERS OF THIS COURT

4. Ten years later, the 7th Central Pay Commission submitted its report and its recommendations were accepted by the Central Government with effect from 01.01.2016. Correspondingly, in the present writ petition, once again at the instance of the All India Judges Association, this Court has been called upon to intervene and update/upgrade the service conditions of the judicial officers.

5. This Court by the order dated 09.05.2017 in W.P. (C) No. 643/2015 appointed the Second National Judicial Pay Commission headed by Justice P.V. Reddi (Retd.) as its Chairman with Senior Advocate R Basant (Former Judge) as its Member[5]. Pursuant to the order of this Hon'ble Court, the Government of India, by its Resolution dated 10.11.2017[6], constituted the Second National Judicial Pay Commission ("Commission/SNJPC"). As per the Resolution, the terms of reference of the Commission are as follows:

(a) To evolve the principles which should govern the structure of pay and other emoluments of judicial officers belonging to the subordinate judiciary all over the country.

(b) To examine the present structure of emoluments and conditions of service of judicial officers in the States and UTs taking into account the total packet of benefits available to them and make suitable recommendations including post-retirement benefits such as pension, etc. having regard among other relevant factors, to the existing relativities in the pay structure between the officers belonging to subordinate judicial services vis-à-vis other civil servants and mechanism for redressal of grievances in this regard.

4 All India Judges Association (3) v. Union of India (2010) 15 SCC 170.

5 All India Judges Association. v. Union of India, (2019) 12 SCC 314.

6 Notified vide Notification No. 19018/01/2017 dated 16.11.2017 by the Department of Justice.

(c) To examine the work methods and work environment as also the variety of allowance and benefits in kind that are available to judicial officers in addition to pay and to suggest rationalisation and simplification thereof with a view to promoting efficiency in judicial administration, optimising the size of judiciary, etc. and to remove anomalies created in implementation of earlier recommendations.

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

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

6. It is seen from the Report of the Commission that it held region-wise consultative conferences in the cities of Guwahati, Mumbai, Kolkata, Kochi, Delhi, Chandigarh, Chennai, Lucknow, Bhopal, Visakhapatnam and Srinagar where long deliberations took place with the representatives of the All India Judges' Association, All India Retired Judges' Association, State Associations, officials of the Registry and deputed officers of High Courts and senior government officers. A perusal of the Report indicates that the Commission has analyzed the representations from various sources and periodically consulted with several experts while preparing working sheets and calculations.

7. After wide consultation, the Commission realized a need for interim relief to be granted to judicial officers as their pay had not been increased for more than 10 years. Thus, they submitted a Report on Interim Relief to this Court 09.03.2018. Considering that the judicial officers were without updated/upgraded pay, this Court, by order dated 27.03.2018, directed the States and the Union of India to implement the recommendations of the Commission with regard to interim relief.

8. Subsequently, on 29.01.2020, the Commission submitted its Final Report to this Court. The Report has recommendations which cover Pay Structure (Volume I), Pension and Family Pension (Volume III) and Allowances (Volume IV). A separate part of the report *viz*., Part II deals with the issue of establishing a permanent mechanism to determine subjects of service conditions of the District Judiciary.

9. This Court took cognizance of the Report on 28.02.2020. For the assistance of the Court, *amici curiae* were appointed. The States and the Union of India were directed to file their objections, if any, to the Report. The Court observed that over the years, the primary objection to the implementation of the various directions concerning the service conditions of the district judiciary is the alleged paucity of financial resources, and rejected this objection even before the States could raise it.

3. SUBMISSIONS OF COUNSEL

10. The *Amicus Curiae*, K Parameshwar placed the recommendations of the Commission and its reasoning before this Court. Detailed notes of submissions have been filed by the *amicus curiae* tabulating the recommendations and supplementing the same with additional reasoning. He also detailed the objections put forward by the States and the Union and rebutted them with clarity.

11. The *Amicus Curiae* also laid stress on the principles on which the recommendations of the Commission draw their strength. He broadly suggested five principles for the consideration of the Court. Firstly, he submitted that the independence of the district judiciary is part of the Basic Structure of the Constitution. He stated that the judgments of the Court, thus far, have recognized the principle of independence of judiciary only in the context of the High Courts and the Supreme Court and submitted that this principle ought to equally apply to the District Judiciary.

12. He then submitted that the principle of independence of the judiciary is an integral part of Part III of the Constitution, as it ensures a guarantee to a fair trial. He argued that therefore, the independence of the judiciary must be seen as a guarantee under Article 21 of the Constitution.

13. The third principle, in his submission, was that the doctrine of inherent powers, as noticed by this Court in *Brij Mohan Lal v.*

Union of India, (2012) 6 SCC 502 and suggested by the Report of the Task Force on Judicial Impact Assessment (chaired by Justice (Retd) M Jagannadha Rao) would require the Judiciary to *compel payment of reasonable sums of money to carry out its constitutionally mandated responsibilities.* To this end, he also relied on Article 50 of the Constitution which mandates that "*The State shall take steps to separate the judiciary from the executive in the public services of the State."*

14. He then submitted, relying on the Order dated 05.04.2023[7] passed by this Court in the review proceedings, that there is an equivalence of core judicial function between Judicial Officers in the District Judiciary and the Judges of the High Court. Therefore, he submitted that the increase in pay of the High Court judges must equally reflect in the increase of pay of judicial officers of the District Judiciary.

15. Lastly, he submitted that in a unified judicial system, the service conditions, designations etc. must be uniform across the country. He relied on the judgment of this Court in *All India Judges Association* v. *Union of India* (1993) 4 SCC 288 as well as the reports of the FNJPC and SNJPC to contend that the uniformity must be maintained across the country in terms of pay and designation of the District Judiciary.

16. The Petitioners, i.e., the *All India Judges Association* were represented by Gourab Banerji, Senior Advocate. He supported the Report of the SNJPC and supported the arguments made by the *amicus curiae*. He also brought to the attention of this Court a recent decision in *Director, KPTCL v. CP Mundinamani* (2023) SCC Online SC 401 to defend the recommendation of the Commission on the accrual of last increment for the purposes of pension. He also sought to support the recommendation of the Commission on additional quantum of pension to be given from the age of 75 years by contending that the same is not only reasonable but is also already given by a number of States from an even younger age. In this regard, he also submitted that the age of retirement of district judges is lower than that of High Court and Supreme Court judges and therefore, they must be entitled to retiral benefits at a younger age.

7 Hereinafter, "Review Order".

17. The arguments on behalf of the All India Retired Judges Association were put forward by V Giri, Senior Advocate. While supporting the contentions made by the *Amicus Curiae* as well as Gourab Banerji, Senior Advocate, he reiterated the need for an urgent implementation of the Report of the SNJPC, especially in respect of pension to be paid to retired officers.

18. The counter-arguments were led by KM Nataraj, the Ld. Additional Solicitor General of India who appeared for the State of Uttar Pradesh. He was also supplemented by Amit Anand Tiwari, AAG for Tamil Nadu, Ms Pratishtha Vij, counsel for the State of Himachal Pradesh, Siddharth Dharmadhikari, Counsel for the State of Maharashtra, Nachiketa Joshi, Counsel for the State of Madhya Pradesh, Ajay Pal, Counsel for the State of Punjab, Madhumita Bhattacharjee, Counsel for the State of West Bengal, Shuvodeep Roy, Counsel for the State of Assam, Shailesh Madiyal, Counsel for the UT of Jammu and Kashmir, Pukhrambam Ramesh Kumar, Counsel for the State of Manipur, Deepanwita Priyanka, Counsel appearing on behalf of the State of Gujarat, B.K. Satija, AAG for the State of Haryana, Kuldeep Singh Parihar, Counsel for the State of Uttarakhand appearing for the States.

19. They firstly contended that the multiplier of 2.81 cannot be applied to the District Judiciary across the cadres. It is their argument that the 7th CPC recommended a graded pay increase across different cadres of the employees of the Central Government and therefore, the same has to be applied even for the judiciary. Thereafter, they once again argued that the States do not have sufficient financial resources to meet the increase in pay as suggested by the SNJPC. As regards the recommendation on increment to be accrued for the purposes of pension to the judicial officer in spite of her retirement, they contended that since the applicable Rules in their State do not provide for such accrual for Government Employees, the same cannot be given to judicial officers. The States also opposed the grant of retirement gratuity as suggested by the SNJPC. They argued that their State Rules which are prevalent provide for a uniform rate across cadres and services in the State and therefore, the recommendation cannot be accepted by them. Lastly, they contended that the minimum eligibility for Family Pension must be less than Rs. 30,000, as suggested by the Commission.

20. Before considering the recommendations of the SNJPC on pay, pension, gratuity, age of retirement etc., it is necessary to consider certain principles concerning judiciary that have a direct bearing on our decision on the recommendations.

4. PRINCIPLES EVOLVED FOR JUDICIAL PAY, PENSION AND ALLOWANCES

21. This Court has dealt with three different Judicial Pay Commission and has evolved certain principles, which form the underpinning of judicial pay, pension and allowances. The *first* principle is that a unified judiciary requires uniform designations and service conditions of judicial officers across the country. The *second* principle is that the independence of the judiciary requires that pay of judicial officers must be stand-alone and not compared to that of staff of the political executive or the legislature. The *third* principle is that the independence of the judiciary, which includes the District Judiciary, is part of the basic structure of the Constitution. The *fourth* principle is that the access to an independent judiciary enforces fundamental rights guaranteed under Part III of the Constitution. The *fifth* principle is that the essential function of all judicial officers in the District Judiciary and judges of the High Court and this Court is essentially the same.

