

Marvelous benefits accruing from recommendations of 2nd National judicial pay commission

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When the 2nd National Judicial Pay Commission submitted its report it was quite clear that the recommendations of 2nd judicial pay commission regarding pay structure, pension and allowances are going to be beneficial to the judges of the district judiciary by making them financially strong. At the same time the recommendations are going to make a sea change in conferment of ACP and selection grade and super time scale to the judges. Hon'ble Commission has taken into consideration the issue of increasing remuneration even of Special Judicial Magistrates. Since 1996 we are governed by master pay scale and are in habit of considering pay within the compass of master pay scale progressing from one stage to other stage. The system was changed for the government employees after implementation of 6th pay commission. All India Judges Association then requested J. Padmanabhan committee to make similar changes however it refused to accept arguments of the All India Judges Association for increment at the rate of 3% on the pretext that the committee was directed to fix the pay as per the recommendations of 1st National Judicial Pay Commission. This has caused perpetual loss to the judges and therefore, after implementation of recommendations of J. Padmanabhan committee in the year 2013, the All India Judges Association planned to file a Writ to get a full-fledged pay commission. The result of the steps taken by All India Judges Association are apparent with the benefits flowing from the recommendations of 2nd National judicial pay commission.

In order to introduce this new method of pay fixation in view of recommendations of the 2nd National judicial pay commission I'm writing this article to explain the procedure for fixation of pay and also highlight the benefits flowing from the recommendations.

Pay Structure

Pay Scales of Judges of District Judiciary shall be as per distinct pay matrix determine by SNJPC as mentioned in the following table

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

Year 10	101580	121290	144840	160100	188990	212710	
Year 11	104630	124930	149190	164900	194660	219090	
Year 12	107770	128680	153670	169850			
Year 13	111000	132540	158280	174950			
Year 14	114330	136520	163030	180200			
Year 15	117760						
Year 16	121290						
Year 17	124930						
Year 18	128680						
Year 19	132540						
Year 20	136520						

This is the table also annexed by Hon'ble Supreme Court to the judgement dated 27th of July 2022 while accepting the recommendations of 2nd National Judicial Pay Commission. The table is useful for considering the starting pay of each cadre and fixing the stage of pay at the time of migration of a judge from one pay scale to other pay scale. As the Judges will be getting 3% cumulative dearness allowance they are not progressing from one stage of pay to the other stage every year as it used to happen in case of master pay scale.

Procedure for fixation of pay on 1/1/2016

The procedure to be followed regarding migration fitment of the serving judicial officers on 01.01.2016 shall be as mentioned in Para No. 13.5 & 13.8 of the Report of SNJPC which is as under: -

The pay on 01.01.2016 shall be determined with the assistance of guidance table of fitment by following following steps

- i. Multiply the existing pay by the factor of 2.81.
- ii. The figure so arrived at to be located in table of fitment 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.

Table of Fitment

S.No	Existing Pay	New Proposed Pay
1	27700	77840
2	28470	80180
3	29240	82590
4	30010	85070
5	30780	87620
6	31550	90250
7	32320	92960
8	33090	95750
9	34010	95750
10	34930	98620

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

Some examples regarding fixation of pay

Example I-A

Re : An officer holding the post of Civil Judge (Jr. Div.) Entry Level corresponding to level J-1 in the pay matrix (Table-I) drawing pay @Rs.33,090/- as on 31.12.2015. W.e.f. 01.01.2016, his pay is to be fixed in terms of the procedure prescribed in para 13.5, in the following manner:

Step-I

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

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

Step-II

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

Step-III

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

Example I-B

Re : An officer holding the post of Civil Judge (Jr. Div.) Entry Level corresponding to level J-1 in the pay matrix (Table-I) drawing pay @Rs.34,010/- as on 31.12.2015. w.e.f. 01.01.2016, his pay is to be fixed in terms of the procedure prescribed in para 13.5, in the following manner:

Step-I

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

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

Step-II

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

Step-III

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

Example II

Re : An officer holding the post of Civil Judge (Sr. Div.) Entry Level corresponding to level J-3 in the pay matrix (Table-I) drawing pay @Rs.40,450/- as on 31.12.2015. w.e.f. 01.01.2016, his pay is to be fixed in terms of the procedure prescribed in para 13.5, in the following manner:

Step-I

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

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

Step-II

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

Step-III

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

In the present example, there is no figure identical to Rs.1,13,665/- in Table I under level J-3 and the next closest figure available is Rs.1,14,330/-.

Accordingly the pay will be fixed at Rs.1,14,330/- w.e.f. 01.01.2016, as reflected in Table-II.

