



REPORT OF THE SECOND NATIONAL JUDICIAL PAY COMMISSION

VIGYAN BHAWAN ANNEXE
NEW DELHI

JANUARY-2020

**PART I VOLUME-III
(ALLOWANCES)**

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CHAIRMAN

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Former Judge High Court of Kerala
MEMBER

SHRI VINAY KUMAR GUPTA

District Judge, Delhi
MEMBER-SECRETARY

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CHAPTER-5 ALLOWANCES

ADVANCES – HOUSE BUILDING ADVANCE (HBA)

1. House Building Advance is granted for purchase of sites, construction and purchase of house to the Judicial Officers, on the same general pattern as is available to the Central and State Government Officers.

2. The FJNPC noted that from 16.12.1997, the ceiling limit for house building advance was Rs.7.50 lakhs for Central Government Employees and the entire advance together with interest was repayable in full in monthly instalments within a period not exceeding 20 years (Advance in 180 monthly instalments and the interest in 60 instalments). The interest charged varied from 7.5% to 12% per annum depending on the quantum of advance. The FJNPC recommended all States/UTs to adopt that limit prescribed by the Central Government for giving advances for purchase of sites/houses and construction of houses in respect of Judicial Officers and further recommended a rebate of 0.5% in the interest on HBA.

3. The JPC recommended raising of limit for HBA in the proportion of pay scale with interest at par with State Government Employees.

4. As per the recommendations of VII CPC, the HBA shall be :

S.No.	Name of Advance	Recommended Ceiling	Recommendations
1.

2.	HBA	34 times Basic Pay OR Rs.25 Lakh OR anticipated price of house, whichever is least.	The requirement of minimum 10 years of continuous service to avail of HBA should be reduced to 5 years If both spouses are government servants, HBA should be admissible to both separately. Existing employees who have already taken Home Loans from banks and other financial institutions should be allowed to migrate to this scheme.
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5. Thereafter, the Government of India has framed the HBA Rules, 2017 (copy appended as **Appendix I**) w.e.f. 09.11.2017 dealing with various aspects related to house building loan.

6. The Commission having given its consideration to the same is of the view that the HBA advance to the Judicial Officers shall be in terms of HBA Rules, 2017. However, the expression "but not from private individual" in Clause 2(v) needs to be suitably modified. It is quite possible that an individual may have purchased the house from the institutions/societies mentioned in the O.M. and if he subsequently intends to sell it and a Judicial Officer is inclined to purchase it. In such an event, the HBA may not be available to the Judicial Officer if Clause 2(v) is strictly construed. Further, quite often the Government servants/officials as well as Judicial Officers would prefer to have ready built house and mere fact that the seller is a

private individual should not be a good reason to deny the HBA on the terms set out in the Rules. It may be noted from O.M. that from registered private builders, architects, house building societies etc. purchase by a private individual is allowed. There is no good reason for exclusion of purchase from private individuals. However, suitable safeguards to check any over-estimation in the case of purchases from private individual can be evolved by the State Government in consultation with the High Court.

7. The Commission is of the view that the House Building Advance shall also be available to the Judicial Officers for purchase of ready built house from private individuals as well, subject to safeguards as may be prescribed.

8. SUMMARY OF RECOMMENDATIONS

1. House Building Advance shall be available to the Judicial Officers in terms of HBA Rules, 2017 (**Appendix I**).

2. House Building Advance shall also be available to the Judicial Officers for purchase of ready built house from private individuals subject to safeguards as may be prescribed.

2.1 State Government, in consultation with the High Court to evolve suitable safeguards.

Appendix I

I.17011/11(4)/2016-H-III
 Government of India
 Ministry of Housing & Urban Affairs
 Housing-III Section

Nirman Bhawan, New Delhi,
 Dated 09.11.2017.

OFFICE MEMORANDUM

Subject: House Building Advance Rules (HBA) – 2017.

The following House Building Advance Rules is in supersession of existing rules on the subject:

1. Introduction

Grant of House Building Advance for Central Government employees is regulated in terms of rules and regulations laid down from time to time by the Ministry of Housing & Urban Affairs (erstwhile Ministry of Urban Development). These rules are as under:

2. Purpose

House Building Advance (HBA) is admissible to an employee for only one of the following purposes:-

- i. Constructing a new house on the plot owned by the employee or spouse, either jointly or individually.
- ii. Purchasing a plot and constructing a house thereon.
- iii. Purchasing a plot under co-operative Schemes and constructing a house/ flat thereon or acquiring a house through membership of Cooperative Group Housing Societies.
- iv. Purchase/construction of house under the self-financing schemes of Delhi Bangalore, UP, Lucknow etc.
- v. Outright purchase of a new ready-built house/ flat from Housing Boards, Development Authorities and other statutory or semi-Government bodies and from registered builders i.e., registered private builders, architects, house building societies, etc., **but not from private individuals.**
- vi. Expansion of living accommodation of an existing house owned by the employee or jointly with spouse. The total cost of the existing structure (excluding cost of land) and the proposed additions should not exceed the prescribed cost ceiling under these rules.
- vii. Repayment of loan or advance taken from a Government or HUDCO or private sources even if the construction has commenced, subject to certain conditions.



- viii. Existing employees who have already taken Home Loans from Banks and other financial institutions are allowed to migrate to this scheme, subject to fulfillment of extant conditions.
- ix. Constructing only residential portion of the building on a plot earmarked for a shop-cum-residential plot, in a residential colony, subject to prescribed cost ceiling.

3. Eligibility

- i. All permanent government employees.
- ii. All other employees with at least **5 years** of continuous service, provided they do not hold permanent appointment under a State Government and the sanctioning authority is satisfied about their likely retention in service till the house is built and mortgaged.
- iii. Members of All India Services deputed for service under the Central Government/Company/ Association/Body of individuals whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government or an International Organization, and autonomous body not controlled by Government or Private Body.
- iv. Employees of Union Territories and North East Frontier Agency.
- v. Staff/ Artistes of the All India Radio who fulfil the condition prescribed at (ii) above and have been appointed in long term contracts extending to the age as per extant rules.
- vi. Central government employees governed by The Payment of Wages Act, 1936.
- vii. Central government employees on deputation to another Department or on Foreign Service. Such cases to be processed by the Head of the Office of the Parent Department.
- viii. Extant rules for eligibility conditions of Ex-servicemen and of central government employees under suspension remains unchanged.

Note: In cases where both the spouses are central government employees and are both eligible for grant of House Building Advance, the advance will be admissible to both of them jointly/ separately.

4. Cost Ceiling Conditions -

- i. Cost of the house to be built /purchased (excluding the cost of plot) should not exceed 139 times of the basic pay of the employee subject to a maximum of Rs.1.00 crore (one crore) only. In individual cases, if the Administrative Ministry is satisfied on the merits of the case, the cost ceiling may be relaxed up to a maximum of 25% by the Head of the Department.

5. Amount of Advance

- i. Only one advance shall be sanctioned to the government servant during his/ her entire service.
- ii. The maximum amount of advance shall be:
 - a) 34 months basic pay subject to a maximum of Rs. 25.00 lakhs only (Rs. Twenty five lakhs), or cost of the house/flat, or the amount according to repaying capacity, whichever is the least for construction/purchase of new house/flat.
 - b) For expansion of existing house, the amount of HBA will be limited to 34 months basic pay subject to maximum of Rs.10.00 lakhs only (Rs. Ten lakhs), or the cost of the expansion, or the amount according to repaying capacity, whichever is the least.
 - c) The amount of the advance shall be restricted to 80% of true cost of the land and construction of house or cost of expansion of living accommodation in the case of construction in rural areas. This can be relaxed and 100% can be sanctioned if the Head of the Department certifies that the concerned rural area falls within the periphery of town or city.

6. Repayment Capacity

For the purpose of calculating the admissible loan amount, the repayment capacity of the central government employee shall be calculated as below:

a)	In cases of employee retiring after 20 years.	40% of basic pay.
b)	In cases of employee retiring after 10 years but not later than 20 years.	Up to 40% of basic pay. 65% of DCR Gratuity may also be adjusted.
c)	In cases of employee retiring within 10 years.	Up to 50% of basic pay DCR Gratuity up to 75% can be adjusted.

7. Applicable Rate of Interest and Methodology of Recovery of House Building Advance

- i. The Interest on Housing Building Advance for the financial year 2017-18 onwards shall be 8.50%. This shall be reviewed every three years to be notified in consultation with Ministry of Finance.
- ii. The methodology of recovery of HBA shall continue as per the existing pattern of recovery of principal first in the first fifteen years in not more than 180 monthly instalments and interest thereafter in next five years in not more than 60 monthly instalments. The advance carries simple interest from the date of payment of first instalment.
- iii. All cases of subsequent tranches/ installments of HBA being taken by the employee in different financial years shall be governed by the applicable rate of



interest in the year in which the HBA was sanctioned, in the event of change in the rate of interest.

Note: The clause of adding a higher rate of interest at 2.5% (two point five percent) above the prescribed rate during sanction of House Building Advance, as reproduced below, stands **withdrawn**.

"Sanction should stipulate the interest 2.5% over and above the scheduled rates with the stipulation that, if conditions attached to the sanction including those relating to the recovery of amount are fulfilled completely to the satisfaction of competent authority, a rebate of interest of the extent of 2.5% will be allowed".

8. Disbursement

- i. Advance for purchase of ready built house can be paid in one lump sum as soon as the applicant executes an agreement in the prescribed form. The employee should ensure that the house is purchased and mortgaged to the Government within 3 months of drawl of the advances.
- ii. Advance for purchase/ construction of new flat may be paid either in one lump sum or in convenient instalments at the discretion of the Head of Department. The employee should execute the agreement in prescribed form before the advance/ first instalment of advance is paid to him/ her. The amount drawn by the employee should be utilized for the purchase/ construction of the flat within one month.
- iii. Advance for construction/ expansion of living accommodation, etc., shall be payable in two instalments of 50% each. The first instalment will be paid after the plot and proposed house/ existing house is mortgaged and the balance on the construction-reaching plinth level.
- iv. Advance for expansion to be carried out on the upper storey of the house will be disbursed in two instalments, first instalment on executing the mortgage deed and the second instalment on the construction reaching roof-level.
- v. In the case of advance for purchase of plot and construction of house, the advance will be disbursed as below:
 - a) **Single Storeyed House:** After agreement in prescribed form is executed on production of surety bond, 40% of the advance or actual cost will be disbursed for purchase of plot. The balance amount will be disbursed in two equal instalments, first after the mortgage is executed and second on the construction reaching plinth level.
 - b) **Double Storeyed House:** 30% of advance for cost of plot will be disbursed on executing the agreement. The balance amount will be disbursed in two equal instalments, the first on executing the mortgage deed and the second on construction reaching plinth level.



9. Mortgage and Creation of Second Charge

- a) House shall be mortgaged on the behalf of President of India. However, the employee, if he wishes to take a second charge to meet the balance cost of the house/ plot or flat from recognized financial institutions, then he/ she may declare the same and apply for NOC at the time of the applying for HBA. **NOC for second charge will be given along with sanction order of HBA.** The total loan from HBA and from all other sources cannot be beyond ceiling cost of the house as defined under para 4 above.
- b) In case if HBA is availed by both husband/ wife jointly,
 - i. HBA Mortgage paper, insurance paper and other papers regarding property shall be submitted to one of the loan sanctioning authorities of their choice.
 - ii. A **No Objection Certificate** may be obtained from the 2nd loan sanctioning authority.
 - iii. The property mortgaged to behalf of President of India, shall be reconvened on the prescribed form to the central government employee concerned (or their successors in interest, as the case may be), after the advance together with interest thereon, has been repaid to Government in full and after obtaining **No Demand Certificate** in respect of HBA loan sanctioned by the 2nd loan sanctioning authority.

10. Insurance

- a) Immediately on completion of construction/purchase of house/flat, the employee shall insure the house with the recognized institutions as approved by **Insurance Regulatory and Development Authority (IRDA)**, for not less than the amount of advance and shall keep it so insured against damage by fire, flood and lightning till the advance together with interest thereon is repaid in full and deposit the policy documents with the Head of the Department (HoD). Renewal of insurance will be done every year and premium receipts produced for inspection of the HoD regularly.
- b) Penal interest of 2% over and above existing rate of interest will be recovered from the employee for those periods which are not covered by insurance of the house.

11. Migration

For existing House Building Advance beneficiaries who wish to migrate, a separate order for migration to the revised House Building Advance rules will be issued shortly.

12. Extant rules

Apart from above stated changes in relevant sections in the earlier version of House Building Advance rules, all other extant rules shall continue to apply till further orders.



13. This issues in consultation with Comptroller & Auditor General, in so far as the persons working in the Indian Audit & Accounts Department concerned.
14. Hindi version will follow.
15. This comes to the effect from the date of issue.



(Shailendra Vikram Singh)
Director
Ministry of Housing & Urban Affairs
Tel-23062798

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CHILDREN EDUCATION ALLOWANCE (CEA)

1. The Children Education Allowance (CEA) is being paid to the Central Government servants to meet the cost of schooling and hostel requirements of their children. There was ten fold rise of this allowance after the VI CPC recommendation. The VI CPC recommended Rs.1500/- per month and Rs.4500/- per month towards CEA and hostel subsidy to be provided to two children up to Class XII. The high rates of fees in private institutions and limited number of seats available in reputed Government schools like Kendriya Vidyalayas are apparently the considerations that weighed with the Central Pay Commissions. The quantum of children education allowance and hostel subsidy recommended by the VII CPC and implemented by the Government is Rs.2,250/- per month and Rs.6,750/- per month respectively for two children up to Class XII. Further it is provided that whenever DA increases by 50% the said allowance/subsidy shall be increased by 25%. It was also recommended by VII CPC that reimbursement should be done once a year after completion of the financial year on the basis of certificate from the head of the institution where the ward of the Government employee studies. The certificate should mention the amount of expenditure incurred by the Government servant towards lodging and boarding in the hostel, and/or tuition fee. The expenditure actually incurred or the ceiling as mentioned above, whichever is

lower, shall be paid to the Government employee. For disabled child, the reimbursement shall be at double the above rates.

2. The Judicial Officers Associations and High Courts have proposed that similar benefit may be extended to the Judicial officers. In fact, higher amount than what was sanctioned by the Central Government has been suggested by some of the Associations and even one of the High Courts.

