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

-Dr Ajay Nathani

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

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Civil Judge (Jr. Div) Entry Level</th>
<th>Civil Judge (Jr. Div) I Stage ACP</th>
<th>Civil Judge (Sr. Div) II Stage ACP/Civil Judge (Sr. Div) Entry Level</th>
<th>Civil Judge (Sr. Div) II Stage ACP/District Judges Entry Level</th>
<th>District Judges (Selectio n Grade)</th>
<th>District Judges (Super Time Scale)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Pay Scale</td>
<td>27700-44700</td>
<td>33090-45850</td>
<td>39530-54010</td>
<td>43690-56470</td>
<td>51550-63070</td>
<td>57700-70290</td>
</tr>
<tr>
<td>Existing Entry Pay</td>
<td>27700</td>
<td>33090</td>
<td>39530</td>
<td>43690</td>
<td>51550</td>
<td>57700</td>
</tr>
<tr>
<td>Level</td>
<td>J-1</td>
<td>J-2</td>
<td>J-3</td>
<td>J-4</td>
<td>J-5</td>
<td>J-6</td>
</tr>
<tr>
<td>Year 1</td>
<td>77840</td>
<td>92960</td>
<td>111000</td>
<td>122700</td>
<td>144840</td>
<td>163030</td>
</tr>
<tr>
<td>Year 2</td>
<td>80180</td>
<td>95750</td>
<td>114330</td>
<td>126380</td>
<td>149190</td>
<td>167920</td>
</tr>
<tr>
<td>Year 3</td>
<td>82590</td>
<td>98620</td>
<td>117760</td>
<td>130170</td>
<td>153670</td>
<td>172960</td>
</tr>
<tr>
<td>Year 4</td>
<td>85070</td>
<td>101580</td>
<td>121290</td>
<td>134080</td>
<td>158280</td>
<td>178150</td>
</tr>
<tr>
<td>Year 5</td>
<td>87620</td>
<td>104630</td>
<td>124930</td>
<td>138100</td>
<td>163030</td>
<td>183490</td>
</tr>
<tr>
<td>Year 6</td>
<td>90250</td>
<td>107770</td>
<td>128680</td>
<td>142240</td>
<td>167920</td>
<td>188990</td>
</tr>
<tr>
<td>Year 7</td>
<td>92960</td>
<td>111000</td>
<td>132540</td>
<td>146510</td>
<td>172960</td>
<td>194660</td>
</tr>
<tr>
<td>Year 8</td>
<td>95750</td>
<td>114330</td>
<td>136520</td>
<td>150910</td>
<td>178150</td>
<td>200500</td>
</tr>
<tr>
<td>Year 9</td>
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<td>117760</td>
<td>140620</td>
<td>155440</td>
<td>183490</td>
<td>206510</td>
</tr>
</tbody>
</table>
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>
<thead>
<tr>
<th>S.No</th>
<th>Existing Pay</th>
<th>New Proposed Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>27700</td>
<td>77840</td>
</tr>
<tr>
<td>2</td>
<td>28470</td>
<td>80180</td>
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<tr>
<td>3</td>
<td>29240</td>
<td>82590</td>
</tr>
<tr>
<td>4</td>
<td>30010</td>
<td>85070</td>
</tr>
<tr>
<td>5</td>
<td>30780</td>
<td>87620</td>
</tr>
<tr>
<td>6</td>
<td>31550</td>
<td>90250</td>
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<td>7</td>
<td>32320</td>
<td>92960</td>
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<tr>
<td>8</td>
<td>33090</td>
<td>95750</td>
</tr>
<tr>
<td>9</td>
<td>34010</td>
<td>95750</td>
</tr>
<tr>
<td>10</td>
<td>34930</td>
<td>98620</td>
</tr>
</tbody>
</table>
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 x 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 x 2.81 = 95568/- (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 x 2.81 = 1,13,664/- (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 x 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 x 2.81 = 1,62,137/- (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 x 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 higher than 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**

<table>
<thead>
<tr>
<th>Year of increment</th>
<th>Pay for increment</th>
<th>Increment at cumulative</th>
<th>Pay after increment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>77840</td>
<td>2335</td>
<td>80175</td>
</tr>
<tr>
<td>2</td>
<td>80175</td>
<td>2405</td>
<td>82580</td>
</tr>
<tr>
<td>3</td>
<td>82580</td>
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<td>85057</td>
</tr>
<tr>
<td>4</td>
<td>85057</td>
<td>2552</td>
<td>87609</td>
</tr>
<tr>
<td>5</td>
<td>87609</td>
<td>2628</td>
<td>90238</td>
</tr>
</tbody>
</table>

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 strengths 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.

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