I. Uniformity in Designations and Service Conditions

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)[8] has noted the position of law and observed that uniform designations and hierarchy, with uniform service conditions are unavoidable necessary consequences. It was held:

8 All India Judges Association (II) v. Union of India (1993) 4 SCC 288 at para 14.

"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.*** *The further directions given, therefore, should not be looked upon as an encroachment on the powers of the executive and the legislature to determine the service conditions of the judiciary. They are directions to perform the long overdue obligatory duties.*"

II. Separation of Powers and Comparison with Political Executive

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,*[9] *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.

25. This distinction is also important because judicial independence from the executive and the legislature requires the judiciary to have a say in matters of their finances. This Court has previously noted that theoretically, allowing the Executive to decide the pay of the judiciary may lead to unintended consequences.[10] Therefore, to secure true independence of the judiciary, this Court has recognized

9 *All India Judges' Assn. (II) v. Union of India*, (1993) 4 SCC 288 at para 7.

10 In *All India Judges' Assn. (II) v. Union of India*, (1993) 4 SCC 288 at para 10: "*It would be against the spirit of the Constitution to deny any role to the judiciary in that behalf, for theoretically it would not be impossible for the executive or the legislature to turn and twist the tail of the judiciary by using the said power. Such a consequence would be against one of the seminal mandates of the Constitution, namely, to maintain the independence of the judiciary.*"

that the pay of judicial officers is separate and distinct from the pay of staff of other wings of the State. This, it may be noted, is nothing but an articulation of the doctrine of inherent powers. This doctrine mandates that the judiciary must possess the *inherent power* to "*compel payment of those sums of money which are reasonable and necessary to carry out its mandated responsibilities, and its powers and duties to administer justice.*"[11] This doctrine is only the logical conclusion of separation of powers and ensures that the independence of the judiciary is secured.

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.

27. Apart from this, Judicial Officers have been working without a pay revision for nearly 15 years. A pay revision has been recommended in accordance with the law laid down by this Court and a report submitted by a Judicial Pay Commission after considering this very objection. This Court has also examined this issue of paucity of financial resources on at least three occasions in these very proceedings. In the Order dated 28.02.2020, which took cognizance of the Report of the SNJPC, this Court stated that it hoped that "*the same objections, which have been rejected by this Court in All India Judges Association v. Union of India (1993) 4 SCC 288, will not be re-agitated. The Court in the aforesaid judgment observed that compared to the other plan and non-plan expenditures, the financial burden caused on account of the directions given therein are negligible.*"[12] However, the States and the Union raised this objection in their affidavits before this Court.

28. After going through the affidavits of the States and the Union, this Court on 27.07.2022 found that in contrast to the 7th Central Pay Commission, which was implemented from 01.01.2016, judicial

11 *Commonwealth ex rel Carroll vs. Tate*, 274 A.2d. 193. Approved by this Court in *Brij Mohan Lal v. Union of India*, (2012) 6 SCC 502 at para 110 – 111.

12 Order dated 28.02.2020 in WP(C) No.643/2015 at para 7.

officers have not received any similar benefit. Thus, the Court held that "*there is a need to at least implement the revised pay structure immediately so as to alleviate the sufferings of the judicial officers.*"[13] The Court, after considering the objections of the Union and the State rejected the same and accepted the revision of pay structure as recommended by the SNJPC. Aggrieved by the acceptance of the Report, the Union filed a review petition before this Court. This Court by Order dated 05.04.2023 dismissed the review petitions and found that the financial implications cannot be considered as excessive in view of the information given by the SNJPC.[14] Still, the States and the Union have raised this objection after its express rejection twice over. The rejection of their objection is also reiterated. Judicial Officers cannot be left in the lurch for prolonged periods of time without a revision of pay on an alleged paucity of financial resources.

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

"*4. 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*

13 Order dated 27.07.2022 in WP(C) No.643/2015 at para 13.

14 Order dated 05.04.2023 in Review Petition (Diary No) 34780/2022 at para 19.

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.*""

III. Independence of the District Judiciary is Part of the Basic Structure

30. This Court has repeatedly held that the independence of the judiciary is part of the basic structure of the Constitution[15]. However, the pronouncements of the Court have been in the context of the High Court and the Supreme Court and not in the context of the District Judiciary. The District Judiciary performs an important role in upholding the rule of law. As noted in the Review Order dated 05.04.2023:

"15. *The District Courts and courts forming a part of the district judiciary discharge a prominent role in preserving the rule of law. Public confidence in the judicial system sustains the credibility of the judiciary. The district judiciary has a significant role in generating and fostering public confidence. The standards of ethics and professionalism expected of judges are more rigorous than those applied to other services/professions. Ensuring adequate emoluments, pension and proper working conditions for the members of the district judiciary has an important bearing on the efficiency of judicial administration and the effective discharge of the unique role assigned to the judiciary.*"

31. The independence of the District Judiciary must also be equally a part of the basic structure of the Constitution. Without impartial and independent judges in the District Judiciary, *Justice*, a preambular goal[16] would remain illusory. The District Judiciary is, in most cases, also the Court which is most accessible to the litigant. The *Amicus Curiae* submitted that on a single day, the District Judiciary handled nearly 11.3 lakh cases. It was seen that during the period of the pandemic as well, the District Judiciary was yet efficient and undertook its functions to ensure that justice is delivered in a timely manner. It is thus important to recognize that the District Judiciary is a vital part of the independent judicial system, which is, in turn, part of the Basic Structure of the Constitution.

IV. Judicial Independence and Access to Justice Ensures Implementation of Part III of the Constitution

32. Any interpretation of Part III of the Constitution would also require that effective and speedy disposal of cases be done by an independent District Judiciary. This Court has repeatedly held that the right of free

15 S.P. Gupta v. Union of India, 1981 Supp SCC 87; Supreme Court Advocates-on-Record Assn. v. Union of India, (1993) 4 SCC 441; Special Reference No. 1 of 1998, In re, (1998) 7 SCC 739; Supreme Court Advocates-on-Record Assn. v. Union of India, (2016) 5 SCC 1.

16 The Preamble guarantees that "*JUSTICE, social, economic and political*;" shall be secured to all the citizens of India.

and fair trial forms part of Article 14 and 21 of the Constitution.[17] For instance, in *Anita Kushwaha v. Pushap Sudan* [(2016) 8 SCC 509, para 31**]**, this Court recognized that "access to justice" inheres in Articles 14 and 21. This Court held:

"31. *If "life" implies not only life in the physical sense but a bundle of rights that makes life worth living, there is no juristic or other basis for holding that denial of "access to justice" will not affect the quality of human life so as to take access to justice out of the purview of right to life guaranteed under Article 21. We have, therefore, no hesitation in holding that access to justice is indeed a facet of right to life guaranteed under Article 21 of the Constitution. We need only add that access to justice may as well be the facet of the right guaranteed under Article 14 of the Constitution which guarantees equality before law and equal protection of laws to not only citizens but non-citizens also*…

… Absence of any adjudicatory mechanism or the inadequacy of such mechanism, needless to say, is bound to prevent those looking for enforcement of their right to equality before laws and equal protection of the laws from seeking redress and thereby negate the guarantee of equality before laws or equal protection of laws and reduce it to a mere teasing illusion."

33. The right of fair trial and access to justice, as contemplated by this Court, is not limited to the physical access to a Court. The right must also include all the necessary prerequisites of a Court, i.e., the infrastructure, and an unbiased, impartial, and independent judge. At the cost of repetition, for most litigants in this country, as the only physically accessible institution for accessing justice is the District Judiciary, the independence of district judiciary assumes even greater significance.

34. One may go to the extent to state that the rights of "access to justice" and "fair trial" cannot be exercised by an individual without an independent judiciary. Further, without fair and speedy trial, the remaining rights, including fundamental and constitutional rights will not be enforced in a manner known to law. If these instrumental rights

17 See: *Hussainara Khatoon (I) v. Home Secy., State of Bihar*, (1980) 1 SCC 81, *Commissioner of Police Delhi v. Registrar, Delhi High Court* [(1996) 6 SCC 323, para 16]; *Mohd. Hussain v. Govt. of NCT of Delhi* [(2012) 9 SCC 408, para 1.

themselves are hindered, then all other rights within the Constitution would not be enforceable.

V. Equivalence of Judicial Functions of District Judiciary and Higher Judiciary

35. The essential function of the District Judiciary, as also the function of the High Courts and this Court is to administer justice impartially and independently. This Court in its Review Order observed:

"14. *Fourthly, the argument that an 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.*"

36. Together, the Courts constitute the unified judicial system performing for the core and essential function of administering justice. To be truly unified both in form and in substance, there must be integration in terms of pay, pension and other service conditions between the District Judiciary, the High Courts and the Supreme Court. To this end, under Article 125 and 221 of the Constitution, the salaries etc. payable to the judges of the High Court and the Supreme Court are fixed by law as made by Parliament. The salaries for judges of the High Court are the same across the country by virtue of the High Court Judges (Salaries and Conditions of Service) Act, 1954.