3. At the consultative conferences and in the course of informal interactions with the Judicial officers, it has been highlighted that providing proper education in standard schools has become a formidable problem for them in the recent years and after every transfer they have to face this problem in greater measure. In view of the ever increasing cost of school education, it is pointed out that the expenditure incurred by them towards education of their children should be substantially reimbursed by the Government.

4. The Commission is of the considered view that the CEA including hostel subsidy on the same pattern as that applicable to Central Government officials shall be extended to the Judicial officers. The Judicial service has assumed *pan* India character. The fact that the officials of the State Government are not having the same benefit shall not, in our view, be a

justification to deny this benefit to the Judicial officers. The Judicial officers in Delhi and Union Territories have been availing of this benefit since long. We do not see any good reason for not extending such benefit to the Judicial officers all over India.

5. The Commission therefore, recommends that the children education allowance and hostel subsidy as recommended by the VII CPC and accepted by Government of India shall be applicable to the members of the District judiciary. The rates, conditions of eligibility and the ceiling as laid down by the Department of Personnel & Training, Government of India in OM No. 27012/2017-Estt.(AL) dated 16.08.2017 (copy appended as **Appendix I**) shall apply. Accordingly, the Commission **recommends** such benefit to be granted to the same extent as it is available to the Central Government servants from the current academic year onwards.

6. SUMMARY OF RECOMMENDATIONS

- 1.** Children Education Allowance shall be made available to Judicial Officers @Rs.2250/- per month and hostel subsidy @Rs.6750/- per month, or the actual whichever is lower.
- 2.** The Children Education Allowance and hostel subsidy shall stand increased by 25% whenever D.A. increases to 50%.

3. This facility shall be available in respect of two children upto class XII.
4. For disabled children, the reimbursement shall be at double the rates.
5. The reimbursement shall be on the basis of certificate issued by the Head of the Institution(s) of the children mentioning therein the expenditure incurred on Hostel and/or tuition fee.
6. The Children Education Allowance and hostel subsidy shall be available at the aforesaid rates w.e.f. the current academic year i.e. 2019-20.
7. The Children Education Allowance and hostel subsidy already available to the Judicial Officers in certain States and UTs at the same rates shall continue. Needless to say, the rights of Officers who are already receiving this benefit will not in any way be adversely affected by this recommendation.
8. In short, the benefit of the Children Education Allowance (CEA) as available under OM No.27012/2017-Estt.(AL) dated 16.08.2017 (**Appendix I**) shall be available to all the Judicial Officers.

Appendix I

No.A-27012/02/2017-Estt.(AL)
 Government of India
 Ministry of Personnel, P.G. and Pensions
 Department of Personnel & Training

New Delhi, th6 August, 2017.

Subject: Recommendations of the Seventh Central Pay Commission –
 Implementation of decision relating to the grant of Children
 Education Allowance.

.....

Consequent upon the decision taken by the Government on the recommendations made by the Seventh Central Pay Commission on the subject of Children Education Allowance Scheme, the following instructions are being issued in supersession of this Department's OM dated 28-4-2014 :-

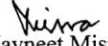
- (a) The amount fixed for reimbursement of Children Education allowance will be Rs.2250/-pm.
- (b) The amount fixed for reimbursement of Hostel Subsidy will be Rs. 6750/-pm.
- (c) In case both the spouses are Government servants, only one of them can avail reimbursement under Children Education Allowance.
- (d) The above limits would be automatically raised by 25% every time the Dearness Allowance on the revised pay structure goes up by 50%. The allowance will be double for differently abled children.

2. Further, reimbursement will be done just once a year, after completion of the financial year. For reimbursement of CEA, a certificate from the head of institution, where the ward of government employee studies, will be sufficient for this purpose. The certificate should confirm that the child studied in the school during the previous academic year. For Hostel Subsidy, a similar certificate from the head of institution will suffice, with the additional requirement that the certificate should mention the amount of expenditure incurred by the government servant towards lodging and boarding in the residential complex. The amount of expenditure mentioned, or the ceiling as mentioned above, whichever is lower, shall be paid to the employee.

3. These orders shall be effective from 1st July, 2017.

4. Insofar as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue in consultation with the Comptroller and auditor General of India.

Hindi version will follow.


(Navneet Misra)
Under Secretary to the Govt. of India

To

1. All Ministries/Departments as per standard mailing list.
2. NIC with a request to upload the OM on the website of DoPT.

CITY COMPENSATORY ALLOWANCE (CCA)

1. City Compensatory Allowance is paid in order to compensate for the high cost of living in bigger cities. The FNJPC recommended CCA at the same rates payable to respective State Govt. employees. The JPC reiterated the said recommendation. It is noticed that the maximum amount of CCA which is now being paid to the State Government employees including Judicial Officers is Rs.1,000/-. The VI CPC having noted that the rates of CCA vary between 1 to 2% of the basic pay, made the following pertinent observations at para 4.2.8 which is extracted hereunder;

4.2.8. The facts discussed in preceding paragraphs may reveal that CCA does not really address the problem of providing proper compensation for relative expensiveness of a particular region/ city. The Commission also notes that, apart from the problems of Housing and Transportation, larger cities and towns have much better facilities than smaller places. As such, no rationale may now exist for compensating any other factor other than accommodation and transportation in order to meet the high cost of living in large cities designated as A1/A/B1/B2 localities. The Commission is recommending adequate revised rates of HRA and Transport Allowance separately. Consequently, no rationale exists for continued payment of City Compensatory Allowance. Rates of Transport Allowance are being increased substantially and will subsume the element of CCA. Accordingly, the Commission recommends abolition of City Compensatory Allowance."

2. The said recommendation was accepted and the CCA has been discontinued for the Central Government servants. The same position exists under the VII CPC regime. CCA is no longer payable to the High Court and Supreme Court Judges also.

3. This Commission has recommended the increase of various allowances and also the grant of certain new allowances viz., Transport allowance, Education allowance. Suitable increase in House Rent Allowance has also been suggested. In this background, the Commission is of the view that CCA has lost its relevance and rationale. The Commission, therefore, **recommends** that no CCA shall be payable to the Judicial Officers and this recommendation will have prospective effect i.e. from the date of the acceptance of the recommendation by the Hon'ble Court and shall not result in recovery of the amount paid towards CCA till then.

4. SUMMARY OF RECOMMENDATIONS

- 1.** CCA shall be discontinued prospectively.
- 2.** No recovery shall be effected in respect of the amount already paid on account of this allowance.

CONCURRENT CHARGE ALLOWANCE

1. Concurrent charge allowance is payable to the Officers who are required to hold full charge of the duties of equal or higher responsibilities in addition to the duties of his/her own post.

2. The allowance is admissible to Central Government Officers at 10% of basic pay for the duration if additional charge exceeds 45 days.

3. The following recommendations were made by the FNJPC:

a) The charge allowance be paid to the Judicial Officer when he is placed in charge of another Court continuously beyond the period of 10 working days and if he performs appreciable judicial work of that Court;

AND

b) The charge allowance be paid to such Judicial Officer at 10% of the minimum of the time scale of the additional post held.

4. Most of the High Courts and some of the Associations suggested continuance of the allowance at the same rates presently available and some have pleaded for increasing the same to one-third of the basic pay for any additional charge beyond 15 days.

5. This Commission is of the view that the concurrent charge allowance maximum at the rate of 10% of the minimum of the scale of the additional post held beyond a period of ten working days is reasonable and does not require any upward revision. It is needless to state that with the revision of pay, the quantum of allowance at 10% works out to a substantial sum. The actual amount payable within the said ceiling of 10% depends on the number of days worked, the quantum of judicial work turned out and the administrative work handled. As is being done now, the High Courts will decide the amount payable having regard to relevant factors. However, the Commission feels that insistence on the performance of 'appreciable judicial work' of the Court concerned is somewhat vague and involves a cumbersome process. Such criterion laid down by FNJPC can therefore, be dispensed with. As stated earlier, the High Courts will decide the actual quantum payable within that 10% taking into account the relevant factors.

6. Accordingly, the Commission **recommends**.

7. SUMMARY OF RECOMMENDATIONS

1. The concurrent charge allowance to be available maximum at the rate of 10% of the minimum of the scale of the additional post held beyond a period of ten working days.

- 2.** No upward revision in the percentage of the Concurrent Charge allowance.
- 3.** High Court to decide the Concurrent Charge allowance to be available to the Officer within the ceiling of 10% on the basis of the number of days worked, the quantum of judicial work turned out and the administrative work handled.
- 4.** The criterion laid down by FNJPC be dispensed with and there shall not be any insistence on the performance of 'appreciable judicial work' of the Court concerned.

CONVEYANCE/TRANSPORT ALLOWANCE

1. According to the directives of the Supreme Court in **All India Judges Association v Union of India** reported in 1992 (1) SCC 119 and 1993 (4) SCC 288 (the review judgment), the Principal District Judge at the headquarters/metropolitan towns shall be provided with an independent vehicle with not more than 100 litres of petrol per month. The Chief Judicial/Chief Metropolitan Magistrates are also eligible for official car. FNJPC reiterated the same and further made it specific that the Principal Judge of City Civil Court and of the Small Causes Court (who are of the rank of District Judges) should be provided with independent vehicles. So also, it was recommended that the 1st Additional District Judge/1st Additional Principal City Civil Court Judge should be provided with an independent vehicle. As far as the Principal District Judge is concerned, the directives/recommendations are being followed. CJMs are also being provided with vehicles in many States though not in all. The Principal Judge of Family Court is also being provided with an official car in some States. As regards the other specified District Judge rank officers, many States have not provided them with official vehicles.

2. In regard to the other Judicial officers of various ranks, it was recommended in accordance with the Judgment cited above that a pool car shall be provided for four officers with adequate fuel for the pool car. Further

it was recommended that the Judicial officer who owns a car shall get petrol/diesel or equivalent price thereof to the extent of 75 litres in A and A1 cities and 50 liters in District centers. For a scooter/motor cycle, 25 liters was recommended. The Judicial officer who owns a car may be given an option to avail of the pool vehicle facility or petrol/diesel subject to the above ceiling. It was also recommended that the cadre of car drivers should be frozen and surplus drivers be redeployed elsewhere. This Commission is not sure whether it had happened at all.

3. According to the information received by this Commission, in many of the States, the pool car facility has been discontinued or its use has been limited to certain cities and towns. At remote or sub-division/Talulka areas, it appears that no pool car is being made available in most of the States. The Officers who own the cars are availing of the benefit of free fuel to the extent mentioned above. The practical difficulties in availing the pool car facility have been highlighted at the consultative conferences as well as in the written representations. At the same time, the increase in the quantum of fuel and grant of reasonable allowance for car maintenance and the engagement of driver has been suggested. In the States of Sikkim and Arunachal Pradesh, it seems an official car is provided to every Judicial officer.

4. The Government of Manipur has pointed out that the portion of the valley is about 10% and the remaining are hilly areas in Manipur. In view

of the topographical situation, pool cars are provided to those Judicial officers posted as Civil Judges, Senior and Junior Division at Imphal. The details of independent vehicles provided to Judicial officers of various ranks are furnished by the Government of Manipur. It is seen from the list that the District and Sessions Judges, Judges of Family Courts, Additional District Judges (FTC) or Special Courts, CJMs and 3 JMFCs are provided with vehicles. It is also pointed out that the continuance of pool car may be feasible only for those Judicial Officers residing in nearby locations.

5. Some of the High Courts and even the Associations have suggested the discontinuance of pool car system. The Allahabad High Court has expressed concern over the availment of one pool car by 5 officers.

6. The Commission is firmly of the view that it is time to dispense with pool car facility and save unnecessary expenditure on the maintenance of the cars and drivers for this purpose. While the present practice of providing official vehicles to the specified limited number of officers (Principal District Judge etc.) can continue subject to what is discussed *infra*, it is proper and appropriate

- (i) to increase the quantum of fuel admissible to the officers not availing the pool car/official car, having regard to the present scenario of traffic congestion and the long distances which the officers have to travel to reach the Courts and

- (ii) to make a provision for reasonable quantum of allowance to meet a portion of the expenses for the maintenance of car and for the engagement of driver. It is however not possible to recommend the payment of a sum sufficient enough to defray the entirety of estimated salary of driver.

7. The Judicial officers shall as far as possible be spared of the need to drive the cars personally while going to the Court in view of the hassles of traffic congestion and the resultant strain having an impact on the level of concentration needed in the Court. With the discontinuance of pool car system sooner or later, there is sufficient justification to provide for transport allowance to a reasonable extent which will at least partly cover the expenses of driver and maintenance. Therefore, the Commission recommends the transport allowance of Rs.10000/- per month for those who own the car so that it will cover atleast partly the cost of maintenance of car and the driver's salary. The expression 'own car' includes the car registered in the name of spouse. Of course, this is in addition to the fuel allowance (as revised now) which they are eligible to draw. The said amount shall be enhanced to Rs.13500/- after 5 years from 01.01.2016 i.e., from 01.01.2021 onwards till the next pay revision. It is obvious that the officers using official cars cannot at the same time claim the allowance of Rs.10000/- per month and the cost of fuel for their private cars.

8. As regards the quantum of fuel in some States such as NCT of Delhi and Uttarakhand, the quantity of free petrol which the officer owning a car can draw, has been considerably increased. Keeping that in view and the representations made in this regard, the Commission recommends reimbursement of cost of 100 litres of petrol/diesel (instead of 75 litres) in cities and 75 litres (instead of 50 litres) in all other areas. The cost thereof should be reimbursed to the Judicial officers on the basis of self-certification regarding the actual consumption in the month. This practice of self certification is prevalent in many states. The Commission would like to make it clear that their entitlement depends on the actual consumption as certified by them upto a maximum of 100 litres/75 litres.

9. It is appropriate that three other Judicial functionaries are added to the list of those eligible for official car. They are: Director of the Judicial Academy/Judicial Training Institute, Principal Judge of the Family Courts (either from regular cadre or *ex-cadre* as in the case of Maharashtra), Secretary, District Legal Services Authority. It is learnt that in most of the States, the Directors of Judicial Academy are being provided with official car in addition to Principal Judges of Family Courts of regular cadre.

