

**Modalities to derive new pay scales for the Judges of the District Court
Judiciary from 7th pay Scale pay Matrix**

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The FNJPC in Chapter 15 speaking on evaluation of pay scales by the Commission referred to the observations of Honorable Apex Court where the Apex Court observed that the judges are not employees and they exercise Sovereign and judicial power of the State. They are holders of public office in the same way as the member of the Council of Ministers and the member of the Legislature. The Apex Court also observed that parity in status can only be between judges and the political executives and not between the judges and administrative executives. Reliance of the FNJPC on these observations of the Supreme Court make it very clear that the motto of the FNJPC was to evolve a pay scale which will place the judges at par with the political executives. In view of the above observation of hon. Apex court SNJPC has also the same moto.

Like District Judiciary there is also a hierarchy in the political executives such as member of legislative council, member of legislative assembly, ministers, cabinet minister, chief minister, member of parliament, cabinet minister at Centre and the Prime Minister. Considering the principles laid down by honourable of Apex Court in first and second All India Judges case and the above expressions of the Commission, the Commission would have determined the pay scales of the judges of District Court Judiciary on the basis of pay scales of legislators and then linked rise in pay of the stages with the pay of the legislators. Unfortunately, this was not done.

Though the Honorable Apex Court made the above observations regarding emoluments of the trial Court Judges, the factual reality is that the central pay Commissions while determining salary of Honourable Supreme Court and High Court Judges always equated it with the salary of administrative officers. Obviously the FNJPC started the task of evaluating pay structure for the judges by expressing that it will put the expressions of the Apex Court in reality but it has ended up in determine in the pay scales of the District Judiciary on the principle that their salary shall be lower than the salary of the High Court Judges and in the course determined it lower than the salary of Executives. May it be so, the salary determined by FNJPC was much better than the salary is the

judges which they were getting earlier. In the given set of circumstances, the said salary structure was very attractive, however the principles on the basis of which salary is determined became detrimental to the interest of judges with the passage of time.

Basic problem with pay structure by FNJPC - FNJPC prepared a master pay scale of forty-four stages and picked up salary structure of judges from these forty-four stages. The pay structure determined by the Commission was expected to take effect with implementation of 5th Pay Commission but it was delayed. Till implementation of FNJPC the executive officers who basically run the administration of the country and therefore can do and undo many things created a category of higher-level salary scale and increased the pay scales of senior executives higher than the pay scales recommended by the FNJPC. The said change was confined to the pay scales of 5th pay Commission and therefore the pay of the judges under the four walls of Master pay scales remained unchanged till the recommendations of hon. Justice Padmanabhan.

Divine rule of mean pay - FNJPC recommended mean pay rule propagating that on every change of salary of the High Court Judges the salary of the District Court Judiciary will also increase proportionately. With this divine rule the FNJPC created a barrier for implementation of new rules of pay structure propagated by 6th pay Commission which suggested grade pay and increment @ 3% of the basic pay. The Sixth Pay Commission also recommended merger of 50% off the dearness allowance in the basic pay when it rises to the level of hundred percent of the basic pay. The divine rules in the divine books are also required to be changed with the passage of time, in case of the Judges the said rule continues to put the judges at loss every month. After the report of 6th pay Commission the judges were required to suffer because of the divine rule of the FNJPC.

Statistics to prove above statements - the aerial structure of pay scale encompassed in 44 scales compelled FNJPC to keep the rate of increment very low. The increment for most of the stages was meager 2% when the pay scales were implemented after recommendations of FNJPC. While implementation of 5th Pay Commission there was distinctive pay scale for each cadre of Administrative Services because of which the growth of salary by way of increment was substantial. Because of 44 stages of master pay scale and Telescopic nature of pay scale there was hardly any scope to provide healthy

increment and thereby appropriate rise in salary every year. The increment worked out by FNIC is between 2% to 3% except for few stages.

Pay and increment FNIC		
Pay	Inc	%
9000	250	
9250	250	2.767907
9500	250	2.631579
9750	250	2.56103
10000	250	2.5
10250	250	2.439024
10500	250	2.380952
10750	300	2.325581
11050	300	2.714932
11350	300	2.643172
11650	300	2.575107
11950	300	2.51046
12250	300	2.44898
12550	300	2.390438
12850	300	2.33463
13150	350	2.281369
13500	350	2.592593
13850	350	2.527076
14200	350	2.464789
14550	350	2.405498
14900	350	2.348993
15250	350	2.295082
15600	350	2.24359
15950	400	2.194357
16350	400	2.446483
16750	400	2.38806
17150	400	2.332362
17550	400	2.279202
17950	400	2.228412
18350	400	2.179837