37. Given that in the hierarchy of the unified judicial system a Judge of the High Court is placed above a District Judge, it follows that a District Judge cannot have more pay more than a High Court judge. Therefore, the maximum ceiling of pay that a District Judge may earn is the salary of a High Court judge which is fixed under the aforementioned statute. Once the salary of the District Judge is pegged against the High Court judge, it thus follows that any increase in the salary of the judges of the High Court must reflect in the *same proportion* to the judges in the District Judiciary. In the Review Order, this Court observed:

"*16. The legitimacy of the principle that the increase of pay of the judicial officers must be commensurate with the quantum of increase in the pay of High Court judges has been raised previously and*

stands judicially settled. Therefore, any objection to the IoR on the ground that it has to be lower than that adopted for increase in the pay of the judges of the High Court is without cogent basis."

38. Having considered the constitutional foundations on the basis of which the recommendations of the SNJPC are to be considered, we will now proceed to examine the recommendations with respect to pay, pension, gratuity etc.

5.0 RECOMMENDATIONS ON PAY

39. We will first deal with the recommendation of SNJPC on pay structure. A summary of the relevant recommendations of SNJPC on pay are tabulated hereinbelow:

Recommendation No.	Recommendation
44.1	States/High Courts shall take immediate steps to re-designate the officers in conformity with the All India pattern as recommended by FNJPC i.e. those who have not done it so far.
44.2	The new pay structure shall be as per the 'Pay Matrix' pattern on the model of VII CPC as against the 'Master Pay Scale' pattern so as to remove the anomalies and to rationalize the pay structure and to ensure due benefit to the judicial officers of all cadres within the framework of established principles
44.3	The categorization of the Judicial officers shall be based on their status in the functional hierarchy reflected in horizontal range in Table-I below para 13.1 of the Report
44.4, 44.5	The initial pay for each rank of officer is about 2.81 times the existing entry pay of each rank except J-6 and J-7, which is in the same proportion of increase as that of the High Court Judge. Accordingly, the first row in the horizontal range (J-1 to J-7) denotes the entry pay for fresh recruits/appointees in that level.
44.6	The new Mean Pay percentage vis-a-vis the salary of High Court Judge in relation to each cadre and grade as per p.182 of the Report
44.7	The annual increment shall be @3% cumulative, meaning thereby that the increment @3% has to be calculated on the previous years basic pay instead of fixed amount increments recommended by FNJPC and JPC.
44.8	In the Pay Matrix pattern, there shall be now 37 stages instead of 44

44.9	The fitment/migration of the existing officers shall be as reflected in Table II at para 13.3, p.73
44.10	The procedure for migration/fitment of the serving Judicial officers and also the procedure for fixation of pay on promotion shall be as explained in paras 13.5 and 13.8.
44.11(i)	As regards the date of accrual of increment, there shall be no change in the existing system which is being followed in various states/UTs i.e. the increment shall be once in a year as per the date of appointment or promotion or financial upgradation.
44.11(ii)	The retiring Judicial officers shall have the benefit of increment becoming due the next day following their retirement. That increment shall be for the purposes of pension only and shall be subject to vertical ceiling of Rs. 2,24,100/-.
44.12	The pay of the judicial officers of all ranks/grades in the new pay matrix/pay structure shall be effective from 01.01.2016
44.13	Arrears of Pay w.e.f. 01.01.2016 shall be paid during the calendar year 2020, after adjusting the interim relief already paid under the Interim Report dated 09.03.2018.
44.14	The present practice of sanction of DA at the rates prescribed by Central Government from time to time shall continue. The Hon'ble Supreme Court may issue directions that the benefit of revised DA in conformity with the orders issued by the Central Government from time to time shall be paid to the Judicial
	officers without delay, and in any case, not later than 3 months from the date of issuance of the order by the Central Government. The benefit of revised rates of DA shall accrue from the effective date as specified in the Order issued by Central Government in this behalf.
44.15(i)	Grant of 1st ACP to Civil Judge (Jr. Div.) shall not be based on the application of the existing norm of seniority-cum-merit. There shall be relaxed norms for assessing the performance in terms of output. The scrutiny shall be for the limited purpose of ascertaining whether there is anything positively adverse such as consistently poor/unsatisfactory performance or adverse report of serious nature leading to the inference that the Officer is unfit to have the benefit of ACP.
44.15(ii)	If for any reason, delay in grant of ACP goes beyond one year, one additional increment for every year delay shall be granted subject to adjustment while drawing the arrears on grant of ACP.

44.16(i)	The posts of District Judges (Selection Grade) shall be increased to 35% of the cadre strength as against the existing 25%, and the District Judges (Super Time Scale) shall be increased to 15% of the cadre strength as against the existing 10%. It will be effective from 01.01.2020
44.16(ii)	The upgradation benefit shall be given to the District Judges by applying the principle of seniority-cum-merit instead of meritcum-seniority.
44.16(iii)	If the post remains or continues for three years it shall form part of cadre strength.
44.17	The Pay Revision benefit which is already available to the Presiding Judges of Industrial Tribunals/Labour Courts (outside the regular cadre of subordinate judiciary) in view of the recommendation of JPC, shall be extended to them also simultaneously with Judicial Officers of regular cadre without administrative delays.
44.18	The Judges of the Family Courts in Maharashtra who belong to a separate cadre have to be extended the benefit of pay of District Judge (Selection Grade) and District Judge (Super Time Scale) in the same ratio as prescribed for regular District Judges. The High Court to propose the minimum age for grant of Selection Grade, if considered necessary. The Principal Judge Family Court
	(ex-cadre) to be allotted quarters preferentially, in General Pool Accommodation.
44.19	Special Judicial Magistrates (Second Class)/Special Metropolitan Magistrates (dealing with petty criminal cases) shall get minimum remuneration of Rs.30,000/- per month in addition to conveyance allowance of Rs.5,000/- per month w.e.f. 01.04.2019 and to be suitably revised every five years.

5.1 ORDERS OF THIS COURT ON SNJPC RECOMMENDATIONS ON PAY

40. This Court has subsequently passed three detailed orders dealing with the objections of the States and the Union and rejected the same. The *first* is Order dated 27.07.2022[18], the *second* is Order dated 18.01.2023 and the final one is Order dated 05.04.2023. In

18 Order dated 27.07.2022 in WP(C) No.643/2015 at para 17.

the first Order, this Court accepted the revision of pay structure as recommended by SNJPC. By Order dated 18.01.2023, this Court granted additional time to some States to comply with the Order dated 27.07.2022. Thereafter, some States and the Union filed review petitions against the Order dated 27.07.2022 passed by this Court. This Court dismissed the reviews on 05.04.2023[19]. Thus, most of the recommendations of the SNJPC on the pay structure have become final.

5.2 CONSIDERATION OF RECOMMENDATIONS ON PAY

41. Individual recommendations made by the SNJPC on pay are considered hereinbelow.

I. Redesignation of Judicial Officers in Conformity with the All India Pattern (Recommendation 44.1)

42. As stated above, in India, the judiciary is unified. The designations of judges, therefore, ought to be uniform across the country. In this regard, the FNJPC suggested the following nomenclature to be adopted pan-India:

    i. Civil Judge (Jr. Div);

    ii. Civil Judge (Sr. Div);

    iii. District Judge.

43. A thorough examination by the SNJPC revealed that these designations have not been adopted in few states. It was stated by the Commission that the State of Kerala still designates its judges as Munsiff and **'Subordinate Judge'**. In the North-Eastern States too, it was seen that there was some divergence of designation. Uniformity would require these to be amended in order to be brought under the same umbrella. Pertinently, this recommendation had been accepted in the FNJPC by virtue of judgment in *All India Judges' Assn. (II) v. Union of India*, (1993) 4 SCC 288[20]. We may only reiterate that this direction be followed by the High Courts and all High Courts amend their designations in conformity with the suggestions of the FNJPC and SNJPC.

19 Order dated 05.04.2023 in Review Petition (Diary No) 34780/2022 at para 19.

20 All India Judges' Assn. (II) v. Union of India, (1993) 4 SCC 288 at para 19 and 20.

44. It is also relevant to note that in light of the pay matrix suggested by the SNJPC, without uniform designations, issues may arise in the future for fitment of the different designations which are used in the different states. Such complications ought to be avoided by this Court.

45. This Court thus accepts the recommendation of the Commission. Consequently, the High Courts are directed to ensure that the designation of judicial officers is uniformly the same as mentioned in the above paragraphs.

II. New Pay Structure as per Pay Matrix Model (Recommendation 44.2, 44.3)

46. The SNJPC has recommended that the pay matrix model, which was adopted by the 7th Central Pay Commission be adopted for Judicial Officers as well. This is desirable as it simplifies the matter of pay for judges. Notably, this Court has already accepted this recommendation by Order dated 27.07.2022.[21] This has been confirmed in Order dated 05.04.2023. As the recommendation of the SNJPC is only to bring the pay structure in conformity with the 7th Central Pay Commission, there cannot be any objection on these recommendations. Thus, it is directed that the pay structure of the Judicial Officers be modified suitably, reflecting the recommendations suggested by the SNJPC.