10. It is noticed that in spite of the recommendations of FNJPC which were accepted by the Hon'ble Supreme Court some of the eligible officers other than the Principal District Judges are not being provided with

the official cars in quite a number of States. However, they are being reimbursed the cost of prescribed quantum of fuel for the use of private cars. This Commission has now suggested some more officers to be included in the list of Judicial officers eligible for official cars keeping in view the need and responsibilities. However, there is a problem for smaller States if the official car is insisted for all those eligible categories. The Commission feels that it shall be left to the High Courts to prune the list having due regard to the local needs and the financial constraints of the States. The proposals of the High Courts shall be complied with by the Governments concerned.

11. It has come to the notice of the Commission that there are few officers who do not own a car nor avail of the pool car facility. Such officers also shall be allowed to draw transport allowance of Rs.10000/-.

12. It appears that at present in some States, a Group-D employee (office peon/attender) who is a licensed driver if available is being allotted to the concerned Judicial officer on her/his request for driving the private vehicle of the Judicial officer. Logically, on the drawal of transport allowance, this practice has to be disbanded. However, as per the inputs received by the Commission from various sources, the stoppage of such practice will cause hardship to some of the officers especially the lady officers. The transport allowance may not be sufficient enough to engage a full time driver. Keeping these aspects in view, the Commission **recommends** that in all States where

there is an existing practice of allocating a driving-knowing office attendant/peon to the officer who is not availing the pool vehicle, the same practice may be continued on her/his request, subject to the availability of the personnel. Such Group-D employee (licensed driver) shall be permitted to drive the private vehicle of Judicial officer purely and only for official purpose.

13. If such facility is being extended to the Judicial officer, the transport allowance can be claimed only to the extent of Rs.4,000/- per month which would cover substantially the car maintenance and insurance charges. This figure shall be increased to Rs.5000/- w.e.f. 01.01.2021. This benefit is apart from the fuel allowance.

14. Official cars - increase of quantum of fuel etc.: As regards those utilizing the official car, there are two points which need to be addressed. It is reported that the maximum of 100 litres of petrol which is presently allowed for the official car in some States is not found to be sufficient especially for the reason that the Principal District Judges in the Districts have to go for inspections and attend conferences at various places. Moreover, for those District Judge rank officers posted in cities and having official cars, 100 litres of petrol is not sufficient in view of the long distance they have to travel to reach the Courts and the traffic congestion in cities. Keeping this in view, the Commission **recommends** that the quantum of petrol/diesel for the official cars needs to be raised to the actual consumption

for official purposes as certified by the official concerned and supported by the log book maintained. Secondly, those Judicial officers using the official cars may be permitted to use them for private purpose to the extent of 300 kilometers per month subject to payment of the prescribed charges per kilometer which is being charged by the Government for use of official vehicles for private purposes by the senior officials in the State as prescribed by the State Government. The Judicial Officers in Delhi may continue to avail the same facility on payment basis upto 500 kilometers as in the case with State Government officials. The calculation of the private use of official vehicle shall be on half yearly basis.

15. The Commission observes that discontinuance of pool car facility is not without problems. Where the residential quarters are situated at a distant place (as is the case in some cities), the officers residing in the complex especially the lady officers would prefer to travel by pool car. Further, some problems may arise in hilly areas as pointed out by the Government of Manipur. Therefore, wherever the pool car facility is being provided at present, the officers concerned may opt to forego the transport allowance and continue to use the pool car provided not less than three officers opt for it. However, this arrangement cannot go on indefinitely and it shall be only for a limited time, say about, one year or so, as decided by the District Judge concerned. In other words, the process of discontinuance of

pool car arrangement ought to be gradual or in a phased manner. However, having regard to special reasons related to local problems, terrain of the area, the High Court may permit pool car arrangement to be continued at specific places for such time as it deems fit, provided sufficient number of officers opt for it. The number of officers sharing one pool car shall not be more than three.

16. The Commission would like to point out that the Government of India (Department of Expenditure) has issued Office Memorandum No.21/5/2017 E.II (B), dated 07.07.2017 prescribing the rates of transport allowance for the Central Civil Service employees including Group-A, based on the recommendations of VII CPC. The rates prescribed are: Rs.7,200/- + DA for pay level 9 and above in the pay matrix and Rs.15,750/- + DA for pay level 14 and above, in case they do not avail the official car. The said rates are applicable to the Group-A officers in the service of Government of India.

16.1 The same quantum of allowance applicable to Group-A officers has been extended to the Judicial officers in UTs.

16.2 Though there were representations from AIJA and certain other Associations that the transport allowance at the same scale ought to be paid to the Judicial officers, the Commission is not inclined to recommend the transport allowance to the same extent. We have to take a holistic picture. At

present, as per the directive of Hon'ble Supreme Court and the recommendation of the earlier Commission, the requirement is to provide pool car for four officers and fuel of 75 litres/50 litres to those who do not avail the pool car facility. The Commission has now proposed the increase of quantum of fuel which the Judicial Officers can utilize for their own cars. The Commission has recommended the lumpsum transport allowance of Rs.10000/- per month. Further, the Commission has recommended certain additional facilities for those who are using the official cars. Other recommendations have also been made keeping in view the possible hardship. Taking an overall view, the Commission feels that it would not be appropriate and proper to implicitly follow the Central Government's pattern of transport allowance. In this context, it may be mentioned that apart from the transport allowance sanctioned by the Central Government at the above rates, no separate allowance towards fuel is being granted to the Central Government officials.

17. Judicial officers and their Associations have, at the conferences and in the course of interactions, expressed that they shall be allowed to display on their private vehicles an **identity mark/indicator** consistent with the dignity of office. They have narrated certain unsavory incidents that have taken place while going to the Court or on official duty in their private vehicles. The Commission feels that it is desirable to allow judicial officers to

have suitable identity sign displayed on the lower portion of wind-shield of their vehicles. The word 'JUDGE' can be printed thereon in moderately sized letters and it shall have the facsimile signature and seal of District Judge in charge of administration.

18. The representation to provide soft loan facility for purchase of car also deserves acceptance. The FNJPC had recommended for grant of liberal soft loan upto a ceiling of Rs.2.50 lakhs with nominal interest and convenient instalments for repayment for purchase of a motor car as far back as 1998. The JPC recommended raising of limit to Rs. 8 lakhs. Keeping in view the cost of motor cars, the ceiling of soft loan for purchase of motor car has to be raised to Rs.10 lakhs with nominal interest. However, the Registry of the concerned High Court may formulate the necessary guidelines in this regard on matters such as maximum loan that could be granted to judicial officers in each cadre, the rate of interest, terms of repayment etc. Of course, before formulating the guidelines, the Finance Department of the State needs to be consulted.

19. SUMMARY OF RECOMMENDATIONS

1. The pool car arrangement which has already been disbanded by some States or which is being followed on limited scale, shall be discontinued gradually. Notwithstanding the above, the High

Court may permit pool car arrangement to be continued at specific places for such time as it deems fit provided sufficient number of officers opt for it. The number of officers sharing each pool car shall not be more than three.

- 2.** There shall be increase in the quantum of petrol/diesel which is being allowed for the officers using their private cars. The reimbursement shall be allowed to the extent of the cost of 100 litres of petrol/diesel in cities and 75 litres in all other areas. The cost shall be reimbursed on actual consumption basis on self-certification.
- 3.** Transport allowance of Rs.10000/- per month for those who own the car in order to cover at least partly the cost of maintenance of car and driver's salary shall be paid to the Judicial officers of all ranks and the same shall be increased to Rs. 13,500/- after 5 years from 01.01.2016 i.e. 01.01.2021 onwards. The officers who do not own a car nor avail of the pool car facility shall also be allowed to draw the same quantum of transport allowance.
- 4.** The list of Judicial officers eligible to get official cars shall be enlarged so as to include the Director of Judicial Academy/

Training Institute, Principal Judges of Family Court and Member Secretary, State Legal Services Authority. Any other officer as recommended by the High Court may also be included in this list. However, it shall be left to the High Courts to restrict the facility of official car to the specified officers, though they are otherwise eligible as per the recommendations of FNJPC and this Commission.

- 5.** In the States where there is an existing practice of allocating driving-knowing office attendant/peon to the officer who is not availing the pool vehicle, the same practice may be continued on request subject to the availability of personnel. Such employee (licensed driver) shall be permitted to drive private vehicle of Judicial officer purely and only for official purpose. If such facility is being extended to the Judicial officer, the transport allowance can be claimed only to the extent of Rs.4000/- per month. This amount shall be increased to Rs.5000/- with effect from 01.01.2021. This benefit is apart from the fuel allowance.
- 6.** The quantum of petrol/diesel for the official cars shall be raised to the actual consumption for official purposes duly certified by the officer concerned and supported by the log book. The

official cars shall be permitted to be used by the Judicial officers for private purpose to the extent of 300 KMs per month subject to payment of charges per km. as prescribed by the State Government which is being charged by the Government for such use by the senior officials in the State. Private use of the official car shall be calculated on half yearly basis.

- 7.** The Judicial officers shall be permitted to exhibit a sticker on the lower left side of the wind screen with the inscription 'JUDGE' printed in moderately sized letters. The sticker may have the facsimile signature and seal of District Judge incharge of administration.
- 8.** Soft loan facility to the extent of Rs.10 lakhs at nominal interest for the purchase of car shall be provided to the Judicial officers and for this purpose the High Court may formulate the necessary guidelines after consulting the Finance department of the concerned State. Needless to say, the application for advance to purchase the motor car shall be processed expeditiously.

DEARNESS ALLOWANCE

This allowance has already been discussed while discussing the pay structure and as such there is no necessity to again discuss the same here.

EARNED LEAVE ENCASHMENT

1. The FNJPC recommended encashment of leave not exceeding 30 days in a block period of two years. JPC reiterated the said recommendation. The VI CPC while recommending encashment of earned leave up to 10 days at the time of availing LTC subject to maximum of 60 days, made it clear that the earned leave so encashed shall not be deducted from the maximum amount of earned leave encashable at the time of retirement. In other words, the Government servants shall be eligible to encash 300 days of EL at the time of retirement even if they may have encashed EL up to 60 days during their career while availing the LTC. The VII CPC too made it clear that the EL can be accumulated up to 300 days in addition to 60 days for which encashment has been allowed periodically on the occasion of availing the LTC.

2. The Judicial Officers' Association and some of the High Courts have suggested the maximum limit to be raised to 365/400 days leave. In view of the Earned Leave encashment of 30 days in a block of two years and 10 days encashment while availing LTC (limited to six occasions) i.e 60 leaves which are in addition to the encashment of earned leave at the time of retirement, the Commission finds no justification for raising the maximum limit beyond 300 days leave for encashment at the time of retirement.

3. There was also a suggestion for allowing the leave encashment for 30 days every year. The earned leave is given at the rate of 30 days in a year and if the leave encashment of 30 days is allowed every year then there will be no accumulation of earned leave which can be encashed at the time of retirement. In view of the same, the Commission is not inclined to accept this suggestion.

4. Accordingly the Judicial Officers shall be entitled to earned leave encashment of :

- i) 300 days at the time of retirement,
- ii) 60 days on availing LTC (10 days on each occasion limited to six occasions), and
- iii) 30 days in a block of two years.

5. It is then submitted that the Commission may recommend leave encashment to be tax free. As regards the tax exemption, on an application filed by AIJA, the Supreme Court, by its order dated 20.07.2006 directed the Central Government to consider issuing appropriate order/exemption. However, on an application (I.A. 223 of 2007 in WP (C) No.1022 of 1989) filed by the Central Government, the Supreme Court, by the order dated 03.12.2012, recalled the earlier order while observing that the Court cannot compel the Government to make amendments in the law. Hence, the Commission is not inclined to recommend tax exemption.

6. While the existing rule position regarding encashment of earned leave can continue, the Commission in order to dispel the doubts created by the interpretation placed by some of the States would like to make it clear and explicit that the benefit of encashment of earned leave of one month in a block of two years and encashment of leave while availing LTC during the service shall be in addition to the encashment of 300 days leave at the time of retirement.

7. The amount of leave encashment while in service adjusted in the maximum leave encashable at the time of retirement by placing a different interpretation shall be restored, that is to say the officers who have retired and the earned leave encashed at the time of retirement stand reduced by the earned leave encashed during service shall be paid the amount of the so adjusted earned leave at the time of retirement.

Example :

Leave encashed during service	120 days
Leave to the credit of the officer on the date of retirement	300 days
Maximum Leave to be encashed at the time of retirement	300 days
Eligible to get encashment of leave	300 days
Leave encashment granted at the time of retirement (120 days leave deducted on account of encashment during service)	$300 - 120 = 180$ days instead of 300 days

That 120 days leave encashment is required to be given to the officer now.

This encashment be made within a period of 3 months of the acceptance of this report by the Hon'ble Court.

8. Accordingly, the Commission **recommends** that directions may be issued by this Hon'ble Court.

9. SUMMARY OF RECOMMENDATIONS

- 1.** No enhancement in the maximum limit of 300 days leave encashment at the time of retirement.
- 2.** A judicial officer shall be entitled to encash :
 - (a)** 10 days earned leave while availing LTC subject to maximum 60 days – 10 at a time upto six occasions during the entire service.
 - (b)** 30 days in a block of two years.
 - (c)** S.No.(a) and (b) shall be in addition to the right of the Judicial Officers to encash upto 300 days EL at the time of retirement.
- 3.** In case of officers who have retired and while granting leave encashment at the time of retirement, the leave encashment availed during service stand adjusted shall be paid the amount of the so adjusted earned leave, at the time of retirement as explained in the example above, within a period of three months from the date of acceptance of the report.

ELECTRICITY AND WATER CHARGES

1. The FNJPC observed that the Judicial officers are required to perform Judicial/administrative work in the Home office also and therefore, it would be proper that certain portion of electricity and water charges should be borne by the State Government. FNJPC recommended 50% of the cost of electricity and water consumed by the Judicial officers at their residences shall be reimbursed to them on quarterly basis on production of proof of payment of bills.

2. While implementing the recommendation of FNJPC in this regard, some States fixed annual ceiling on units of electricity, some other States fixed the maximum amount to be reimbursed. The ceiling fixed by some States vary between Rs.350/- per month and Rs.1500/- per month. The maximum of water charges reimbursable in Karnataka is Rs.500/- per month and in Madhya Pradesh it is Rs.200/- per month. Some States, for instance, Rajasthan, Gujarat and Delhi have fixed ceiling on the units of electricity and water consumed as per the cadre of the officers. In Rajasthan, Civil Judge (Jr. Div.) is eligible to get reimbursement for 165 units, Civil Judge (Sr. Div.) for 250 units and District Judge 333 units, and the ceiling in respect of water charges was prescribed as 58000 litres, 87000 litres and 116000 liters respectively. In Gujarat 300 units of electricity is the maximum permissible

amount of reimbursement for District Judges and for others it is 200 units per month. In Delhi, the District Judges get reimbursement of electricity charges to the extent of 8000 units per annum and Civil Judges 6000 units per annum.