18750	400	2.133333
19150	450	2.088773
19600	450	2.295918
20050	450	2.244389
20500	450	2.195122
20950	450	2.147971
21400	450	2.102804
21850	500	2.059497
22350	500	2.237136
22850	500	2.188184
23350	500	2.141328
23850	500	2.096436
24350	500	2.053388
24850		2.012072

Sixth pay Commission upgrades - On implementation of 6th pay Commission the overall increase in salary was 3.07 times. The central Pay Commission recommended rate of increment at 3%. In addition to pay scales in pay band a grade pay was determined for every pay band. All India Judges Association moved honorable Apex Court for revision of salary. Honorable Apex Court appointed Justice Padmanabhan committee to workout revision of salary of the judges under the framework of FNJPC recommendations. Obviously, Justice Padmanabhan committee applied the divine rule of mean pay formula and determined master pay scale with 44 stages and worked out increment for every stage ignoring the benefits of 7th CPC.

Rate of increment - The situation in respect of increment doesn't change when Justice Padmanabhan committee determined pay scales after implementation of 6th pay Commission. 6th pay Commission as stated above recommended 3% increment. The pay scales were in the nature of pay bands with grade pay. There was no stagnancy as there were several pay scales in one pay band. Justice Padmanabhan committee adopted the master pay scale formula as the scope of the committee was Limited. It was compelled to work out the pay scales by applying the divine formula of FNJPC and then somehow packed the pay scales in highest and lowest pay determined by this formula. The changes brought by 6th pay Commission were totally ignored. The rate of increment determined by

Padmanabhan committee ranges between 2 to 2.3. The Loss sustained by officer at 44th stage in 10 years comes to rupees 89880.

Pay at 44 th stage	increment	percent	Loss of 1 pc per month	Loss in 10 years
76450	1540	2.0558	749	89880

Similarly, officer at all stages of this Master pay scale suffered loss because of not getting increment @ 3% per annum.

J. Padmanabhan report		
Pay	Incr.	%
27700	770	
28470	770	2.704601
29240	770	2.633379
30010	770	2.565811
30780	770	2.501624
31550	770	2.440571
32320	770	2.382426
33090	770	2.326987
34010	920	2.26404
34930	920	2.633839
35850	920	2.566248
36770	920	2.50204
37690	920	2.440966
38610	920	2.382802
39530	920	2.327346
40450	1080	2.274413
41530	1080	2.60053
42610	1080	2.534616
43690	1080	2.471962
44770	1080	2.41233
45850	1080	2.355507
46930	1080	2.3013

48010	1000	2 240531
49000	1230	2 270041
50320	1230	2 448396
51550	1230	2 306033
52780	1230	2 330428
54010	1230	2 277396
55240	1230	2 226647
56470	1230	2 178188
57700	1230	2 131716
58930	1380	2 087222
60310	1380	2 288178
61690	1380	2 236991
63070	1380	2 188045
64450	1380	2 141195
65830	1380	2 096309
67210	1540	2 053266
68750	1540	2.24
70290	1540	2 190923
71830	1540	2 143951
73370	1540	2.098951
74910	1540	2.0558
76450		2.014388

Rise in difference between the pay of honorable High Court judge and highest salary in the pay scale of District judges

- Because of the divine formula of mean pay recommended by the F.N.J.P.C. the difference in the salary of High Court judge and last pay in the cadre of District judge has drastically increased. After fixation of pay on adaptation of recommendations of F.N.J.P.C. this difference was rupees 150 i.e. 0.6% of the salary of the High Court judge. After Justice Padmanabhan Committee report the said percentage increase to 4.43. If the same mean pay formula is adopted the said difference will be around 15000 rupees i.e. around 6.66%.

	Pay of Hon. HC Judge	Last Pay in pay scale of District Court Judiciary	Difference	Percentage
5 th Pay Commission	25000	24850	150	0.6
6 th Pay Commission	80000	76450	3550	4.43
7 th Pay Commission	225000	210000(Aprox.)	15000(E xp.)	6.66

Both these factors are responsible for reducing salary of Judges lesser than executives. In 6th pay Commission the salaries rose 3.07 times. When we consider the salaries determined by Justice Padmanabhan committee it is apparent that the at no stage salaries are equivalent to the product of old salary x 3.07.

Considering disastrous outcome of Master pay scale and mean pay formula, just pay for the District Court Judiciary cannot be determined unless we part with the master pay system and mean pay formula. It is therefore better to consider the pay matrix of 7th pay Commission as a better alternative for pay fixation.