III. Multiplier of 2.81 and Its Uniform Application (Recommendations 44.4-44.6)

47. The Multiplier/Index of Rationalization of 2.81 has been suggested by the SNJPC to be applied to all cadres of judicial officers. The objection of the States and the Union is that the IoR of 2.81 has not been suggested by the 7th CPC to all cadres of officers. It is their say that when the Central Pay Commission adopted a graduated fitment factor ranging from 2.57 for entry level officers to 2.81 for officers of the level of Secretary to the Government of India, the judicial officers could not have been granted a uniform multiplier/IoR of 2.81.

48. Their submission is erroneous because, as stated above, the pay of judicial officers is to be increased commensurate to the pay of the Judges of High Courts. When the judges of the High Courts were granted a multiplier of 2.81, the judicial officers were also to

21 Order dated 27.07.2022 in WP(C) No.643/2015 at para 17.

be granted the same multiplier. This has been the precedent set by the previous Judicial Pay Commissions and endorsed by this Court repeatedly.[22]

49. At the cost of repetition, it may be stated that this Court has already rejected the objections of the States and the Union and consequently accepted the multiplier/Index of Rationalization of 2.81 in Order dated 27.07.2022[23] and Order dated 05.04.2023[24]. As stated above, the principled basis of the acceptance is that the pay of judicial officers in the District Judiciary can only be based on the pay of Judges of the High Court. This is because the Judiciary is independent from the Executive and as such, all aspects including pay cannot be based on the pay granted to the officers of the Executive Wing.

50. It is thus reiterated that the recommendation that the multiplier/ index of rationalization as suggested by the SNJPC be accepted. Consequently, it is directed that the pay of the judicial officers be increased as per the Table-I annexed to the Order dated 27.07.2022.

IV. Increments (Recommendation 44.7, 44.11)

51. The SNJPC did not recommend any change in the existing system of accrual of increment once a year as per the date of appointment or promotion or the date of financial upgradation. The sole change it suggested was that judicial officers should have the benefit of increment falling due the next day following their retirement. The Commission suggested that this benefit of an additional increment shall be for the purposes of pension only and shall be subject to a vertical ceiling of Rs. 2,24,100/-.

52. An additional increment can be given to a retiring officer when he is not in service on the date of accrual. This is because the increment is a benefit for the year of service already rendered. Therefore, the last pay, for the purposes of calculation of pension should include the increment payable to the judicial officer.

53. Three sets of decisions had been rendered by different High Courts regarding this. The *first* view, which was taken by the High Courts of

22 See Para 15.50 of FNJPC report and Para 4.8 of the Padmanabhan Commission Report. Also see, the Orders of this Court in All India Judges Association v Union of India (2002) 4 SCC 247 and All India Judges Association v. Union of India (2010) 14 SCC 720 at para 6.

23 Order dated 27.07.2022 in WP(C) No.643/2015 at para 15 - 16.

24 Order dated 05.04.2023 in Review Petition (Diary No) 34780/2022 at para 19.

Madhya Pradesh, Gujarat and Allahabad, is that when the increment becomes due the next day after retirement, the employee ought not to be denied the benefit of the increment for the purposes of pay. The *second* view, which was taken by the High Courts of Madras, Orissa and Delhi is that the increment would accrue to officers only for the purpose of pension alone. The *third* view, taken by the Andhra Pradesh, Himachal Pradesh and Rajasthan High Courts is that the increment cannot be granted to the officers.

54. The law has now been settled by this Court in a recent judgment *Director, KPTCL v. CP Mundinamani*.[25] This Court approved the judgment of the High Court of Allahabad's view in *Nand Vijay Singh v. Union of India*[26] it was held:

"24. … *In the case of a government servant retiring on 30th of June the next day on which increment falls due/becomes payable looses significance and must give way to the right of the government servant to receive increment due to satisfactory services of a year so that the scheme is not construed in a manner that if offends the spirit of reasonableness enshrined in Article 14 of the Constitution of India*."

55. In such circumstances, the recommendations of the Commission in so far as it notionally grants the increment for the purposes of pension is completely justified. As a consequence of the acceptance of the recommendation, the calculation of pension must notionally include the increment for the purposes of calculation of pension. This will also obviate any confusion. It is therefore directed that the High Courts amend the applicable rule to state that the increment which becomes due to the judicial officer on the day after his retirement may be notionally included in the calculation of his pension as his last pay, subject to the vertical ceiling of Rs. 2,24,100/-.

V. Fitment and Migration from Master Pay Scale to Pay Matrix System (Recommendations 44.8, 44.9, 44.10)

56. The Court notes that the Commission has recommended the formula and method to ensure that the migration from the master pay scale to the pay matrix system is smooth. The Commission has devised the follow fitment/migration formula:

25 (2023) SCC Online SC 401 at para 18.

26 Nand Vijay Singh v. Union of India (2021) SCC Online All 1090 at para 24.

"i. *Multiply the existing pay by the factor of 2.81.*

ii. The figure so arrived at to be located in Table-I, in relation to the Level applicable to the Officer (i.e., J1, J2 etc.)

iii. Where there is an identical figure available in Table-I at the corresponding stage of the relevant level, the new revised pay shall be fixed at that stage.

iv. Where there is no identical figure available, the new revised pay has to be fixed at the very next higher stage in that level in Table-I."

57. In order to make matters clear, the Commission has also given illustrations so as to simplify the fitment/migration formula for the relevant authorities. These illustrations ought to be considered by the authorities while encoding the rules for the migration to the pay matrix system.[27] It may be noted that the Commission has submitted a Corrigendum to its Report in March 2021 which has removed certain arithmetical mistakes from the Fitment Table. This is reflected in Part III of the Report dated March 2021.

58. It may be noted that a similar formula and illustrations have also been devised for fixation of pay of judicial officers who were promoted on or after 01.01.2016 in the following terms:

"i. Identify the level and the basic pay in Table I on the date of promotion.

ii. Add one increment in that level itself in terms of FR-22.

iii. The figure so arrived at or the next closest figure in the level to which s(he) is promoted will be the new pay on promotion."

The examples provided by the Commission also proceed thereafter to lend clarity to the formula for promotes as well.

59. While accepting this recommendation for fitment/migration as amended by the Corrigendum dated March 2021, it is also noted that the examples must form part of the relevant rules that are required to be encoded by the High Courts, the States and the Union. Therefore,

27 See Paras 13.5 at p.75 – 80 and Para 13.8 at p.81 – 82 of the Report.

we accept the recommendation and direct the authorities to implement the same keeping in mind the examples that have been given by the Commission, as stated above.

VI. Application of Recommendations from 01.01.2016 (Recommendation 44.12)

60. The 7th Central Pay Commission came into force from 01.01.2016. However, the last pay revision of the judicial officers was with effect from 01.01.2006. More than 17 years have passed since the judicial officers have received a pay revision. Noting this, the recommendation must be accepted by this Court. Pertinently, this has already been noticed by this Court in its Order dated 27.07.2022.[28] Further, the previous Judicial Pay Commissions had also recommended revision of pay with effect from 01.01.1996 and 01.01.2006 respectively. No objection can therefore be made regarding the application of the pay structure from 01.01.2016. This recommendation thus merits acceptance. Thus, it is directed that the benefits of the recommendations as regards pay be given effect to with effect from 01.01.2016.

VII. Status of Compliance of Directions in Order dated 27.07.2022 (Modification of Recommendation No.44.13)

61. While the Commission suggested that the arrears of pay be given during the calendar year 2020, this Court after considering the submissions of the Union and the State that the payment of arrears at one go may not be possible and by Order dated 27.07.2022 directed that the payments be made in three separate installments. As per this Order as well, the final installment was payable by 30.06.2023. States had already sought extension of time to complete payments in the first two instalments. Considering the grievances of the States, by Order dated 18.01.2023, this Court directed:

"All the States/Union Territories which have made payment of only the first installment or the first two installments and the States and Union Territories which have come up with applications for extension of time, are permitted to make payment of arrears, at least within the time indicated in this order. The States and Union Territories which have not yet made payment of the first installment, shall make

28 Order dated 27.07.2022 in WP(C) No.643/2015 at Para 21.

payment of the first installment by 31.03.2023. These States and Union Territories, as well as those who have already made payment of the first installment, shall make payment of the second installment by 30.04.2023. ***The third and final installment shall be made by 30.06.2023."***

VIII. DA on basis of Rates fixed by Central Government (Recommendation 44.14)

62. The recommendation of the SNJPC is that Dearness Allowance may be paid at the rate fixed by the Central Government. It may be noted that the Commission has found that the rates fixed by the Central Government are normally accepted by the State across the country. The purpose of dearness allowance, as explained by this Court in *Bengal Chemical & Pharmaceutical Works Ltd.* v. *Its Workmen* (1969) 2 SCR 113, is "*to neutralise a portion of the increase in the cost of living*." When the rates which are fixed by the Central Government are followed by most of the States, the recommendation of the SNJPC is reasonable. This recommendation is also in the interests of uniformity of service conditions of judicial officers across the country, which, as stated above, is a cardinal principle on the basis of which the present proceedings are based. Notably, a fixed rate of Dearness Allowance would also ensure that there is no lag in the accrual of the dearness allowance to the judicial officers.