3. Some High Courts suggested continuance of existing system of 50% reimbursement, some High Courts have suggested 75% and some have suggested 100% reimbursement (High Courts of Patna, Karnataka and Gujarat have suggested cent percent reimbursement). Madhya Pradesh and Jharkhand High Courts suggested fixation of ceiling on number of units. The Madhya Pradesh High Court suggested 1000 units Per Month. The Jharkhand High Court suggested reimbursement of 1000 units for District Judges, 850 units for Civil Judges (Sr. Div.) and 750 units for Civil Judges (Jr. Div.). The Rajasthan High Court suggested reasonable increase in the number of units. Himachal Pradesh High Court suggested that reimbursement of electricity charges to be on the basis of actual consumption subject to maximum ceiling. The Madras and Sikkim High Courts have suggested that the extent of the increase ought to be linked up to the proportion in which the pay has increased. Some Judicial Officers' Associations have suggested 50% reimbursement shall be maintained, whereas other Associations suggested reimbursement to the extent of 100% or 75%. Some Associations have suggested the ceiling of 1500 units per month in case of District Judges and

for others 1000 units. One of the Judicial Officers' Associations has suggested ceiling in monetary terms i.e. at Rs.4000/- per month to District Judge and Rs.2,500/- to other Judicial officers and further suggested that it shall be increased to 25% whenever the DA goes up by 50%.

4. This Commission having considered all the relevant factors, is of the view that 50% reimbursement formula recommended by FNJPC and reiterated by JPC is proper and reasonable. Accordingly, it is **recommended**.

5. Reimbursement of electricity and water charges shall be to the extent of 50% of total billed amount. The ceiling in terms of units/quantity consumed shall be as follows:

- Electricity 8000 units per annum for the District Judges and it shall be 6000 units per annum for Civil Judges (this is what is permitted in Delhi).
- The maximum reimbursement of water charges shall be 420 Kls per annum to District Judges and 336 Kls per annum for Civil Judges.

6. Reimbursement shall be on the quarterly basis on production of proof of payment of the billed amount.

7. SUMMARY OF RECOMMENDATIONS

- 1.** No change in the percentage of reimbursement. The 50% of reimbursement formula recommended by FNJPC and reiterated by the JPC shall continue.
- 2.** The ceiling in terms of units of electricity and the quantity of water consumed shall be as follows:

Designation	Electricity Units	Water Quantity
District Judges	8000 units per annum	420 Kls per annum
Civil Judges	6000 units per annum	336 Kls per annum

- 3.** Reimbursement of electricity and water charges shall be on the quarterly basis on production of proof of payment of the billed amount.
- 4.** This allowance shall be available at the enhanced rates w.e.f. **01.01.2020.**

HIGHER QUALIFICATION

1. Recognising the need to reward the officers possessing/ acquiring the post-graduation in the form of advance increments, the FNJPC recommended the grant of 3 (three) advance increments to the selected candidates having post-graduation in law. Earlier, the IV CPC recommended grant of incentives for acquiring higher professional qualification useful for their work to the extent of 3 advance increments and the same was accepted by the Government of India with effect from 01.01.1986. JPC reiterated the recommendation of FNJPC in this regard.

2. It is obvious that for acquiring higher qualification in law, specialised study of the subjects concerned is involved and such qualifications will to some extent help the Officer in improving the quality of judicial work which (s)he is called upon to perform. Though the Commission would not like to underestimate the capacity and knowledge of the officers who are not having such additional qualification, the possession of higher qualification in law will be of some help in the discharge of judicial functions. Most of the High Courts and the Associations are in favour of retaining the benefit of 3 advance increments. It is pleaded in some of the representations of the Judicial Officers/Associations that the grant of 3 (three) advance increments shall be at every stage including ACP and promotion and the same shall be extended to those acquiring the qualification after joining the service. The

recent judgment of Division Bench of Allahabad High Court holding that there shall not be discrimination between the fresh recruits having higher qualification and the serving officers acquiring the qualification after joining the service vide judgment dated 03.05.2017 in Service Bench No. 1496/2015 titled **Sanjay Shankar Pandey v State of U.P. and another** deserves to be taken note of.

3. There are varying practices in regard to grant of increments. In some States, such as Rajasthan and West Bengal, the recommendation of the FNIJC has not been implemented so far. In Tamil Nadu, two increments were given earlier and the third one in 2018 only. In the State of Bihar, initially the advance increments were given to those having higher qualification before joining the Judicial service. However, pursuant to the Judicial Orders, the benefit was extended to those acquiring higher qualification while in service. In States like Delhi, J & K, Punjab, Haryana, Gujarat and U.P., the advance increments are carried over to every stage i.e. on promotion/ACP, whereas in Maharashtra, Jharkhand, Madhya Pradesh and Tamil Nadu, the same are available on one time basis and not after promotion or upgradation. Some States are treating the same as part of salary and allowing the DA on the same. In some other States, DA is not allowed on the amount representing additional increments.

4. The Commission is of the considered view that the benefit by way of 3 (three) advance increments shall continue. Further, those having or getting the Doctorate in law shall have the benefit of one more increment i.e., 4 advance increments. The Commission is of the view that it would be appropriate to grant the benefit of DA on the amount representing the advance increments as the advance increments lead to stagnation three/four years earlier than those who are without such higher qualification.

5. The Commission is further of the view that the extension of benefit of advance increments at the ACP stage (ACP I or II) is not proper and justified. However, the advance increment shall be available when the Officer is promoted to Civil Judge (Jr. Div.) to Civil Judge (Sr. Div.) and from Civil Judge (Sr. Div.) to District Judge cadre.

5.1 The advance increments shall be available in the District Judge Cadre from District Judge (Entry Level) to District Judge (Selection Grade) and from District Judge (Selection Grade) to District Judge (Super Time Scale).

6. Accordingly, the Commission **recommends** as follows:

1. The Judicial Officers be granted three advance increments for acquiring higher qualification i.e. post graduation in law and one more advance increment if he acquires Doctorate in Law.

- 2.** The advance increments once granted for post graduation degree or Doctorate in law shall not be again granted if, in future, the officer acquires post graduate or Doctorate degree in any other subject.
- 3.** The advance increments shall be available to the officer who had acquired the post graduation degree or Doctorate either before recruitment or at any time subsequent thereto while in service.
- 4.** The advance increments shall be granted from the date of initial recruitment, if the officer has already acquired the post graduation degree or Doctorate and from the date of acquiring the post graduation or Doctorate degree, if acquired after joining the service.
- 5.** The advance increments shall be made available to the officers only and only if the higher qualification has been acquired through regular studies (full time or part time) and not through distant learning programmes.
- 6.** The benefit of advance increments shall not be extended at the ACP stage (ACP I or II). However, the advance increment shall be available when the Officer is promoted from Civil Judge (Jr. Div.) to Civil Judge (Sr. Div.) and from Civil Judge (Sr. Div.) to District Judge cadre.

- 7.** The advance increments shall be available in the District Judge Cadre from District Judge (Entry Level) to District Judge (Selection Grade) and from District Judge (Selection Grade) to District Judge (Super Time Scale).
- 8.** The advance increments for all practical purposes shall be part of salary and Dearness Allowance shall be available on the same.

7. SUMMARY OF RECOMMENDATIONS

- 1.** The Judicial Officers shall be granted three advance increments for acquiring higher qualification i.e. post graduation in law and one more advance increment if he acquires Doctorate in Law.
- 2.** The advance increments once granted for post graduation degree or Doctorate in law shall not be again granted if, in future, the officer acquires post graduate or Doctorate degree in any other subject.
- 3.** The advance increments shall be available to the officer who had acquired the post graduation degree or Doctorate either before recruitment or at any time subsequent thereto while in service.
- 4.** The advance increments shall be granted from the date of initial recruitment, if the officer has already acquired the post graduation degree or Doctorate and from the date of acquiring

the post graduation or Doctorate degree, if acquired after joining the service.

- 5.** The advance increments shall be made available to the officers only and only if the higher qualification has been acquired through regular studies (full time or part time) and not through distant learning programmes.
- 6.** The benefit of advance increments shall not be extended at the ACP stage (ACP I or II). However, the advance increment shall be available when the Officer is promoted from Civil Judge (Jr. Div.) to Civil Judge (Sr. Div.) and from Civil Judge (Sr. Div.) to District Judge cadre.
- 7.** The advance increments shall be available in the District Judge Cadre from District Judge (Entry Level) to District Judge (Selection Grade) and from District Judge (Selection Grade) to District Judge (Super Time Scale).
- 8.** The advance increments for all practical purposes shall be part of salary and Dearness Allowance shall be available on the same.

HILL AREA/TOUGH LOCATION ALLOWANCE

1. The FNIJC dealt with Hill allowance in paragraphs 19.83 to 19.88. The Commission observed :

"The hill allowance is given taking into consideration not only the altitude of the place but also other factors, like the hill station being out of the way place, the difficulties in securing provisions for daily necessities and for emergency needs."

2. Then, at para 19.86, the Commission recommended special compensatory allowance-Hill allowance at different rates depending on the altitude of the hilly area and the pay range. The Commission also referred to the fact that the V CPC recommended special compensatory allowance which is a new name encompassing the various types of allowances such as remote area allowance, difficult area/border area allowance and disturbed area allowance and then remarked that the Government of India did not take a decision in the matter. Finally, at para 19.88, the Commission recommended:

"In the meanwhile, the existing pattern for payment of Hill allowance to Judicial officers working in hill stations may be continued by the States concerned."

3. The VII CPC, at paragraph 8.10.62, referred to existing "Special Compensatory" allowances that are based on geographical location and are meant to compensate for the hardship faced by the employees posted at such places. The Commission (VII CPC) observed:

"It is proposed to subsume these allowances under the umbrella of **"Tough Location Allowance"** as follows:

- i. Places presently covered under Special Compensatory (Remote Locality) Allowance (SCRL)-Parts A and B will be covered by Tough Location Allowance-I.
- ii. Places presently covered under SCRLA-Part C will be covered by Tough Location Allowance-II.
- iii. Places presently covered under Bad Climate Allowance, Tribal area Allowance, Sunderban Allowance and SCRLA-Part D will be covered by Tough Location Allowance-III."

4. Then, at para 8.10.64, it is stated as follows:

"The entire structure has been fitted into a table called Risk and Hardship Matrix."

5. The Risk and Hardship matrix has been divided into 9 cells, based on Low, Medium and High risk juxtaposed with Low, Medium and High hardship.

6. The JPC recommended Rs.1500/- to be paid as Hill Area/Remote area allowance "in proportion to 3.07 times increase in Pay Scale".

7. This Commission is of the view that the Judicial officers posted in difficult areas (or tough locations, to borrow the expression used by VII CPC) such as hilly areas, areas which are thickly surrounded by forest and island areas far off from head quarters deserve special allowance. The harsh weather conditions, lack of proper communication facilities and the usual amenities and facilities available in the plains give rise to difficult living conditions in such areas. The Registrar General of Uttarakhand High Court has pointed out that out of 13 districts, 9 districts are hilly regions having

harsh weather and it is suggested that hill allowance should be 10% of the basic pay in view of the hardship faced by the officers.

8. It has come to the notice of the Commission that various States have been granting special allowance for the Government servants posted to work in the hill regions and out of the way places. The Commission has no clear information whether the Judicial officers posted in such tough locations are drawing at present more than Rs.1,500/- (as per the JPC recommendations) at par with other State Government officials. In island areas falling within UTs, it appears the Government servants are getting special allowance - now under the "head of tough location allowance".

9. The Commission is of the view that those Judicial Officers working in hill areas or other tough locations such as remote forest areas/ islands shall get special allowance in the form of Hill area/tough location allowance. The Commission recommends Rs.5,000/- per month from 01.01.2016 onwards shall be granted towards such allowance irrespective of the rank of Judicial officers. However, if there is a more beneficial provision for the State/UT officials, the same shall be extended to the Judicial officers. If any doubt arises whether a particular area can be considered to be hilly or tough location area, the High Court's decision shall be followed in relation to the Judicial officers.

10. SUMMARY OF RECOMMENDATIONS

- 1.** Hill Area/Tough Location Allowance @Rs.5000/- per month shall be paid to the Judicial Officers posted in hill areas/tough locations.
- 2.** More beneficial provision, if any, already applicable to the officials of the State/UT shall be extended to the Judicial officers.
- 3.** In case of doubt, whether a particular area can be considered to be hilly or tough location area, decision of the High Court shall be followed in relation to the Judicial officers.
- 4.** This allowance shall be available w.e.f. **01.01.2016.**

HOME ORDERLY/DOMESTIC HELP ALLOWANCE

1. The FNJPC has addressed this issue and formulated its recommendations at Para 19.11 of the report. The Commission expressed that the Judicial officers must be free to engage a peon/servant of their choice attending to work at the residence cum home office and the practice of deploying court peons/attenders at the residences of Judicial officers needs to be discontinued. It was also noted that in some States, the Judicial officers were paid cash allowance of Rs.500/- to 750/- to engage a servant on their own. The recommendations at para 19.11 are as follows:

19.11: a) Payment of Home Orderly Allowance in lieu of Home Orderly (called as Home Orderly Allowance) be paid to every Judicial Officer with liberty to appoint a person of his choice who would be wholly under his control. Judicial Officers are, however, advised to appoint a Home Orderly-cum-Driver or preferably an Orderly who knows driving so that his services may be utilized even for driving in case of need, if the officer owns a car.

b) Every Judicial Officer be paid Home Orderly Allowance of Rs.2500/- p.m. This allowance is approximately equal to only the basic pay of a Group 'D' Government employee who is also entitled to D.A. and other allowances. Since we are not recommending Home Orderly to be appointed as Government Servant, we have recommended a consolidated sum of Rs.2500/-.

c) Neither the High Court nor the State Government is responsible for the regularization/absorption of such person and he remains in service only as long as the concerned Officer requires him/her.

d) The Judicial Officer must every month produce to the office, the name and address of the person appointed as Home Orderly and the acknowledgement of the person for having received the salary.

e) The Home Orderly Allowance shall be drawn by the Judicial Officer along with his pay and other allowances in his monthly pay bill.