Example III-A

Re : An officer holding the post of District Judge (Entry Level) corresponding to level J-5 in the pay matrix (Table-I) drawing pay @Rs.56,470/- as on 31.12.2015. w.e.f. 01.01.2016, his pay is to be fixed in terms of the procedure prescribed in para 13.5, in the following manner:

Step-I

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

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

Step-II

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

Step-III

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

In the present example, there is no figure identical to Rs.1,58,680/- in Table I under level J-5 and the next closest figure available is Rs.1,63,030/-.

Accordingly the pay will be fixed at Rs.1,63,030/- w.e.f. 01.01.2016, as reflected in Table-II.

Example III-B

Re : An officer holding the post of District Judge (Entry Level) corresponding to level J-5 in the pay matrix (Table-I) drawing pay @Rs.57,700/- as on 31.12.2015. w.e.f. 01.01.2016, his pay is to be fixed in terms of the procedure prescribed in para 13.5, in the following manner:

Step-I

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

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

Step-II

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

Step-III

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

In the present example, there is no figure identical to Rs. 1,62,140/- in Table I under level J-5 and the next closest figure available is Rs.1,63,030/-.

Accordingly the pay will be fixed at Rs.1,63,030/- w.e.f. 01.01.2016, as reflected in Table-II.

Example IV

Re : An officer holding the post of District Judge (SG) corresponding to level J-6 in the pay matrix (Table-I) drawing pay @Rs.67,210/- as on 31.12.2015. w.e.f. 01.01.2016, his pay is to be fixed in terms of the procedure prescribed in para 13.5, in the following manner:

Step-I

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

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

Step-II

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

Step-III

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

In the present example, there is no figure identical to Rs.1,88,860/- in Table I under level J-6 and the next closest figure available is Rs.1,88,990/-.

Accordingly the pay will be fixed at Rs.1,88,990/- w.e.f. 01.01.2016, as reflected in Table-II.

Procedure for Fixation on promotion on or after 01.01.2016

Fixation on promotion on or after 01.01.2016 shall be as mentioned in Para No. 13.8 of report which is as under:-

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

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

Example-I

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

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

- Accordingly the pay of the officer shall be fixed at Rs.1,49,190/-.

Example-II

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

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

The increment shall be 3% cumulative & has to be calculated on previous year's basic pay. Increment shall be once in year as per date of appointment, promotion or financial upgradation. Judges be allowed to exercise option to continue with previous date of increment.

Example of calculating increment on cumulative basis

Year of increment	Pay for increment	Increment at 3% cumulative	Pay after increment
1	77840	2335	80175
2	80175	2405	82580
3	82580	2477	85057
4	85057	2552	87609
5	87609	2628	90238

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/-.

Dearness Allowance

Dearness Allowance as applicable to Central Government employees be followed in respect of judges of District Judiciary. The benefit of revised rate of Dearness Allowance shall accrued from effective date mentioned by order of central government.

Arrears of pay

Arrears of pay shall be paid in cash as under-

The arrears shall be computed with effect from 01.01.2016 and after adjusting amount of interim relief already paid the balance amount shall be paid in cash in stages in the following manner-

I 25% in cash within a period of 3 months;

II Another 25% to be paid in cash within 3 months thereafter;

and

III the balance 50% has to be paid on or before the end of June, 2023.

Benefits to ex-cadre posts

The benefit of revision of pay shall be applicable to presiding officers of Industrial Tribunal, Judges of Labour Court, Judges of Family Court (in Maharashtra), Special Judicial Magistrate. 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.

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.

Post specially created

If a post is specially created and continues for 3 years it shall be put on cadre strength.

Revision of remuneration of Special Judicial Magistrates (Second Class)/Special Metropolitan Magistrates (dealing with petty criminal cases)

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.

Beneficial and revolutionary changes in conferment of benefit of ACP

Financial upgradation in the government employment, Central or State, is granted on seniority basis and on completion of particular No. of years in service. Every time All India Judges Association argued this aspect before the commission and committee, it was always done turned down on the ground that they want to stick to the merit, which is determined on the basis of whims of superiors and therefore distributes injustice rather than justice. This time Hon'ble Commission accepted the arguments of the All India Judges Association and agreed that conferment of ACP will not be refused to entry-level civil judge unless there are exceptional reasons to refuse it. Even the loser is not going to lose anything as in case of denial of ACP for one year one additional increment is directed to be given in ACP scale. Seniority rule is not only made applicable in respect of conferment of ACP but it is made applicable in respect of conferment of selection grade and timescale. Quota of a selection grade and super timescale is increased to benefit more No. of judges.

Recommendations in this regard are as under,

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.

If for any reason, delay in grant of ACP goes beyond provision with one additional increment is made by the recommendations of its deficit one year, one additional increment for every year delay shall be granted subject to adjustment while drawing the arrears on grant of ACP.

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**.

The upgradation benefit shall be given to the District Judges by applying the principle of seniority-cum-merit instead of merit- cum-seniority.