63. Various States such as West Bengal, Assam, Nagaland and Manipur are agreeable to rates fixed by the Central Government. The States of Punjab, Tamil Nadu, Jharkhand, and Mizoram have argued that their rates must be adopted. Other States have not specifically stated anything with regard of rates of DA. It is observed that that a uniform rate of DA would achieve the goals of uniformity as well as efficiency. In such circumstances, the recommendation deserves acceptance.

IX. Grant of 1st ACP to Civil Judge (Jr Div) (Recommendation 44.15 (i))

64. The Commission suggested that the 1st Assured Career Progression be given to the Civil Judges (Jr Div) be granted on the basis of relaxed norms of performance. At present, a Civil Judge (Jr Div) would be entitled to the first ACP only after completing 5 years of service. A Civil Judge (Jr Div) is normally in the process of learning the work in his first two years. Assessment of the officer's performance when the first two years are riddled with trainings and deputations cannot

be done in a serious manner. This is especially so when, for the first two years, no real work output is expected out of the judicial officer. Therefore, the inability of the Officer to reach the prescribed targets of disposal or not satisfying the quantitative norms during the initial stage of judicial career need not be viewed seriously, especially having regard to the objective behind the ACP.

65. Another aspect is that judicial officers serving in the cadre of Civil Judge (Jr. Div.) have only two promotional avenues available to them, i.e., Civil Judge (Sr. Div.) and District Judge. Without any promotional avenues, the stagnation in the service causes loss of morale to judicial officers which has a direct bearing on their independence.

66. It may be noted that the Limited Competitive Examination which has been introduced by virtue of this Hon'ble Court's judgment in *All India Judges Association* v. *Union of India*[29] only applies to the cadre of Civil Judges (Sr. Div.) to the cadre of District Judges. The percentage reserved for LCE was initially 25%. This was reduced to 10% by *All India Judges' Assn.* v. *Union of India*[30].

67. This Court in *All India Judges Assn.* v. *Union of India*, relaxed the aforesaid conditions only for the Delhi Higher Judicial Services in so far as it permits candidates with experience of 10 years to appear for the Limited Competitive Examination for becoming District Judges.[31] At the same time, it is noticed that the Maharashtra Judicial Service Rules, 2008 envisages an additional method for promotion for Civil Judges (Jr Div) by conducting a separate Limited Competitive Examination for them to be promoted to the position of Civil Judges (Sr Div).[32] It may be noted that there is no rule for the participation of Civil Judge (Jr. Div.) in the Limited Competitive Examination to be recruited as District Judge.

68. As regards the relaxed norms which could apply for the 1st ACP, it is noted that the SNJPC has recommended that the scrutiny for the grant of First ACP will be limited to ascertaining whether there is anything positively adverse such as there is any poor/unsatisfactory performance or there being an adverse report of serious nature

29 *All India Judges' Assn. v. Union of India* (2002) 4 SCC 247 at para 28.

30 *All India Judges' Assn. v. Union of India* (2010) 15 SCC 170 (para 7-8).

31 *All India Judges Assn. v. Union of India* (2022) 7 SCC 494.

32 Rule 5, Maharashtra Judicial Service Rules, 2008.

leading to the inference that the officer is unfit to have the benefit of the 1st ACP. A similar provision already exists in Rule 3(5) of the Maharashtra Judicial Services Rules, 2008. This Rule prescribes that for the 1st ACP, the ACR rating required is only 'Average' and for the 2nd ACP, the Judicial Officer needs to be rated 'Good' for five continuous years. Such a rule is only an illustration. High Courts may devise other methods for these relaxed norms.

69. It is thus directed that the grant of 1st ACP to Civil Judge (Jr Div) be given on the basis of relaxed norms which may be devised by the High Courts, with reference to the suggestions of the Commission.

X. Delay in Grant of ACP (Recommendation 44.15(ii))

70. A perusal of the Commission's Report at para 19.4 and 19.5 shows that, in many states, the grant of ACP scale is delayed. The Commission found that in certain jurisdictions, even after completion of more than 10 years of service, ACP was not granted to Civil Judges (Jr Div) and Civil Judges (Sr Div). This is unpardonable. Stagnation of careers of judicial officers due to administrative delays causes loss of morale and enthusiasm in vital stages of their careers, where they are entitled to be considered for career progression.

71. The SNJPC's finding that the lack of timely preparation and scrutiny of ACR is the primary reason behind delay is concerning. ACRs are bound to be done in a timely manner and without delay so as to ensure that the whole judicial system is functioning in an efficient manner. Accordingly, the High Courts may be directed to ensure that the delay in making ACRs is avoided in the future.

72. Separately, to avoid this delay in the future, the Commission suggested that the process of grant of ACP should be initiated 3 months in advance from the date on which the judicial officers will be completing 5/10 years and the financial benefits should be paid to the judicial officer within a period of 6 months after the judicial officer steps into the 6th/ 11th year of Service. Therefore, the Commission recommended that if grant of ACP is delayed for every year, one additional increment shall be granted for every year of delay subject to the adjustment with the ACP arrears.

73. The recommendations of the Commission are reasonable. As stated above, delays ought to be avoided on the administrative side which have the effect of stagnating the career of a judicial officer. The suggestions of the Commission will bring about much needed

efficiency and perhaps, a standard operating procedure for the grant of ACP in a timely manner. Thus, the recommendation merits acceptance.

XI. Changes in Percentage of District Judges (Selection Grade) and District Judges (Super Time Scale) (Recommendation 44.16)

74. The Commission has recommended the increase of percentage of district judges who will be entitled to District Judge (Selection Grade) and District Judge (Super Time Scale). The reasoning of the Commission is that due to the limited percentage of District Judge (Super Time Scale) and District Judge (Selection Grade), many judges from larger states are unable to reach higher posts before retirement even though they have spent considerable time in the District Judge Cadre. It also found that as of October, 2019 only 1515 judges out of a cadre strength of 7382 district judges were getting the benefit of Selection Grade and Super Time Scale.

75. The benefits of Super Time Scale and Selection Grade not reaching a majority of district judges prior to their retirement is a situation that should be avoided. The recommendation of the Commission that the Selection grade and Super Time Scale posts should be increased by 10% and 5% respectively merits acceptance. Essentially, this would entail that the District Judges at Entry level shall be 50%, selection grade 35% and Super Time Scale – 15% of the total cadre strength of District Judges.

76. The Recommendations 44.16 (ii) and (iii) are regarding the upgradation to be given to District Judges by applying the principle of seniority-cum-merit and further that if the post remains or continues for three years it shall form part of cadre strength. These recommendations of the SNJPC may be considered at the appropriate stage as they do not have a bearing on the issues of pay, which are being considered by this Court at this stage.

XII. Pay Revision to be Given to Presiding Judges of Industrial Tribunals/Labour Courts (Recommendation 44.19)

77. Though Labour Courts and Industrial Tribunals, both statutory courts created under the Industrial Disputes Act, 1947[33] are not presided

33 Section 7 and 7A of the Industrial Tribunals Act, 1947 respectively.

over by judicial officers, they are entitled to equal pay as district judges based on the principle of equal pay for equal work. Following this principle, this Court in *State of Kerala v. B. Renjith Kumar*[34] and *State of Maharashtra v. Labour Law Practitioners' Assn.*[35] held that judicial officers of Labour Courts and Industrial Tribunal ought to be considered on par with judicial officers. The recommendation of the Tribunal that the pay revision be extended to judges of the Industrial Tribunals/Labour Courts, thus merits acceptance as it is only an extension of the law laid down by this Court.

XIII. Judges in Family Courts in Maharashtra (Recommendation 44.18)

78. The Commission noticed that the Judges in the Family Courts in Maharashtra are recruited through a separate process and the officers form part of a separate cadre. At the same time, Rule 8 of the Judges of the Family Courts (Recruitment and Service Conditions) Maharashtra Rules, 1990 also provides that the judge shall draw pay and allowances at par with the judges (Principal Judge, Additional Principal Judge and Judge respectively) of the City Civil Court, Bombay and at other places pay and allowances as admissible to the District Judge.

79. The recommendation of the Commission is that the Judges of the Family Court also be entitled to the benefit of Selection Grade and Super Time Scale as well. The Commission further recommends that quarters also be given to them from the general pool of accommodation.

80. The recommendation of the SNJPC is in line with the same principles mentioned above in as laid down by this Court in *State of Kerala* v. *B. Renjith Kumar*[36] and *State of Maharashtra* v. *Labour Law Practitioners' Assn.*[37] for Labour Courts. When equal work is done by the judicial officers, their pay and conditions of service must also be equal. Thus, the recommendation of the Commission is accepted.

34 State of Kerala v. B. Renjith Kumar, (2008) 12 SCC 219 at para 19.

35 State of Maharashtra v. Labour Law Practitioners' Assn., (1998) 2 SCC 688 at para 20.

36 State of Kerala v. B. Renjith Kumar, (2008) 12 SCC 219 at para 19.

37 State of Maharashtra v. Labour Law Practitioners' Assn., (1998) 2 SCC 688 at para 20.

XIV. Minimum Remuneration to Special Judicial Magistrates (Second Class) and Special Metropolitan Magistrates (Recommendation 44.19)

81. A reading of para 36 of the report of the Commission shows that in some states, officials who have worked in the judiciary, retired executive officials possessing law degree etc. are appointed as Special Judicial Magistrates under Sections 11 and 13 of the CrPC, 1973. The Commission noted that in some states they are paid very meagre remuneration and consequently has recommended a minimum pay of Rs. 30,000 per month and a conveyance allowance of Rs. 5,000/-. The Commission has further recommended that this benefit shall be given from 01.04.2019.