2. Hon'ble Supreme Court, in the Judgment in **All India Judges Association case** (2002 4 SCC 437; AIR 2002 SC 1752), did not accept this suggestion. The Court observed at Para 36 (of AIR): "We do not think that the suggestion made by the Shetty Commission to be appropriate. The Central Government has rightly not accepted the same."

3. Presumably, by reason of this observation of Supreme Court, the JPC did not make any recommendation in this regard. Notwithstanding the same, some States have issued orders extending the benefit of Home Orderly allowance at prescribed rates to the Judicial officers also. In the State of Punjab as well as in Haryana, the allowance is equivalent to the minimum wages notified by the Government from time to time for an unskilled worker. In Delhi, the Judicial officers get Home Orderly allowance equivalent to 50% of the minimum wages of unskilled worker. However, in the case of District Judges (STS), the allowance is more i.e. at 50% of minimum wages for two unskilled workers. In Karnataka, the Home Orderly allowance is being given as per the rank of the Judicial officer and presently, it is as follows: Civil Judge (Jr. Div.) Rs.3500/-; Civil Judge (Sr. Div.) Rs.5250/-; District Judge Rs.8750/-.

4. The Judicial officers on deputation to the Registry of Supreme Court are eligible to get Orderly allowance at the same rates that their

colleagues in the parent cadre get, as per the recommendations of the VII CPC.

5. In Meghalaya, Andhra Pradesh and Telangana and some other States, an office attender/peon/Office Subordinate is being deputed to attend to the duties at the residences of Judicial officers. The High Court of Madras suggested a panel of Residential Assistants to be formed in each District for allocating them to the Judicial officers. They will draw a consolidated amount per month and will not be part of regular establishment. They are exclusively assigned the duty of attending to the work at the residence. Their services are liable to be discontinued in case of unsatisfactory work. It appears that at present, the Registry officials of Madras High Court are allotted such Residential Office Assistants. In some States, for example, in Kerala, it appears that the judges working on civil side are provided with the attender/peon to attend to home-office related duties. In Maharashtra also, it appears the Civil Judges (Jr. Div.) working as Magistrates are eligible to have the services of Peon/Group D employee to attend to home-office work. While in few States, Office Peon/Attender/Office Subordinate/Group D employee (or of equivalent designation) is allocated to every Judicial officer for residential duty. In most of the States, such facility is not available to most of the Judicial officers. Thus, there are variations from State to State. However, it must be said that the apparent justification for deputing the office peons/

attenders to the residence is that the judicial officers are supposed to maintain residential office and need some assistance to facilitate proper working atmosphere at the residence.

6. We think that time has come to take a fresh look as regards the Home Orderly allowance and to evolve certain amount of uniformity in regard to deployment of Group-D personnel of the Judicial establishment for residential duties. With the passage of time and having regard to the legitimate needs of the Judicial officers, the Commission feels that the recommendation made by FNJPC for providing Home Orderly allowance needs to be revived. In this context, it may be mentioned that no principle or particular reason was given by the Government for rejecting the recommendation. Therefore, it does not preclude this Commission to have a fresh look into the problem and submit its recommendation for the consideration of this Hon'ble Court.

7. Many Judicial officers and the representatives of the Associations have requested for the provision of Home Orderly Allowance and to dispense with the practice of deploying the office peons/attenders for residential duties. It has been pointed out that quite often, they face problems with the court personnel allocated to them and they would prefer to have allowance sufficient enough to engage Home orderly/domestic help/Sevak. However, according to the inputs got by the Commission in the course

of interaction with the Judicial officers in some States, they will be put to lot of inconvenience if the practice of deputing attenders/peons to their residences is dispensed with altogether and it is only few of them that have not been conducting properly. It is stressed that the provision of orderly/peon/attender is very much necessary to facilitate hassle-free working atmosphere at home. Thus, there are divergent views in this regard.

8. This Commission is of the view that the services of Home Orderly/Sevak will be conducive for the proper working atmosphere at home, more so, when the Judicial Officers are required to maintain the Home office and need to attend to court-related work at home at least for a few hours. While endorsing the recommendation of FNJPC regarding payment of Home orderly allowance, this Commission is of the view that the present practice of deploying the court personnel (Group-D employee/Peon/Attender/Office Subordinate) to the residence *cum* Home office of Judicial officers need not be discontinued altogether, once Home Orderly allowance is provided for. In this context, one fact that needs to be taken into account is that if all of them are withdrawn from the residential duty and redeployed in the office/court, they will be rendered surplus having regard to the (wo) man power requirements in the Court establishment.

9. In the representations made before us, Home Orderly/domestic worker allowance at moderate to high rates has been sought both by the

serving and retired Judicial officers. The Judicial Officers Association of Telangana and Maharashtra have suggested the allowance to the extent of Rs.15000/-. The West Bengal Association has suggested home orderly allowance at Rs.10,000/, 12,000/- and 15,000/- for each category of officers. Some Associations want domestic help allowance to be linked to minimum basic pay of Class-IV/Group-D employee or the minimum wages of a semi-skilled worker. The High Courts have by and large proposed fixation of Home orderly allowance at the rate equivalent to minimum wage of unskilled/semi-skilled worker and to provide for higher allowance to the District Judges.

10. Taking into account the varying costs of engaging domestic worker/Home orderly and on an overall view, the quantum of allowance to be paid for engaging the services of Home orderly/domestic worker/Sevak shall be to the extent 60% of the minimum wages of unskilled worker as prevalent in the State concerned subject to the minimum of Rs.7500/- per month. However, the District Judge rank officers shall be provided with an allowance equivalent to the notified minimum wages of unskilled worker in the concerned State/UT/NCT of Delhi subject to the minimum of Rs.10000/- per month.

11. It may be mentioned that the minimum wages for unskilled/semi skilled workers vary substantially from State to State. The highest is

perhaps in Delhi where the minimum wage of unskilled workers is about Rs.14000/-.

12. As already noticed, in some states, viz. Punjab, Haryana, Karnataka and Delhi, the Home Orderly allowance at prescribed rates is being paid to the judicial officers though there were under no obligation to sanction the said allowance in view of the observations of the Supreme Court in AIJA case (2002 4 SCC 437) as mentioned above. The quantum of allowance which the officers in some of these States/UTs are eligible to receive, is apparently more than what this Commission is recommending now. However, the Commission is not inclined to disturb the status quo in this regard and compel the Judicial officers in those States to start drawing lesser amount of allowance as recommended by this Commission. The Judicial officers working in the States where they are already drawing Home orderly allowance, shall be allowed to exercise the option either to continue to receive the allowance as fixed by the State Government or to receive the allowance as recommended by this Commission. Such option shall be exercised within two months after the final order is passed by the Hon'ble Court.

13. The Judicial officers who are being provided with attender/peons at the residences during prescribed hours as per the prevailing practice can exercise the option either to continue with the present system and forego the allowance hereby recommended or to claim the allowance instead of

availing the services of the official attender/peon if any. However, the continuance of such practice depends on the availability of personnel. It is made clear that the staff strength of Group-D/Class IV (Attenders/Peons and the like) shall not be increased only on account of the need to depute them for residential duties.

14. There is another aspect which needs to be mentioned specifically. The grant of allowance pursuant to the recommendations being made by this Commission shall not come in the way of the Court/Office attender being deputed for night duty at the residences of the Judicial officers designated as Magistrates entrusted with the duty of recording dying declarations and remand duties as per the existing practice. In the towns/cities or some localities thereof, which are generally considered to be disturbed or security risk areas, the Commission recommends that private security guards shall be deputed for the night duty.

15. Further, subject to the availability of Group-D personnel and without detriment to Court related duties, such personnel (Attenders/Peons and the like) can be deputed to the residence of Principal District Judge or equivalent rank officer having administrative responsibilities.

16. Domestic Help Allowance for Retired Officers/ Family Pensioners: As far as retired Judicial officers are concerned, they are

drawing Rs.2,500/- per month by way of domestic help allowance from 01.01.2006 pursuant to the JPC report. Family pensioners are getting Rs.1500/- per month. All India Retired Judges Association has suggested steep enhancement in domestic help allowance to the Judicial pensioners to the extent of Rs.15,000/- per month and certain other Associations suggested Rs.10,000/- per month. The genuine need of driver-cum-domestic help in advanced age has been pointed out. This Commission is of the view that the suggested enhancement is undoubtedly on the higher side and even exceeds what the retired High Court Judges get. The maximum that the retired H.C. Judges are getting now is Rs.12,000/- (in the States of Andhra Pradesh and Telangana).

17. The Commission proposes that the domestic help allowance shall be increased appropriately. All the retired Judicial officers shall be allowed Rs.9000/- p.m. and family pensioners shall get Rs.7500/- per month.

18. The Commission also suggests that the amounts recommended above to the retired officers should not remain static till the next revision. After 5 years starting from 01.01.2016 i.e., from 01.01.2021 onwards till the next revision, there shall be increase of 30% of the amounts recommended above.

19. SUMMARY OF RECOMMENDATIONS

- 1.** The Home-cum-office orderly allowance shall be available to the serving Judicial officers at the following rates :

District Judges : minimum wages for one unskilled worker in the concerned State/UT subject to minimum of Rs.10,000/- per month.

Civil Judges : 60% of the minimum wages for one unskilled worker in the concerned State/UT subject to minimum of Rs.7,500/- per month.

- 2.** Judicial officers getting higher allowance on this account by virtue of the orders issued by some States, they may continue to draw the same.
- 3.** The allowance at the aforesaid rates shall be available to the Judicial Officers **w.e.f. 01.01.2016** in States where they are getting the same prior to 01.01.2016 and in other cases, **w.e.f. 01.01.2020**.
- 4.** The Judicial officers provided with Group D employee as an Attender/Peon/office subordinate for residential duties may exercise their option either to continue with the present system and forego the allowance that has been recommended or to

claim the allowance instead of availing the services of the official Attender/Peon.

- 5(a)** The payment of home orderly allowance should not result in discontinuance of practice, if any, of deputing the Office Peons/ Attenders or other Group D employee during nights at the residences of (i) Magistrates who are called upon to attend the Judicial work at times during night times. (ii) the Office Peon/Attender or such other Group D employee deputed for night duty at the residence of Judicial officer living in the areas generally considered to be disturbed or security risk areas or outsourced security guards to be deployed in such areas and (iii) such personnel can also be deputed to the residence of Principal District Judge or equivalent rank officer having administrative responsibilities.
- (b)** The deployment of Peons/Attenders for such residential duties shall be subject to the availability of Group D/Class IV personnel and without detriment to Court related duties.
- 6.** Drawing up a panel of Home Orderlies/residential attendants/ sevaks appointed on consolidated salary equivalent to minimum wages and allotting them to the Judicial officers (as suggested

by the Madras High Court) can be thought of as an alternative subject to the decision taken in this regard by the concerned High Court. However, in such a case, Home Orderly allowance cannot be claimed.

7a. Domestic Help Allowance to the pensioners and family pensioners shall be available at the following rates from **01.01.2016** :

Pensioner	:	Rs.9,000/- per month
Family pensioners	:	Rs.7,500/- per month

7b. This allowance shall stand increased by 30% on completion of five years from 01.01.2016 that is, **w.e.f. 01.01.2021**.

8. The allowance shall be drawn on the self certification of the Judicial Officer/Pensioner/Family Pensioner.

HOUSE RENT ALLOWANCE & RESIDENTIAL QUARTERS

1. The FNJPC recommended (vide para 19.193) that all Judicial Officers irrespective of their cadre, should be provided with Government Quarters according to their entitlement. If adequate Government Quarters are not available, the Government shall requisition proper houses and make them available to the Judicial Officers. It was also mentioned that the Govt could collect rent not exceeding 12.5% of the basic pay every month. Further, it was recommended that all Judicial Officers residing in rented houses are entitled to House Rent Allowance at the rates applicable to Govt servants in the respective States/Union Territories. The maintenance and repairs of Govt Quarters allotted to Judicial Officers shall be the obligatory duty of Public Works Department. These recommendations of FNJPC were reiterated by JPC.

2. There is dearth of Government Quarters. Securing suitable accommodation has become an acute problem for the Judicial Officers especially those working in the major cities **and** small towns. Though many residential complexes have been constructed in the cities and District Headquarters in the recent times in most of the States, the available accommodation is not sufficient. The maintenance is reported to be in poor state at many places. In view of the series of Orders passed in *Malik Mazhar v UPSC* (Civil Appeal No. 1867/2006) and the monitoring on the judicial side by the Hon'ble Supreme Court as regards the provision of official

accommodation to Judicial Officers, substantial progress has no doubt been made. In Delhi and Chandigarh, it appears, there is adequate number of residential quarters available to the Judicial Officers. Some of them reside in their own houses/flats. On a rough assessment, it appears that about 30% of Judicial Officers do not have official residential accommodation.

3. According to the information received from the Department of Justice (GOI), the funds provided by Government of India for residential quarters of Judicial Officers ranged between Rs.53,874 crores and Rs.62,121 crores during the last 3 years i.e. in 2016 – Rs.53,874, in 2017 – Rs.62,121 and 2018-19 – Rs.56,112 crores. 40% of the cost is required to be met by the States (earlier, it was 25% only). As regards North-East States, J & K, Himachal Pradesh, Uttarakhand and Sikkim, only 10% of the expenditure has to be incurred by the States for the development of infrastructure including the residential Units for the Judicial Officers. It is learnt that the main reasons for non-availment of funds to the full extent at many places are: lack of sufficient land at convenient places, delays in execution of work by PWD **and** non-release of proportionate contribution by the States. As per the information furnished by the Department of Justice, as on 25.01.2019, the number of residential units available are 16,622 and 1714 are under construction. The additional number of residential units to be constructed is estimated as 4957. It may have gone up by now with additional recruitments.

We do not wish to go into further details especially for the reason that in Malik Mazhar case (CA 1867/2006), Hon'ble Supreme Court has been monitoring the progress made and steps are being taken to expedite the construction. The Commission would like to underscore the need to provide residential complexes/quarters for Judicial Officers on priority basis and to relieve the Judicial Officers of the hassles faced by them in hiring suitable houses and in regard to rent fixation.