Determination of pay scales from the pay matrix of 7th Pay solution

Commission - the multiplicand used to determine the salary at the highest age is 2.81 and not 2.57 as mentioned in the consultation paper. Even if it is propagated in this paper that the mean pay formula should be dropped, while adopting new system it is necessary to have comparable study of salary determined by mean pay and formula and by 7th pay Commission matrix. Starting pay of the civil judge determined by mean pay formula comes to rupees 77900. If the multiplicand account of 2.81 is used then it comes to rupees 77877. By using multiplicand of 2.57 it comes to rupees 71189. The proper multiplier is therefore of 2.81 and not 2.56. this will also be clear from the fact that salary of High Court Judges is revised from 80000 by using multiplicand of 2.81. (80000 x 2.81 = 224 800.)

The pay scales of civil judge shall therefore be picked up from the stage 10 and it's all start from 77700. 20 stages in the pay scale are similar to the stages adopted by FNJPC and Justice Padmanabhan committee. This entry level Civil Judge scale shall be of 20 stages. First ACP scale for civil judge shall start

from 93800. There shall be 12 stages in this scale which will be at par with in the previous pay scales. Second ACP stage for civil judge and entry level salary of senior civil judges similar. By using multiplicand of 2.81 the product comes to rupees 111079. The Pay Scale shall start at 112400. It also shall have 10 stages.

Salary of civil judge Senior division will therefore start in the pay scale from 112400. As suggested in consultation paper there are 15 stages in this pay scale. We may continue with these stages or we may scuttle these stages to 10. As per Justice Padmanabhan Committee report first stage of first ACP senior civil judge starts from 43690. By using multiplicand of 2.81 the product is 122768. This corresponds to the pay scale of rupees 125800. Starting from this stage there are 10 stages in the pay scale. 10 stages will be appropriate stages in this pay scale. Second ACP scale for senior civil judges and District judge entry level carry similar pay. Multiplicand of 2.81 give product of 144 855. The corresponding Pay Scale in the pay matrix is 147 600. After this stage there are nine stages which are sufficient stages in this pay scale.

The salary of District judge entry level will obviously start from 147 600 and will have 9 stages. In case of selection grade, the product with multiplicand 2.81 is 162137. This figure corresponds to pay scale of 162300. However, this figure is less than the figure of fifth stage of District Judge entry level stage. Most of District Judges after competing five years of service as District Judge are conferred with selection grade. So, the pay scale one step ahead is taken as starting pay in the cadre of District Judge Selection Grade. There are 9 stages in this scale. Pay scale determined by Justice Padmanabhan committee has 17. As selection grade is pre-final scale for District Court Judiciary 9 stages will be sufficient in this pay scale. The final pay scale of super time shall start with 199100 and end with 2,24400. The final stage of salary is similar to final Pay Scale in 7th pay Commissions pay scale. The final stage is also lesser than the pay scale of honorable High Court judge. Thus, it suffices the purpose of keeping the salary of District Court Judiciary lesser than salary of High Court judge and also at par with d final salary of Executives. The final table will look as under,

Civil Judge	Civil Judge (1st ACP)	Civil Judge (2nd ACP)	Senior Civil Judge	Civil Judge (Sr Div 1st ACP)	Civil Judge (Sr Div 2nd ACP)	District Judge	District Judge (Selection Grade)	District Judge (Super time scale)
77700	93800	112400	112400	125800	147600	147600	167200	199100
80000	96600	115800	115800	129600	152000	152000	172200	205100
82400	99500	119300	119300	133500	156600	156600	177400	211300
84900	102500	122900	122900	137500	161300	161300	182700	217600
87400	105600	126600	126600	141600	166100	166100	188200	224400
90000	108800	130400	130400	145800	171100	171100	193800	
92700	112100	134300	134300	150200	176200	176200	199600	
95500	115500	138300	138300	154700	181500	181500	205600	
98400	119000	142400	142400	159300	186900	186900	211800	
101400	122600	146700	146700	164100	192500	192500		
104400	126300	151100	151100	169000				
107500	130100	155600	155600					
110700	134000	160300	160300					
114000	138000	165100	165100					
117400	142100	170100	170100					
120900								
124500								
128200								
132000								
136000								

Elimination of objections - Basic and official objection to the fixation of the judges of district court judiciary at above discussed rate will come from the finance department of the Government of India and State Governments. As the salary is fixed by picking up pay scales from 7th Pay Scale matrix then the government will have no reason to object to these pay scales. The pay scales suggested above are all most similar to the pay scales which the judges will get even otherwise. The only difference is that by this mode of pay fixation the injustice done to the judges by denying the increment at 3% and keeping the basic is confined to forty-four stages will be done away. The highest salary suggested is less than the salary of High Court judge which will mitigate the objection if any from the High Court administration.

There may be strong objection from Indian Administrative Service cadre which may be raised as official objection, however this objection is already answered

In honorable Agnes Chase is 1887 judgments and functions the experiments of
 Executive that the value history most judgments in its course returns higher than
 their value was not count on itself is implementation of about per value