82. The *amicus* has argued that even Rs. 30,000 is insufficient today and such a low amount might not meet the minimum wage requirements in certain states. Considering that under Section 261, CrPC, 1973 such Magistrates can try offences which are punishable with fine or imprisonment not exceeding 6 months, such Magistrates cannot be considered as discharging judicial functions that are incomparable to regular Magistrates. As such, their financial independence is as much a part of judicial independence as is for regular Magistrates. Thus, the recommendation of the Commission modified by fixing the remuneration at Rs. 45,000/- per month plus an additional sum of Rs. 5,000/- as conveyance allowance.

83. For the purpose of convenience, the recommendations and their modifications/acceptance is tabulated below:

Recommendation No.	Recommendation	Order of this Court
44.1	States/High Courts shall take immediate steps to re-designate the officers in conformity with the All India pattern as recommended by FNJPC i.e. those who have not done it so far.	Accepted
44.2	The new pay structure shall be as per the 'Pay Matrix' pattern on the model of VII CPC as against the 'Master Pay Scale' pattern so as to remove the anomalies and to rationalize the pay structure and to ensure due benefit to the judicial officers of all cadres within the framework of established principles	Accepted

44.3	The categorization of the Judicial officers shall be based on their status in the functional hierarchy reflected in horizontal range in Table-I below para 13.1 of the Report	Accepted
44.4, 44.5	The initial pay for each rank of officer is about 2.81 times the existing entry pay of each rank except J-6 and J-7, which is in the same proportion of increase as that of the High Court Judge. Accordingly, the first row in the horizontal range (J-1 to J-7) denotes the entry pay for fresh recruits/appointees in that level.	Accepted
44.6	The new Mean Pay percentage vis-a-vis the salary of High Court Judge in relation to each cadre and grade as per p.182 of the Report	Accepted
44.7	The annual increment shall be @3% cumulative, meaning thereby that the increment @3% has to be calculated on the previous years basic pay instead of fixed amount increments recommended by FNJPC and JPC.	Accepted
44.8	In the Pay Matrix pattern, there shall be now 37 stages instead of 44	Accepted
44.9	The fitment/migration of the existing officers shall be as reflected in Table II at para 13.3, p.73	Accepted – to be read with Corrigendum dated March 2021 submitted by the SNJPC
44.10	The procedure for migration/fitment of the serving Judicial officers and also the procedure for fixation of pay on promotion shall be as explained in paras 13.5 and 13.8.	Accepted – to be read with Corrigendum
		dated March 2021 submitted by the SNJPC
44.11(i)	As regards the date of accrual of increment, there shall be no change in the existing system which is being followed in various states/UTs i.e. the increment shall be once in a year as per the date of appointment or promotion or financial upgradation.	Accepted

44.11(ii)	The retiring Judicial officers shall have the benefit of increment becoming due the next day following their retirement. That increment shall be for the purposes of pension only and shall be subject to vertical ceiling of Rs. 2,24,100/-.	Accepted
44.12	The pay of the judicial officers of all ranks/ grades in the new pay matrix/pay structure shall be effective from 01.01.2016	Accepted
44.13	Arrears of Pay w.e.f. 01.01.2016 shall be paid during the calendar year 2020, after adjusting the interim relief already paid under the Interim Report dated 09.03.2018.	Accepted
44.14	The present practice of sanction of DA at the rates prescribed by Central Government from time to time shall continue. The Hon'ble Supreme Court may issue directions that the benefit of revised DA in conformity with the orders issued by the Central Government from time to time shall be paid to the Judicial officers without delay, and in any case, not later than 3 months from the date of issuance of the order by the Central Government. The benefit of revised rates of DA shall accrue from the effective date as specified in the Order issued by Central Government in this behalf.	Accepted
44.15(i)	Grant of 1st ACP to Civil Judge (Jr. Div.) shall not be based on the application of the existing norm of seniority-cum-merit. There shall be relaxed norms for assessing the performance in terms of output. The scrutiny shall be for the limited purpose of ascertaining whether there is anything positively adverse such as consistently poor/unsatisfactory performance or adverse report of serious nature leading to the inference that the Officer is unfit to have the benefit of ACP.	Accepted, the revised norms be developed by the High Courts in accordance with this judgment
44.15(ii)	If for any reason, delay in grant of ACP goes beyond one year, one additional increment for every year delay shall be granted subject to adjustment while drawing the arrears on grant of ACP.	Accepted

44.16(i)	The posts of District Judges (Selection Grade) shall be increased to 35% of the cadre strength as against the existing 25%, and the District Judges (Super Time Scale) shall be increased to 15% of the cadre strength as against the existing 10%. It will be effective from 01.01.2020	Accepted
44.16(ii)	The upgradation benefit shall be given to the District Judges by applying the principle of seniority-cum-merit instead of merit-cum-seniority.	To be considered at the relevant stage
44.16(iii)	If the post remains or continues for three years it shall form part of cadre strength.	To be considered at the relevant stage
44.17	The Pay Revision benefit which is already available to the Presiding Judges of Industrial Tribunals/Labour Courts (outside the regular cadre of subordinate judiciary) in view of the recommendation of JPC, shall be extended to them also simultaneously with Judicial Officers of regular cadre without administrative delays.	Accepted
44.18	The Judges of the Family Courts in Maharashtra who belong to a separate cadre have to be extended the benefit of pay of District Judge (Selection Grade) and District Judge (Super Time Scale) in the same ratio as prescribed for regular District Judges. The High Court to propose the minimum age for grant of Selection Grade, if considered necessary. The Principal Judge Family Court (ex-cadre) to be allotted quarters preferentially, in General Pool Accommodation.	Accepted
44.19	Special Judicial Magistrates (Second Class)/ Special Metropolitan Magistrates (dealing with petty criminal cases) shall get minimum remuneration of Rs.30,000/- per month in addition to conveyance allowance of Rs.5,000/- per month w.e.f. 01.04.2019 and to be suitably revised every five years.	Accepted with modification of Rs. 45,000 per month and Rs. 5,000/- per month for conveyance

6. RECOMMENDATIONS ON PENSION, GRATUITY AND AGE OF RETIREMENT ETC

84. We will now deal with the recommendations of SNJPC on Pension, Gratuity etc. For the purposes of convenience, the recommendations are set out below:

Recommendation No.	Recommendation
39.1	No change in pension for those retiring after 01.01.2016- the pension/family pension shall be @50% / 30% of the last drawn pay at the time of retirement
39.2	Revised pension of retired judicial officers would be 50% of last drawn pay
39.3	Formulations as given in Report to apply for pension revision: (i) Multiplier factor of 2.81 to be applicable for pension; or (ii) Pensioners to be fitted appropriately in the fitment table (Table II, para 13.3, Ch. II, Vol. I, p. 73) whichever is higher
39.4	Judicial officers who retired prior to 01.01.2016 to be placed notionally at the corresponding stage.
39.5	For judicial Officers who retired prior to 01.01.1996, if no consequential re- fixation has been done by the Government concerned based on the directives of this Hon'ble Court, the said benefit shall be extended to them first without further delay.
39.6	The benefits of number of years of practice at bar subject to maximum of weightage of ten years will be given to direct recruits of HJS who retired prior to 01.01.2016.
Family Pension	
4.1	For family pensioners, no change is suggested in the existing percentage of family pension, that is, it shall be @30% of last drawn pay at the time of retirement of the Judicial officer
4.2	Family Pension @30% shall be paid to eligible family member(s) as given in Rule 54 CCS (Pension) Rules 1972 at par with the spouse, after the death of the spouse.
4.3	The quantum of family pension shall be worked out in the same manner as quantum of pension is worked out.

4.4	Income limit, if any prescribed by any State in relation to dependent family members (other than the spouse) for being eligible to get family pension shall be not less than Rs.30,000/- per month (rupees thirty thousand per month).
Additional Quantum of Pension/Family Pension	
21.1	Additional quantum of family pension on completion of age of and at the rates specified as per Table in p.49, Vol. II Part-I
21.2	This benefit of additional pension shall be available to all eligible pensioners/family pensioners w.e.f. 01.01.2016.
21.3	No recovery shall be effected from those who have availed the benefit of additional pension on completion of age of 65 or 70 years as per the extant orders of the some of the State Governments
21.4	The State Governments may also choose to continue to extend the prevailing benefits upto the age of 75 years to the retired Judicial officers as well.
Gratuity	
8.1	Retirement gratuity shall be calculated as per Rule 50(1)(a) of CCS (Pension) Rules 1972.
8.2	The maximum limit for retirement gratuity/death gratuity shall be Rs. 20 lakhs which shall be increased by 25% whenever DA rises by 50%.
8.3	These recommendations shall be effective from 01.01.2016.
8.4	To the officers who have retired after 01.01.2016 and paid retirement gratuity as per pre-revised pay and the maximum limit at that time, the differential gratuity payable on account of revision of pay shall be paid subject to the revised maximum limit.
8.5	The death gratuity shall be paid as per table in p.52, Vol. II on the basis of length in service
Retirement Age of Judicial Officers	
	No change in retirement age of 60 years recommended
Financial Assistance in Case of Death	
9.1	The benefit of family pension as per Rule 54(3) of CCS (Pension) Rules, as amended vide notification dated 19.09.2019 shall be extended to the family members.