4. It must be clarified that no rent is being collected from the Judicial Officers occupying official quarters though FNJPC left it open to the Government to collect rent at 12.5% of basic pay because the HRA was recommended by FNJPC even for those occupying official quarters. We would like to make it clear that those Judicial Officers who are allotted official quarters for residence, shall not be entitled to HRA. Further, it is clarified that no amount shall be collected by the Government as per the recommendations of FNJPC or otherwise.

5. The experience shows that the recommendation of FNJPC to requisition proper houses remains only on paper and there are practical difficulties in locating and requisitioning suitable houses belonging to private persons and to make them available to Judicial Officers. The Judicial Officers themselves select the houses/flats by contacting the landlords.

6. As per the recommendation of FNJPC, the residential house, whether it be official or private accommodation or own house, shall have a provision for home-office with a mini-library and therefore, one room has to be earmarked for this purpose. Further, the Officers shall be provided with requisite furniture for home-office. Apart from reiterating the same, the Commission recommends that one air-conditioner shall be provided at the residence of the Judicial Officer.

7. The Commission considers it reasonable to provide furniture allowance at periodic intervals to the Judicial Officers in order to furnish the home-office and drawing room. It is learnt that some furniture, not necessarily new, is being provided to Judicial Officers at some places. There is no uniformity in this regard. In Delhi, an amount of Rs.1.25 lakhs is paid once in five years to the Judicial Officers (as well as other Government Officials) towards furniture grant. The Commission **recommends** that similar grant shall be provided to Judicial Officers in all States, apart from Air Conditioner. Central Government or State Government Rules shall be followed for dealing with the furniture in unserviceable form or the furniture used by the retired officers.

8. Differing rates of HRA are prevalent in various cities. HRA is being paid at the rates applicable to the State Government Officers in accordance with the recommendation of FNJPC. Some States have adopted

the Central Govt rates of HRA. To the extent the Commission has got information, the admissible HRA in some States is as follows:

8.1 In **Delhi and Union Territories**, the rates of HRA suggested by VII CPC and accepted by Govt of India are being applied. They are 24%, 16% and 8% depending on the classification of city/town. In **Karnataka**, the rates of 30% for Bangaluru city, 20% and 10% (for 'B' and 'C' class of cities/towns) are being applied to State Government officials as well as the Judicial Officers w.e.f. July 2015. The said percentages are the same as those approved by Central Government pursuant to the VI CPC recommendations. In **West Bengal**, District Judges are paid HRA as per the Central Government rates and Civil Judges get 15% of the basic pay as HRA. In **Uttar Pradesh**, varying rates of HRA are being allowed depending on the class of city/ town (A, B and C) and depending on the pay level of the Officers. The following Table indicates the HRA admissible to various categories of Judicial Officers as per the order issued in the year 2018.

<u>Designation</u>	<u>Classification of city/town</u>		
	<u>'A'</u>	<u>'B'</u>	<u>'C'</u>
Civil Judge (Jr. Div)	Rs.7560/-	(50% of 'A)	Rs.2520
Civil Judge (Sr. Div)	Rs.13820/-	"	Rs.4600
District Judge (Entry Level)	Rs.16400/-	"	Rs.5460
District Judge (STS)	Rs.19700/-	"	Rs.6500

8.2 In the States of **Andhra Pradesh and Telangana**, by virtue of the Government Orders issued in 2015, the rates of HRA are 30%, 20%, 14.5% and 12% depending on the classification of cities/towns and other places. However, the maximum payable is Rs.20,000/- for the first category and Rs.15,000/- for the rest. In **Uttarakhand**, Judges are being reimbursed the actual rent paid on the basis of assessment made by the competent authority. In the same State, the Judicial Officers living in their own houses draw HRA @ 75% or 50% or 40% of **grade pay** depending on the classification of places. In **Tripura**, HRA is 10% of the basic pay subject to maximum of Rs.2,000/- p.m. In **Manipur**, it is 10% of basic pay. In **Meghalaya**, HRA is given at the rate of Rs.4000/- per month for Shillong and Rs.3000/- per month for all other places in the State irrespective of the rank of the Officer.

9. The Commission having noticed that the present rates of HRA applicable in many of the States are not adequate enough to hire suitable private accommodation for the residence of Judicial Officers, the Commission is of the view that the rate of HRA admissible to the Judicial Officers who are not provided with official quarters shall be suitably increased.

10. It appears that the HRA being paid to the Judicial Officers (at par with the State Government Officials) is not adequate, except in some States like Delhi and UTs where the Central Government rates based on the

revised pay, post VII CPC are adopted. The Commission is of the view that the rates of HRA prescribed by the Central Government are quite reasonable and they are worthy of adoption by the States as regards the Judicial Officers of all States. The mandate of the Supreme Court to provide suitable official accommodation or in the absence thereof, to facilitate hiring of suitable private accommodation has a purpose behind it. The provision of suitable residential accommodation which could also be used as home-office would provide congenial atmosphere for the working of Judicial Officers. The purpose behind it cannot be lost sight of by sanctioning meager rent for hiring private houses/flats. In the States like Andhra Pradesh, Telangana and Tripura, the maximum prescribed appears to be quite low. In the State of Uttar Pradesh also, the HRA prescribed on the basis of classification of stations and rank of Judicial Officer is on the lower side. With the existing ceiling in some States, full reimbursement of house rent actually paid is not happening. Even where the rate (percentage of HRA prescribed) is quite reasonable, the maximum prescribed is found to be unrealistic. The Judicial Officers are therefore put to the necessity of paying part of the rent out of their pocket which goes against the spirit of the Judgment of the Supreme Court and FNJPC's recommendation.

11. Taking all the aspects into account, the Commission is of the view that the Central Government notified rates of HRA are to be adopted by the States in respect of Judicial officers.

12.1 The rates of HRA sanctioned by Govt of India (Expenditure Dept) by the Office Memorandum No. 21/5/2017-E II (B), dated 07.07.2017 which was issued after the VII CPC report, are as follows:

<u>Classification of cities/town</u>	<u>Rates of HRA per month as a percentage of basic pay only</u>
X	24%
Y	16%
Z	8%

12.2 The minimum rates prescribed are 5400/-, 3600/- and 1800/-. Further, it is stipulated that the rates of HRA will be revised to 27%, 18% and 9% when the Dearness Allowance crosses 25% and further revised to 30%, 20% and 10% when the Dearness Allowance crosses 50%. However, the VII CPC recommended the HRA to be increased by specified percentage, when the Dearness Allowance crosses 50% or 100%.

12.3 Further, the Commission would like to suggest that the High Courts shall be empowered to reclassify the city/town in the appropriate category if need be. In other words, the High Courts can propose upgradation of Y category towns to 'X' and Z category (unspecified) to Y. This exercise shall be left to the High Courts because the High Courts will be in a better

position to take a decision having regard to the local conditions. We find that certain large towns where housing problem is acute, do not find place in the enumerated list. If the place falls within Z category (unclassified), the HRA will be only 8%. That is why the Commission is making this suggestion without going into the details with reference to each State.

13. The Kerala Judicial Officers' Association has brought to the notice of the Commission that the plinth area admissible for the residential accommodation is as follows :

District Judge	1900 sft.
Sub-Judge	1500 sft.
Munsif-Magistrate	1000 sft.

13.1 Obviously this is quite inadequate. The minimum plinth area for the residential accommodation should be as follows:

District Judge	2500 sft.
Sub-Judge/Munsif-Magistrate	2000 sft.

Lack of sufficient accommodation at the residence where a room has to be set apart for Office, creates problems for the Judicial Officers.

13.2 Further, we would like to make it clear that the area of residential quarters built for the Judicial Officers need not necessarily be of the same size and the High Court administration in its discretion may sanction the design with higher plinth area.

14. Wherever the assessment of rent is required to be done by the Public Works Department or the Buildings Department, there are complaints of delays and conservative estimates, as a result of which the landlords refuse to let out the house/flat to the Judicial Officers. Of course, in some States like Andhra Pradesh and Telangana where the maximum limit is prescribed, apart from specifying the percentage, the rent assessment is dispensed with if it is within the maximum limit. However, as said earlier, the maximum limit in those States is inadequate. The Commission would like to stress on the need for hassle-free rent fixation procedure having due regard to the ground realities. No doubt, the District Judge is associated with the Committee for the approval of rent, but it is reported that lot of delay is being caused by reason of the absence of other members of the Committee being District Officials of the State Government. The procedure must be simplified and the District Judge need not wait indefinitely for a meeting to take place. The District Judge, in consultation with the concerned PWD or Buildings Department officials should be enabled to take a decision. The District Judge will have the general idea of the prevalent market rates and certain amount of flexibility is required if suitable private accommodation consistent with the reasonable requirements of Judicial Officer has to be secured. In exceptional cases, where the District Judge entertains any doubt, (s)he can refer the matter to the High Court for approval. Of course, the Registry of High Court is expected to give due priority to communicate the orders.

15. The Judicial Officers who reside in their own houses at the place of posting are also entitled to HRA at the same rates. As is the usual practice, the permission of High Court has to be obtained for opting to reside in own house.

16. RESIDENTIAL QUARTERS - MAINTENANCE

16.1 The poor state of maintenance of residential quarters (other than those recently constructed) is one of the points that has been brought to the notice of the Commission at the Conferences and in the course of interactions with individual Judicial Officers. Problems are faced by the Judicial Officers in securing the services of Electrician, Plumber, Carpenter, Sanitation Worker and Mason whenever required for attending to works which need immediate attention. Major repairs/renovation work is hardly taken up at periodic intervals. The PWD or the Buildings Department in the States which is in charge of maintenance does not have sufficient funds or personnel at their disposal. It needs no emphasis that even for ordinary rectification works, the Judicial Officers shall not be subjected to hassles. The Commission is of the view that the solution would be to make certain funds available to the Principal District Judge (or other equivalent rank officer in metropolitan cities). The proposals for the grant of certain amount, say **about Rs.10 lakhs** per year for each District shall be submitted to the Registry of High Court who, after scrutiny, will send the proposals to the Government

Department concerned and the amount proposed by the High Court shall be sanctioned by the Government within 2 (two) months from the date the proposal is received. Such grant shall be utilized for minor renovation works and for requisitioning the services of the skilled/semi skilled workers to immediately attend to the rectification works or minor repairs. For this purpose, the District Judge shall be competent to enter into contract with private agencies or take the help of PWD for nominating an agency.

17. GUEST HOUSE/TRANSIT ACCOMMODATION

17.1 The Commission finds **merit** in the representation made by the Associations that Guest house facility shall be provided in important places exclusively for Judicial Officers. The difficulty in securing accommodation in Circuit houses/ State Guest houses has been projected in the course of interaction. It is pointed out that even District Judge level Officers are not in position to get proper accommodation in State Guest houses.

17.2 The Commission does not expect that the Guest houses for the Judiciary should be constructed in all Dist. Headquarters irrespective of the size of the District. The travails of the Judicial Officers in securing suitable accommodation for stay is undeniable atleast in the cities and major important towns. There is every need to construct Guest houses-cum-transit homes. One wing can be earmarked as a transit home where the transferred

Officer can stay initially for a few weeks till s(he) finds residential accommodation – Official or private. The Guest house-cum-transit home facility is a long felt need of the Judicial Officers. The Commission recommends that the Guest houses/transit homes shall be constructed in a phased manner by the Governments concerned. The officials concerned shall act in coordination with the Registry of the High Court to identify the places. The details such as number and size of rooms and the amenities shall be finalized after mutual discussion. As regards the first phase of such construction, the State Governments/UTs may be directed to initiate action within a time frame of **six** months and necessary financial allocation has to be made for this purpose during the financial year 2020-21. Needless to say that after construction, the High Courts will issue necessary instructions regarding maintenance, minimal catering arrangement, rent to be charged etc.

18. SUMMARY OF RECOMMENDATIONS

- 1.** State Governments, with a sense of urgency to undertake construction of properly designed residential complex or residential quarters for the Judicial Officers.
- 2a.** The official Government accommodation or requisitioned private accommodation to be made available to the Judicial Officer(s) within one month of taking charge of the post.

- b.** The minimum plinth area for the residential accommodation shall be as follows:

District Judge : 2500 sq.ft.
Civil Judge : 2000 sq.ft.

- c.** If the official government accommodation or requisitioned private accommodation is not made available to the Judicial Officer within the prescribed time, the Judicial Officer may secure private accommodation.
- d.** If the rent of the private accommodation so secured is within the admissible house rent allowance, no fixation of rent by any authority is required. The Judicial officer concerned shall however, certify the actual rent being paid.
- e.** If the rent of the private accommodation is more than the permissible house rent allowance, there shall be rent assessment by the Principal District Judge who may seek the assistance of PWD/R&B officials for this purpose. However, the process shall not be delayed.
- f.** The Principal District Judge may seek the approval of the High Court if the variation between the permissible house rent allowance and the rent assessed is more than 15% unless the officer is prepared to bear the differential cost.

- 3a.** The rates of HRA notified by the Central Govt (Dept. Of Expenditure) in O.M.No. 20/5/2017-E II (B) dated 07.07.2017 (copy annexed as **Appendix I**) shall be applied to all Judicial Officers. They are as follows:

Rates of HRA per month
as percentage of basic pay

24%
16%
8%

- b.** The rates of HRA shall be 27%, 18%, 9% of the basic pay when the DA crosses 25% **and** 30%, 20% and 10% when the DA crosses 50% in terms of the OM dated 07.07.2017 issued by Government of India (Department of Expenditure).
- c.** The officers who are living in their own houses including the house of parents or spouse shall get the above rates notified by Govt of India (Dept of Expenditure) w.e.f. **01.01.2016**:

Classification of cities/town

X
Y
Z

- d.** The High Court may upgrade and add the cities/ towns presently covered in Y class to X class and from Z class

(unclassified category at present) to Y class having regard to local conditions.

- e.** The benefit of HRA at the rates recommended by the Commission shall be available to the officers already living in hired accommodation w.e.f. **01.01.2020** depending on the actual rent being paid by them within the said ceiling.
- f.** The Office of the Principal District Judge or other competent authority shall pay rent directly to the landlord in which case, the officer is not eligible to draw HRA.
- 4.** Furniture grant of Rs.1.25 lakhs every five years shall be provided to the Judicial Officer subject to production of proof of purchase by the Judicial Officer. Household electrical appliances can also be purchased by availing of the said grant. The Officers having not less than two years of service will also be eligible for this allowance. The option to purchase the furniture being used by the officer at the depreciated rate shall be available at the time of fresh grant or retirement.
- 4.1** Apart from the furniture grant, one air-conditioner shall be provided at the residence of every Judicial Officer once in every five years.