9.2	The other benefits such as one time lumpsum grant, compassionate appointment, permission to stay in official quarters etc. already in force in the States shall continue to apply, in addition to death gratuity.
Assistance to Pensioners/Family Pensioners	
11.1	Special attention shall be bestowed to them by rendering due assistance for processing the medical bills of the pensioners/ family pensioners who are too old, infirm or differently abled or undergoing in-patient treatment for serious ailment
11.2	District Judge shall nominate a Nodal Officer for liasoning work, if required, in emergency in facilitating admission in the hospital and getting the medical bills of the pensioners/family pensioners cleared promptly.
11.3	Special Cell entrusted with the responsibility of the processing the representations of the pensioners/family pensioners and to initiate action as may be considered appropriate to redress the grievance expediously, shall be created in the High Court under the supervision of an officer of the rank of Joint Registrar, in the High Court.
11.4	A Judge of the High Court shall be nominated to oversee the functioning of Special Cell and issue necessary instructions.
11.5	The representatives of the Retired Judges Associations shall be permitted to meet the Registrar General of the High Court atleast once in a year to discuss the problems, if any.
11.6	The Registry of the High Courts to compile data of the pensioners and family pensioners.
National Pension Scheme	
31.1	The National Pension System (NPS)/Defined Contributory Pension Scheme shall not be applicable to all judicial officers.
31.2	The Defined Benefit Pension Scheme/Old Pension Scheme shall be applicable to all Judicial officers irrespective of the date of their joining the judicial service.
31.3	For those who have judicial service after 01.01.2004, the contributions together with the returns earned thereon will be refunded to them or transferred to their GPC account.
31.4	The Government shall facilitate opening of the GPF Account of the new entrants to the judicial service after 01.01.2004 and transfer their contribution with the returns earned thereon.

7. CONSIDERATIONS OF RECOMMENDATIONS ON PENSION, GRATUITY ETC

85. Individual recommendations made by the SNJPC on pension are considered hereinbelow.

I. No Change in Percentage of Pension for Retirees On or After 01.01.2016 (Recommendation 39.1)

86. The Commission has not recommended any change in the current percentage of pension, fixed at 50% of last drawn pay for pension and 30% for last drawn pay for family pension. The FNJPC had also recommended this position and this Court had accepted it. Therefore, when no change is recommended, no real objections can be raised regarding the recommendation.

II. Revised Pension of Retired Judicial Officers should be 50% of the Last Drawn Pay

87. After considering the opinions of the FNJPC and the One-Person Commission, the Commission recommended that for judicial officers who retired before 01.01.2016, the revised pension should be 50% of the last drawn pay of the post held at the time of retirement. This is also unchanged in its formulation and thus remains the same.

III. Multiplier and Fitment of Pensioners in Pay Matrix (Recommendation No.39.3, 39.4)

88. As a result of the recommendations of the SNJPC on pay, the pensioners also will be equally benefitted. The recommendation of the Commission is that the multiplier of 2.81 will equally apply to pensioners as well. As a consequence thereof, the pensioners will also be fitted into the table and pension will be paid to them on this basis. In other words, to ensure parity of pension between judicial officers who retired at the same level but under different pay scales, the pension must be brought on par. After extensive analysis, the Commission has also included certain illustrations to make its recommendations clear. The illustrations lend clarity to the recommendation and thus ought to be read along with the recommendation.

89. It may be noted that as with the recommendation on fitment in pay, the SNJPC has issued a corrigendum on fitment in its Supplemental Report dated March 2021. This Corrigendum corrects arithmetical mistakes made in the original report. Therefore, the fitment table must be construed in accordance with the corrected table on fitment.

90. There is merit in the recommendation of the Commission. The revision of pay must also reflect in the revision of pension. Therefore, the multiplier which applies to pay must also apply to pension. Consequently, the pensioners must be therefore fitted into the same scheme in the pay matrix. The recommendation is thus accepted.

IV. Consequential Re-fixation of Judicial Officers who Retired Prior to 01.01.1996 (Recommendation no. 39.5)

91. The Commission noted that due to a discrepancy in the report of the One-Person Commission, the pension granted to judicial officers who retired after 2006 was not being given in parity to those who retired before 2006. This Court in *All India Judges Assn. v. Union of India*, (2014) 14 SCC 444 (dated 08.10.2012) was apprised of the error committed by the One-Person Commission and directed this to be corrected. However, the prayer in the application was limited to post-2006 retirees. In a second[38] and third round[39] of litigation, the Supreme Court directed all the State Governments to follow its Order dated 08.10.2012 and directed revision of pension for those who retired post-1996. By way of abundant caution, the Commission recommended that those States which have not granted this benefit to those who retired *before* 1996, must be given the same benefit.

92. The recommendation of the Commission is only in furtherance of parity. State Governments have, in the past, been directed to undertake the consequential re-fixation before. However, if such consequential re-fixation has not been undertaken, the officers who had retired prior to 1996, and who would have aged significantly would be discriminated against. Such a situation ought to be avoided and thus the recommendation merits acceptance. This Court directs this recommendation to be implemented immediately and without delay.

V. Benefit of Years of Practice at the Bar while calculating pension (Recommendation no. 39.6)

93. After considering the judgments rendered by this Court in Government of *NCT Delhi v All India Young Lawyers Association* (2009) 14 SCC 49, the Commission, recommended that the number of years of practice at the Bar subject to the maximum of weightage of 10 years shall be

38 Order dated 14.07.2016 in All India Judges Assn. v. Union of India in WP(C) No.1022/1989.

39 Order dated 13.03.2018 in All India Judges Assn. v. Union of India in WP(C) No.1022/1989.

given while calculating pension and other retiral benefits. This Court in *Government of NCT Delhi* reasoned that this would be required as otherwise a direct recruit from the bar who becomes a District Judge would not be entitled to full pension. The recommendation, being the implementation of the judgment of this Court, merits acceptance. It is accordingly ordered.

VI. Recommendations on Family Pension (Recommendation Nos. 4.1 to 4.4)

94. As regards family pension, the Commission has not recommended any change in the existing percentage, i.e., 30% of the last drawn pay. Therefore, this recommendation, as such, does not warrant any further deliberation as it is the mere continuation of the existing regime. The recommendation is accepted.

95. At the same time, the Commission has recommended payment of family pension @ 30% to the eligible family member after the death of the spouse. This benefit has been given in light of Rule 54 CCS (Pension) Rules, 1972, which grants similar benefits to members of the central civil services. This recommendation is also thus accepted as it has been granted to members of the central civil services.

96. Obviously, the quantum of family pension must be increased as per the same multiplier/index of rationalization applicable for pension. This is because the same factors which are applicable to pay and pension leading to their increase also equally apply to family pension. The Commission has also recommended the same. We accept the recommendation and direct that the quantum of family pension also worked out in the same manner as quantum of pension is worked out.

97. The last recommendation is that on the income limit prescribed by States to be eligible for family pension. The minimum limit prescribed by the Commission was Rs. 30,000/-. This limit is reasonable but it must be left to the discretion of the States to prescribe a higher limit which is more beneficial to the judicial officers. Thus, the recommendation is accepted.

VII. Recommendations on Additional Quantum of Pension/ Family Pension (Recommendation Nos. 21.1 to 21.4)

98. On account of the additional assistance required on increasing age, it has been the policy of the Central Government to grant additional quantum of pension. The Commission has recommended the payment

of additional quantum of pension from the age of 75 years onwards at the rates mentioned in the table on p.44 of the Report.

99. It is seen that different states have different ages for the grant of additional quantum of pension and family pension. The 7th CPC suggested the age of 80 years as the minimum. High Court and Supreme Court judges also receive additional quantum of pension at the age of 80 years. It was however argued by Gourab Banerji, Senior Advocate that as District Judges retire at a younger age, the additional quantum of pension should accrue to them at a younger age as well.

100. Given that many of the States granted this benefit from the age of 70 and the Commission recommended the grant of additional quantum of pension from the age of 75. This reasoning of the Commission merits acceptance. If States have been granting more beneficial pension rates, it cannot be denied to the judicial officers. Judicial Officers cannot be left worse off than officers of the State. Therefore, this Court accepts this recommendation.

101. The Commission has further recommended that this benefit be paid from 01.01.2016. As with the other similar recommendations for the aspects of pay and pension, this recommendation is accepted.

102. The concern of the Commission, reflected in Recommendation No.21.3, that recovery will be initiated against officers who have been given additional pension from the age of 65 or 70 is genuine. If judicial officers have already been granted a more beneficial regime and are moved to the regime suggested by the Commission and accepted by the Court, no recovery ought to be made against them. Consequently, it is left to the States to continue the benefits upto the age of 75 years as well. These recommendations are accordingly accepted.

VIII. Recommendations on Gratuity (Recommendation Nos. 21.1 to 21.4)

103. The first recommendation on Gratuity by the Commission is to bring the calculation of gratuity on par with Rule 50(1)(a) of the Central Civil Services (Pension) Rules, 1972. There cannot be any dispute regarding this recommendation as it is to bring about uniformity in conditions of service. Therefore, this recommendation merits acceptance by this Court.

104. The Commission further recommended that the maximum limit for retirement gratuity/death gratuity shall be Rs. 20 lakhs which shall be increased by 25% whenever DA rises by 50%. This recommendation has also been made in accordance with the Report of the 7th CPC, and the purpose of the same is to ensure that the cost of living does not make the gratuity without purpose. Therefore, this recommendation also merits acceptance by the Court.

105. The third recommendation is to make the recommendations effective from 01.01.2016. This has now been settled by this Court before and has been reiterated in the present judgment as well. The recommendations must come into force from 01.01.2016. Consequentially, those judicial officers who retired after 01.01.2016 must also benefit from the acceptance of the Report. Thus, the Commission has suggested that the differential gratuity be paid to them subject to the revised maximum limit. This is merely consequential and is accepted by this Court. It is accordingly ordered.

106. The final recommendation made by the Commission on the subject of gratuity is that death gratuity be paid on the same lines as the 7th CPC. Accordingly, the recommendation is accepted as it is in line with the already accepted principles laid down by this Court.

IX. Recommendations on Retirement Age

107. No change has been recommended by the Commission to the retirement age of judicial officers. No opinion, therefore, is expressed on this subject by this Court.

X. Recommendations on Financial Assistance in Case of Death

108. The Commission has recommended that where a judicial officer dies while in service, the family pension and death cum retirement gratuity as per the applicable rules is payable to the spouse/dependent, of the deceased officer. The recommendation of the Commission is in terms of Rule 54 of the CCS (Pension) Rules, 1972. This recommendation is reasonable and in furtherance of the principle of uniformity across services. Therefore, it merits acceptance by this Court.

XI. Recommendations on Assistance to Pensioners

109. The Commission has made some well-considered recommendations on assistance to be given to pensioners and family pensioners. While they may merit acceptance, it is appropriate to consider them

at a later stage as they do not require any change in principles or amendments to any rules but are merely executive in nature. Therefore, this Court is of the opinion that the recommendations may be considered at a later stage.

XII. Recommendations on Abolition of New Pension Scheme

110. This Court has been apprised of the recommendations made by the Commission regarding the non-applicability of the New Pension Scheme to judicial officers. However, given the objections raised to this issue by a number of States, the issue may be dealt with separately after hearing the states. Therefore, this recommendation too will be considered at a later stage.

111. The resultant position on the recommendations is tabulated below for convenience:

Recommendation No.	Recommendation	Order of this Court
39.1	No change in pension for those retiring after 01.01.2016- the pension/family pension shall be @50% / 30% of the last drawn pay at the time of retirement	Accepted
39.2	Revised pension of retired judicial officers would be 50% of last drawn pay	Accepted
39.3	Formulations as given in Report to apply for pension revision: (i) Multiplier factor of 2.81 to be applicable for pension; or (ii) Pensioners to be fitted appropriately in the fitment table (Table II, para 13.3, Ch. II, Vol. I, p. 73) whichever is higher	Accepted – read with the Corrigendum dated March, 2021
39.4	Judicial officers who retired prior to 01.01.2016 to be placed notionally at the corresponding stage.	Accepted – read with the Corrigendum dated March, 2021
39.5	For judicial Officers who retired prior to 01.01.1996, if no consequential re-fixation has been done by the Government concerned based on the directives of this Hon'ble Court, the said benefit shall be extended to them first without further delay.	Accepted – directed to be implemented immediately

39.6	The benefits of number of years of practice at bar subject to maximum of weightage of ten years will be given to direct recruits of HJS who retired prior to 01.01.2016.	Accepted
Family Pension		
4.1	For family pensioners, no change is suggested in the existing percentage of family pension, that is, it shall be @30% of last drawn pay at the time of retirement of the Judicial officer	Accepted
4.2	Family Pension @30% shall be paid to eligible family member(s) as given in Rule 54 CCS (Pension) Rules 1972 at par with the spouse, after the death of the spouse.	Accepted
4.3	The quantum of family pension shall be worked out in the same manner as quantum of pension is worked out.	Accepted
4.4	Income limit, if any prescribed by any State in relation to dependent family members (other than the spouse) for being eligible to get family pension shall be not less than Rs.30,000/- per month (rupees thirty thousand per month).	Accepted – with liberty to States to grant more beneficial position
Additional Quantum of Pension/Family Pension		
21.1	Additional quantum of family pension on completion of age of and at the rates specified as per Table in p.49, Vol. II Part-I	Accepted
21.2	This benefit of additional pension shall be available to all eligible pensioners/family pensioners w.e.f. 01.01.2016.	Accepted
21.3	No recovery shall be effected from those who have availed the benefit of additional pension on completion of age of 65 or 70 years as per the extant orders of the some of the State Governments	Accepted

21.4	The State Governments may also choose to continue to extend the prevailing benefits upto the age of 75 years to the retired Judicial officers as well.	Accepted
Gratuity		
8.1	Retirement gratuity shall be calculated as per Rule 50(1)(a) of CCS (Pension) Rules 1972.	Accepted
8.2	The maximum limit for retirement gratuity/ death gratuity shall be Rs. 20 lakhs which shall be increased by 25% whenever DA rises by 50%.	Accepted
8.3	These recommendations shall be effective from 01.01.2016.	Accepted
8.4	To the officers who have retired after 01.01.2016 and paid retirement gratuity as per pre-revised pay and the maximum limit at that time, the differential gratuity payable on account of revision of pay shall be paid subject to the revised maximum limit.	Accepted
8.5	The death gratuity shall be paid as per table in p.52, Vol. II on the basis of length in service	Accepted
Retirement Age of Judicial Officers		
	No change in retirement age of 60 years recommended	Accepted
Financial Assistance in Case of Death		
9.1	The benefit of family pension as per Rule 54(3) of CCS (Pension) Rules, as amended vide notification dated 19.09.2019 shall be extended to the family members.	Accepted

9.2	The other benefits such as one time lumpsum grant, compassionate appointment, permission to stay in official quarters etc. already in force in the States shall continue to apply, in addition to death gratuity.	Accepted
Assistance to Pensioners/Family Pensioners		
11.1	Special attention shall be bestowed to them by rendering due assistance for processing the medical bills of the pensioners/family pensioners who are too old, infirm or differently abled or undergoing in-patient treatment for serious ailment	To be considered at a later stage
11.2	District Judge shall nominate a Nodal Officer for liasoning work, if required, in emergency in facilitating admission in the hospital and getting the medical bills of the pensioners/ family pensioners cleared promptly.	
11.3	Special Cell entrusted with the responsibility of the processing the representations of the pensioners/family pensioners and to initiate action as may be considered appropriate to redress the grievance expediously, shall be created in the High Court under the supervision of an officer of the rank of Joint Registrar, in the High Court.	
11.4	A Judge of the High Court shall be nominated to oversee the functioning of Special Cell and issue necessary instructions.	
11.5	The representatives of the Retired Judges Associations shall be permitted to meet the Registrar General of the High Court atleast once in a year to discuss the problems, if any.	
11.6	The Registry of the High Courts to compile data of the pensioners and family pensioners.	

National Pension Scheme		
31.1	The National Pension System (NPS)/ Defined Contributory Pension Scheme shall not be applicable to all judicial officers.	To be considered at a later stage
31.2	The Defined Benefit Pension Scheme/Old Pension Scheme shall be applicable to all Judicial officers irrespective of the date of their joining the judicial service.	
31.3	For those who have judicial service after 01.01.2004, the contributions together with the returns earned thereon will be refunded to them or transferred to their GPC account.	
31.4	The Government shall facilitate opening of the GPF Account of the new entrants to the judicial service after 01.01.2004 and transfer their contribution with the returns earned thereon.	

8. CONSEQUENTIAL DIRECTIONS

112. Ultimately, the effect of the acceptance of the recommendations of this Court is that necessary amendments must be carried out in Service Rules of the Judicial Officers across all jurisdictions. It is thus directed that the High Courts and the competent authorities, wherever applicable, bring the rules in conformity with the recommendations accepted by this Court above within a period of 3 months. Compliance affidavits be placed on record by the High Courts, the States and the Union within four months.

113. In the case of payment of arrears of pay, this Court had by Orders dated 27.07.2022 and 18.01.2023 already directed that all arrears of pay be cleared by 30.06.2023. In this regard, it is directed that compliance affidavits must be filed by all States and Union Territories by 30.07.2023 that the arrears of pay have been positively credited into the accounts of the concerned officers.

114. The revised rates of pension, which have been approved by this Court, shall be payable from 01.07.2023. For the payment of arrears of pension, additional pension, gratuity and other retiral benefits as well, following the Orders dated 27.07.2022 and 18.01.2023, it is directed that 25% will be paid by 31.08.2023, another 25% by 31.10.2023, and the remaining 50% by 31.12.2023.

115. List on 17.7.2023 for further compliance on pay and pension on which date this Court will take up the recommendations on allowances.

Headnotes prepared by: Divya Pandey
(*Assisted by:* Roopanshi Virang, LCRA)

Result of the case: Directions issued.