- 5.** To ensure proper maintenance and minor repairs of residential quarters and for attending to minimum rectification works required to be attended to immediately by an electrician, plumber etc., from time to time either at the official or rented accommodation, funds to the extent of Rs. 10 lakhs per annum shall be made available to each Principal District Judge, on the basis of the proposals sent by the Registry of the High Court. The same can also be utilized for repairs to old furniture if required. The District Judge can engage private agency for the said purpose and if necessary, seek the assistance of PWD for such engagement.
- 6.** Steps to be taken for construction of Guest house-cum-transit home for the Judicial Offices in major cities and important towns as decided by the High Court in a phased manner.
- 6a.** A time-frame of 6 months for initiating the proposals in this regard and allocation of funds during the financial year 2020-21 may be directed by the Hon'ble Supreme Court.
- 6b.** The renovation of existing Judicial Officers' guest houses (which are few in number) should also be taken up on priority basis.

- 7.** The Family Court Judges (ex cadre) such as in Maharashtra to be provided General Pool accommodation by scaling up the preference now being given.

Appendix I

No. 2/5/2017-E.II(B)
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, 7th July, 2017.

OFFICE MEMORANDUM

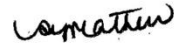
Subject:- Implementation of recommendations of the Seventh Central Pay Commission relating to grant of House Rent Allowance (HRA) to Central Government employees.

Consequent upon the decision taken by the Government on the recommendations of the Seventh Central Pay Commission, the President is pleased to decide that, in modification of this Ministry's O.M. No.2(37)-E.II(B)/64 dated 27.11.1965 as amended from time to time, O.M. No.2(13)/2008-E.II(B) dated 29.08.2008 and O.M. No.2/5/2014-E.II(B) dated 21.07.2015, the admissibility of House Rent Allowance (HRA) shall be as under:-

Classification of Cities/Towns	Rate of House Rent Allowance per month as a percentage of Basic Pay only
X	24 %
Y	16 %
Z	8%

- The rates of HRA will not be less than Rs.5400/-, 3600/- & 1800/- at X, Y & Z class cities respectively.
- The rates of HRA will be revised to 27% 18% & 9% for X, Y & Z class cities respectively when Dearness Allowance (DA) crosses 25% and further revised to 30%, 20% & 10% when DA crosses 50%.
- The term "basic pay" in the revised pay structure means the pay drawn in the prescribed pay levels in the Pay Matrix and does not include Non-Practising Allowance (NPA), Military Service Pay (MSP), etc. or any other type of pay like special pay, etc.
- The list of cities classified as 'X', 'Y' and 'Z' vide DoE's O.M. No.2/5/2014-E.II(B) dated 21.07.2015, for the purpose of grant of House Rent Allowance is enclosed as Annexure to these orders.
- Special orders on continuance of HRA at Delhi ("X" class city) rates to Central Government employees posted at Faridabad, Ghaziabad, Noida and Gurgaon, at Jalandhar ("Y" class city) rates to Jalandhar Cantt., at "Y" class city rates to Shillong, Goa & Port Blair and HRA at par with Chandigarh ("Y" class city) to Panchkula, S.A.S. Nagar (Mohali) which have been allowed to continue vide Para '4' of this Ministry's O.M. No.2/5/2014-E.II(B) dated 21.07.2015 and O.M. No. 2/2/2016-E.II(B) dated 03.02.2017, shall continue till further orders.
- All other conditions governing grant of HRA under existing orders, shall continue to apply.
- These orders shall be effective from 1st July, 2017.
- The orders will apply to all civilian employees of the Central Government. The orders will also be applicable to the civilian employees paid from the Defence Services Estimates. In respect of Armed Forces personnel and Railway employees, separate orders will be issued by the Ministry of Defence and the Ministry of Railways, respectively.
- In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders issue in consultation with the Comptroller & Auditor General of India.

Hindi version is attached.



(Annie George Mathew)
Joint Secretary to the Government of India

To

All Ministries and Departments of the Govt. of India etc. as per standard distribution list.
Copy to: C&AG and U.P.S.C., etc. as per standard endorsement list.

ANNEXURE**To O.M. No.2/5/2017-E.II(B) dated 07.07.2017.****LIST OF CITIES/TOWNS CLASSIFIED FOR GRANT OF
HOUSE RENT ALLOWANCE TO CENTRAL GOVERNMENT EMPLOYEES**

SI. No.	STATES/ UNION TERRITORIES	CITIES CLASSIFIED AS "X"	CITIES CLASSIFIED AS "Y"
1.	ANDAMAN & NICOBAR ISLANDS	—	—
2.	ANDHRA PRADESH/ TELANGANA	Hyderabad (UA)	Vijayawada (UA), Warangal (UA), Greater Visakhapatnam (M.Corp.), Guntur (UA), Nellore (UA)
3.	ARUNACHAL PRADESH	—	—
4.	ASSAM	---	Guwahati (UA)
5.	BIHAR	---	Patna (UA)
6.	CHANDIGARH	---	Chandigarh (UA)
7.	CHHATTISGARH	—	Durg-Bhilai Nagar (UA), Raipur (UA)
8.	DADRA & NAGAR HAVELI	—	—
9.	DAMAN & DIU	---	---
10.	DELHI	Delhi (UA)	---
11.	GOA	---	---
12.	GUJARAT	Ahmadabad (UA)	Rajkot (UA), Jamnagar (UA), Bhavnagar (UA), Vadodara (UA), Surat (UA)
13.	HARYANA	---	Faridabad*(M.Corp.), Gurgaon*(UA)
14.	HIMACHAL PRADESH	---	---
15.	JAMMU & KASHMIR	---	Srinagar (UA), Jammu (UA)
16.	JHARKHAND	—	Jamshedpur (UA), Dhanbad (UA), Ranchi (UA), Bokaro Steel City (UA)
17.	KARNATAKA	Bengalore/Bengaluru (UA)	Belgaum (UA), Hubli-Dharwad (M.Corp.), Mangalore (UA), Mysore (UA), Gulbarga (UA)
18.	KERALA	—	Kozhikode (UA), Kochi (UA), Thiruvananthapuram (UA), Thrissur (UA), Malappuram (UA), Kannur (UA), Kollam (UA)
19.	LAKSHADWEEP	---	---
20.	MADHYA PRADESH	—	Gwalior (UA), Indore (UA), Bhopal (UA), Jabalpur (UA), Ujjain (M. Corp.)

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Sl. No.	STATES/ UNION TERRITORIES	CITIES CLASSIFIED AS "X"	CITIES CLASSIFIED AS "Y"
21.	MAHARASHTRA	Greater Mumbai (UA), Pune (UA)	Amravati (M.Corp.), Nagpur (UA), Aurangabad (UA), Nashik (UA), Bhiwandi (UA), Solapur (M.Corp.), Kolhapur (UA), Vasai-Virar City (M. Corp.), Malegaon (UA), Nanded-Waghala (M. Corp.), Sangli (UA)
22.	MANIPUR	---	---
23.	MEGHALAYA	---	---
24.	MIZORAM	---	---
25.	NAGALAND	---	---
26.	ODISHA	---	Cuttack (UA), Bhubaneswar (UA), Raurkela (UA)
27.	PUDUCHERRY (PONDICHERRY)	---	Puducherry/Pondicherry (UA)
28.	PUNJAB	---	Amritsar (UA), Jalandhar (UA), Ludhiana (M. Corp.)
29.	RAJASTHAN	---	Bikaner (M.Corp.), Jaipur (M.Corp.), Jodhpur (UA), Kota (M.Corp.), Ajmer (UA)
30.	SIKKIM	---	---
31.	TAMIL NADU	Chennai (UA)	Salem (UA), Tiruppur (UA), Coimbatore (UA), Tiruchirappalli (UA), Madurai (UA), Erode (UA)
32.	TRIPURA	---	---
33.	UTTAR PRADESH	---	Moradabad (M.Corp.), Meerut (UA), Ghaziabad*(UA), Aligarh(UA), Agra (UA), Bareilly (UA), Lucknow (UA), Kanpur (UA), Allahabad (UA), Gorakhpur (UA), Varanasi (UA), Saharanpur (M.Corp.), Noida* (CT), Firozabad (NPP), Jhansi (UA)
34.	UTTARAKHAND	---	Dehradun (UA)
35.	WEST BENGAL	Kolkata (UA)	Asansol (UA), Siliguri (UA), Durgapur (UA)

* Only for the purpose of extending HRA on the basis of dependency.

NOTE

The remaining cities/towns in various States/UTs which are not covered by classification as "X" or "Y", are classified as "Z" for the purpose of HRA.

LEAVE TRAVEL CONCESSION (LTC)

1. The FNJPC recommended the Leave Travel Concession (LTC) to be provided once in a block period of four years to any place in India. However, the Judicial officers should have completed five years of service before availing the LTC. The Commission also recommended the Home Travel Concession (HTC) once in two years. The entitlement for the journey would be according to the rules in the respective States. The Supreme Court accepted this recommendation in the judgment in AIJA 2002 case.

2. The JPC while reiterating the said recommendations, proposed modifications in two respects: (i) the Judicial Officer may be permitted to avail LTC on completion of two years of service and on completion of the period of probation. (In other words, the requirement of five year minimum service recommended by FNJPC has been relaxed), (ii) the restriction regarding availment of LTC in the last year of the service has been dispensed with. As regards Home Travel Concession (HTC), while reiterating that the HTC shall be available once in two years, suggested an additional HTC if a Judicial Officer has been subjected to two or more transfers in the same cadre "from one end of the State to another for administrative reasons."

3. The views of the High Courts in brief: Some have suggested HTC to be made available annually. Some have suggested air travel facility in

connection with LTC to all the Judicial Officers while availing LTC. Some have suggested that travel to SAARC countries may be permitted as part of LTC. Two High Courts have suggested LTC, Home Town once in a block of two years. Some High Courts have suggested the status quo i.e. HTC once in a block of two years and LTC anywhere in India once in a block of four years. One High Court has suggested payment of one month's basic pay and DA in lieu of LTC if the officer does not avail of LTC/HTC. There was also suggestion from one of the High Courts to extend the facility of encashment of ten (10) days earned leave while availing LTC.

4. The Associations have made varied demands. In the State of Haryana, the officers are allowed one month's basic pay and DA if they do not avail of the LTC. The Delhi Judicial Service Association has requested for a similar facility. Some Associations of Judicial officers have suggested LTC to be allowed as per the Central Government norms. Some have suggested LTC to be extended once in a block of two years and the HTC to be extended every year. Air travel facility has been sought for in the written and personal representations. Some Associations suggested LTC once in a block of three years, whereas some other Associations have requested to make LTC available once in a year. One Association has suggested sanction of lumpsum of Rs.1,00,000/-, Rs.75,000/- and Rs.50,000/- depending on the cadre of the officer concerned every two years to go to any place in India.

5. Two Associations have suggested LTC once in a block of two years for pensioners also. However, the Commission finds no justification for the same.

6. Further, in view of the fact that the difference in air fares is not much, it is submitted that the Judicial Officers may be permitted LTC to travel to SAARC Countries.

7. On considering the *pros and cons*, especially the objective behind the LTC/HTC, the Commission is of the view that:

- i. Payment of one month's salary for not availing the LTC is unwarranted and it would defeat the objective of LTC.
- ii. Encashment of 10 days earned leave while availing LTC (not HTC) (subject to the maximum of 60 days) can continue. The same will be in addition to encashment of 300 days at the time of retirement and 30 days in a block of two years.
- iii(a) As regards frequency of LTC, the Judicial Officers may be permitted to avail one LTC and one HTC in a block of 3 years.
- (b) As far as fresh recruits are concerned, the HTC shall be allowed 2 times in the first block of 3 years. However, the block of 3

years will commence on completion of the period prescribed for probation (not necessarily declared).

- iv(a) The Judicial officers irrespective of their rank shall be allowed to travel by air and the reimbursement shall be made subject to the condition that the tickets have been purchased either directly from the Airlines or from the agents authorized, namely, Ashoka Travels, Balmer and Lawrie and IRCTC by the Central/ State Government subject to further addition or deletion of the authorized agent by the Central/State Government.
- b) The other details such as class of travel, advance etc. shall be governed by the respective Rules/Orders of States/UTs.
- v. The Judicial officers may be allowed to carry forward LTC anywhere in India beyond retirement for a period of one year.
- vi. There is no justification for extending the LTC/HTC facility to the retired Judicial officers.
- vii. As regards the foreign travel to SAARC countries, the District Judges and Senior Civil Judges may be allowed the said facility on two occasions in their service career and only economy class travel shall be allowed.

- viii. The Judicial officers shall not be required to avail of earned leave only, for LTC/HTC purpose and they may be permitted to avail of casual leave as a prefix and suffix to the extent of two days.

8. Accordingly, it is **recommended**.

9. SUMMARY OF RECOMMENDATIONS

- 1.** No payment shall be made for not availing the LTC.
- 2.** Encashment of 10 days earned leave while availing LTC (not HTC) (subject to the maximum of 60 days) shall continue. The same will be in addition to encashment of 300 days at the time of retirement and 30 days encashment in a block of two years.
- 3a)** One LTC and one HTC in a block of 3 years shall be available to the Judicial Officers.
- (b)** HTC shall be allowed 2 times in the first block of 3 years for fresh recruits. However, the block of 3 years will commence on completion of the period prescribed for probation (not necessarily declared).
- 4a)** The Judicial officers irrespective of their rank shall be allowed to travel by air and the reimbursement shall be made subject to

the condition that the tickets have been purchased either directly from the Airlines or from the agents authorized, namely, Ashoka Travels, Balmer and Lawrie and IRCTC by the Central/ State Government subject to further addition or deletion of the authorized agent by the Central/State Government.

- b)** The other details such as class of travel, advance etc. shall be governed by the respective Rules/Orders of States/UTs.
- 5.** The Judicial officers shall be allowed to carry forward LTC anywhere in India beyond retirement for a period of one year.
- 6.** No LTC/HTC facility shall be available to the retired Judicial officers.
- 7.** The District Judges and Senior Civil Judges shall be permitted to travel to SAARC countries while availing LTC, however the said facility shall be restricted only to two occasions in their service career and they have to travel in economy class.
- 8.** For availing LTC/HTC, it shall not be necessary to avail earned leave only. LTC/HTC can be availed by availing casual leave as a prefix and suffix to the extent of two days.

MEDICAL ALLOWANCE AND MEDICAL FACILITIES**I. FIXED MEDICAL ALLOWANCE**

1. The FNJPC recommended payment of Rs.100/- per month to the Judicial officers - both serving and retired "to meet the ordinary medical needs", thereby adopting the recommendation of V CPC. The VI CPC recommended Rs.300/- per month which was enhanced to Rs.500/- later by the Central Government. There was no specific recommendation by VII CPC in this regard.

2. The JPC quite justifiably recommended the enhancement of the fixed allowance at Rs.1,000/- per month to serving officers and Rs.1,500/- p.m. for pensioners and Rs.750/- p.m. for family pensioners with effect from 01.01.2006.

3. The need to enhance the same in the case of serving officers as well as pensioners/family pensioners is obvious. This monthly medical allowance is meant to take care of the out of pocket expenditure incurred by the officers from time to time towards routine consultations with private Doctors for minor ailments and for purchasing ordinary medicines for which reimbursement procedure would be difficult. Further, it would provide cushion for the recoupment of a portion of the claimed amount quite often disallowed by applying the existing norms for reimbursement. The High Courts and some

of the Associations have suggested the increase of fixed medical allowance in the range of Rs.3,000/- to Rs.5,000/-. Some Associations especially those representing the retired Judges and a few High Courts have suggested even more.

4. In the view of the Commission, the reasonable increase in this fixed medical allowance shall be to the extent of Rs.3,000/- per month. In the case of pensioners and family pensioners, the allowance shall be slightly higher. The Commission considers Rs.4,000/- per month to be reasonable. There is no need to distinguish between pensioners and family pensioners in this regard. All should get the amounts recommended above with effect from 01.01.2016.

5. Accordingly, the Commission **recommends**.

II. MEDICAL FACILITIES AND REIMBURSEMENT

6. There were many representations on this aspect especially at the consultative conferences held by the Commission.

7. We may, before proceeding further, refer to the recommendations of FNJPC:

The Judicial officers shall be given the medical benefits that are provided to the members of the State legislature of the concerned States subject to the following modifications:

- (i) The State Government shall notify the list of hospitals/dispensaries- Government and private for medical treatment of Judicial officers and their family members.
- (ii) The Judicial Officers are entitled to claim expenses (inclusive of the charges for accommodation at the hospital) incurred by them for treatment at such notified hospitals.
- (iii) The Judicial Officers shall be entitled for reimbursement of the expenses incurred by them for the medical treatment other than at the hospitals/dispensaries notified by the Government to the same extent as they are entitled for reimbursement of expenses incurred by them for medical treatment availed of in the notified hospital or dispensary. Such expenses shall be inclusive of accommodation charges.
- (iv) There shall not be any restriction on reimbursement except to the extent of in-patient room entitlement. Further, there shall be no ceiling on the extent of reimbursement even in case of

expensive treatment such as open heart surgery, kidney transplant etc.

- (v) The Principal District Judge shall be the competent authority for passing the medical reimbursement bills and in the case of District Judges, the High Court shall be the sanctioning authority.
- (vi) All claims for reimbursement shall be accompanied by an 'Essentiality certificate' issued by the Authorized Medical Attendant together with the bills for reimbursement supported by prescription and vouchers/cash memos.
- (vii) The Judicial Officers are entitled to get advance up to 80% of the estimated expenses; the balance to be paid after approving the bill when it is produced.

8. In Chapter 22 of the report of FNJPC, it was recommended that the medical facilities viz., treatment and reimbursement of expenditure applied to serving Judicial officers shall be made applicable to the retirees as well. The reimbursement bills submitted by the retired Judicial Officers shall be processed and paid by the office of the Principal District Judge of the place where the retiree has settled down. Accordingly, the medical reimbursement facility is being extended to the retired Judicial officers in almost all the

States. However, there is no specific mention of family pensioners. Hence, in some States such as Maharashtra and Kerala, the family pensioners are not eligible for reimbursement of medical expenses and other medical facilities extended to the retired Judicial officers.

9. In the state of Maharashtra, the pensioners do not have medical facilities at par with serving Judicial Officers. They are also not availing of Group Insurance Mediclaim Scheme offered by the State Government.

9.1 In Maharashtra, the serving Judicial Officers are provided with medical facilities/reimbursement to the same extent as they are provided to the Government employees. The orders relating to medical reimbursement to Government employees contained in the Government resolution dated 19th March, 2005 govern the medical reimbursement and other medical facilities. According to the information received from the Judicial Officers Associations, the procedure of referral by the Government hospital/dispensary has to be gone through. It appears that there are no notified private hospitals in which the Judicial Officers can straightaway take the treatment and claim reimbursement including advance. The pensioners including the Judicial pensioners are not availing of any medical facilities at the cost of the State in spite of the recommendation of the FJNPC which was reiterated by JPC. The JPC's recommendation is as follows:

"31(d) : The other recommendations of First National Judicial Pay Commission at no. 6 with regard to treatment and reimbursement of expenditure etc. holds good and the same to continue."

9.2 In the order dated 26.07.2010 in the case of **All India Judges' Association v UoI** (2010) 14 SCC 713, the Supreme Court specifically approved this recommendation made by JPC and further noted that no State had raised any objection. The categorical recommendation of FNJPC in Chapter 22 was that medical facilities viz., treatment and reimbursement of expenditure applicable to serving Judicial Officers shall be applied to the retiree Judicial Officers as well and that the reimbursement bills submitted by the retired Judicial Officers shall be processed and paid by the office of the Principal District Judge of the place where the retiree has settled down. In spite of this categorical recommendation by the Supreme Court, the pensioners of judiciary in Maharashtra were denied the benefit. The State Cabinet resolved on 17.07.2016 that the medical reimbursement insurance scheme applicable to the serving and retired Officers of All India Services shall be made applicable to the retired Judicial officers. Earlier, the State Cabinet in its meeting dated 25.08.2009 rejected the proposal of medical reimbursement to the retired Judicial Offices on par with the serving Judicial Officers. Thus, virtually, the successive Governments in Maharashtra have declined to grant the facility of medical reimbursement to the pensioners of the judiciary in spite of the specific order of the Supreme Court. Aggrieved by this action of

the State Government, one of the retired Judicial Officers filed a Writ Petition in the High Court at Bombay (Aurangabad Bench). By the order dated 22.03.2019 in W.P. No. 2679/2015, the High Court accepted the plea of the petitioner and directed the State Government to take steps to provide the benefit/facility of medical reimbursement to the Judicial retirees on par with the serving Judicial officers. The Division Bench of the High Court observed:

"25. In view of the directions of the Apex Court in the case of All India Judges Association v Union of India vide order dated 26.07.2010 in I.A. No. 244 in Writ Petition no. 1022 of 1989 approving the recommendations made by Justice Padmanabhan Committee to continue with the Justice Shetty Commission recommendation as mentioned in paragraphs 31(a) to (d) of the report and further observation, "we may place on record that as above directions are concerned, no State has raised any objection", the State Government has to implement the directions of the Apex Court and award to the retired Judicial Officers same benefit of medical reimbursement as is available to the serving judicial officers. The Government is not left with any discretion in this regard.

27. It needs to be considered that, medical aid would be a necessity more for a retired judicial officer. Nine years have passed, the State Government has not implemented the recommendations of Justice Padmanabhan Committee, as approved by the Apex Court. The State Government was expected to take up the said cause.

28. It is for the State Government to decide the date of implementing the facility of medical reimbursement to the retired Judicial Officers as provided to the serving Judicial Officers. Nine years is too long a period for the Government in not taking the decision. It is because of the apathy on the part of the Government, we are required to step in."

9.3 No information is available as regards the action taken subsequent to the decision of High Court.

10. In the State of Maharashtra, there is an insurance scheme for reimbursement of medical expenses of in-service and retired State Government officers. It is known as Group Insurance Medi-Claim scheme. The rates of premium are specified. The premium amount varies according to the quantum of claim (between one lakh and twenty lakhs), the age group and the GST component. All the major hospitals are on the list of Insurance company with whom the Government enters into an understanding. However, this facility has not so far been extended to or availed of by the Judicial officers. According to the inputs received from Judicial Officers, the premium is considered to be quite high.

11. At present, many States have notified private sector hospitals/diagnostic centres/clinics where the Judicial officers and the eligible family members can take treatment or undergo the prescribed tests, without referral by a Doctor attached to Government hospital/authorized medical attendant. In an emergency, however, the Judicial Officers can take treatment at any hospital without prior referral and the reimbursement is allowed after due scrutiny.

11.1 The bills for reimbursement are being submitted to the Principal District Judge or an Officer of the rank of District Judge in the metropolitan areas. Advance upto 80% is being sanctioned on furnishing the estimates given by the notified or referred hospital. In Chandigarh, it appears the

Judicial Officers have to submit their bills to the High Court. However, by and large no difficulty is being experienced on account of the bills being processed by the Registry of the High Court. In some States, if the claim amount is high, it appears, the bill is being forwarded to the Registry of the High Court for approval. As regards the bills of Principal District Judges and District Judges (STS), they are submitted to the Registry for approval.

11.2 In NCT of Delhi, the Delhi Government's Health Scheme which is akin to CGHS is being made applicable to Judicial Officers. Under the Delhi Scheme, the Judicial Officers need not get a referral from Government Hospital and can go directly to the empanelled Private Hospital/Pathological Lab, have treatment and claim reimbursement. It is learnt that there are no problems faced by them in getting the medicines prescribed by private hospitals empanelled by the government. Clinical/diagnostic tests are allowed in approved pathology labs. In Chandigarh and other Union Territories, the Judicial Officers and Government Officials avail of CGHS facility and no particular problems in getting reimbursement where the treatment is undergone in the empanelled hospitals or for undergoing tests in approved pathology labs are being faced.

12. In NCT of Delhi, there are specific orders of the Government to the effect that the notified/empanelled private hospitals or autonomous hospitals under the Government shall provide the cashless (credit) facility and

they charge the rates approved by the Government. In Delhi, it has been provided under the OM dated 24.05.2012 issued by the Directorate of Health Services, Government of NCT of Delhi that these private hospitals shall provide cashless (credit) facility to DGEHS beneficiaries and they shall charge the amount at the rate approved by DGEHS/CGHS/AIIMS or its own rates whichever is lower.

12.1 Further, in NCT of Delhi, by the OM dated 17.08.2015, the need for authorization/referral for entitled treatment in private recognized hospitals for the beneficiaries of DGEHS has been dispensed with irrespective of their grade pay.

12.2 Dental treatment in private empanelled dental centres and hospitals empanelled for dental facilities without authorization/referral by the Government Doctor is permitted vide OM dated 28.08.2017 of the Directorate General of Health Services, Government of NCT of Delhi.

12.3 The Commission would also like to refer to another OM issued recently by DGHS, Government of NCT of Delhi on 29.03.2019 wherein the Government decided that the beneficiaries who travel/settled outside Delhi/ NCR may avail of non-emergent treatment also directly from any Government/ Government empanelled private hospital (at that place) and the expenditure incurred on such treatment will be reimbursed by the concerned

department where the beneficiary is working or has retired from as per CGHS approved rates of the city/nearest CGHS covered city.

13. The Government of India (Ministry of Health & Family Welfare) has issued an Office Memorandum dated 09.11.2017 (annexed as **Appendix I**) aimed at simplification of the procedure for treatment at private hospitals empanelled under CGHS/Civil Services (Medical Allowance) Rules. The CGHS beneficiaries are allowed to take treatment at empanelled private hospitals in respect of specific treatment procedures listed in CGHS rate list without referral letter. Further, it is provided in the said O.M. that private empanelled hospital shall provide treatment on cashless basis in respect of CGHS beneficiaries who are presently eligible for credit facility. A prescription issued by Government specialist or CGHS Medical Officer along with hospital bill has to be submitted to the competent authority. It is specifically stated that CGHS medical Officer particularly Government Specialist shall not refer the beneficiaries to any particular empanelled hospital by name, but shall specify the treatment procedure and mention "referred to CGHS empanelled centre". However, these orders are applicable only in respect of the treatment procedures for which CGHS rates are available.

13.1 'Procedure for referral' accessed from CGHS website:

"Beneficiaries in all CGHS Cities can avail OPD consultation from Specialist in any Government Hospitals directly without the need for any referral.

Beneficiaries in all CGHS Cities below the age of 75 years can seek OPD consultation from Specialists in any of the CGHS empanelled hospitals after being referred by the Medical Officer or CMO In-charge of the Wellness Centre.

Beneficiaries aged above 75 years can directly avail the OPD facilities at the empanelled hospitals without any referral from the Medical Officer of CGHS. If any investigations or procedures are advised and required in emergency, no additional permission or endorsement is required from the Medical Officer of CGHS."

14. In the state of Jammu & Kashmir the Government has issued a notification on 05.03.2019 in regard to medical facilities by including reimbursement for treatment taken in notified private hospitals and also other than the hospitals notified by the Government. A copy of the notification is annexed as **Appendix – II**.

15. In quite a number of States viz. Maharashtra, Madhya Pradesh and the North-Eastern States, referral by Medical officer in-charge of Government hospital/dispensary is necessary for undergoing treatment or tests at the private hospitals/clinics and for claiming reimbursement even if they are notified hospitals/clinics.

16. The Commission could not get definite information regarding the extension of medical facilities to the family pensioners and whether they are being treated at par with pensioners. In some States, such as Kerala and Maharashtra, no medical facilities at the State's cost are being extended to them.

17. The grievances in general projected by the Judicial officers are these:

- 1) Lack of adequate number of notified hospitals/pathological labs.
- 2) Non-availability of cashless treatment for in-hospital treatment even in case of serious ailments and emergency.
- 3) The Civil Surgeon or Directorate of Medical/Health services to whom the claims are referred to are enforcing unjustifiable cuts.
- 4) Delay in processing/passing the bills in case of high claims.
- 5) Insistence of Essentiality Certificate even for medicines purchased on the basis of the prescription issued by Registered Medical Practitioner or even the Consultant of the notified hospital.
- 6) Procedural problems being faced by the Judicial Officers who have settled down in other States after retirement.
- 7) Non-specification of premier hospitals of repute in other States for the purpose of availing reimbursable medical treatment in cases of serious ailments.
- 8) Non-extension of medical facilities to the family pensioners.

18. The Commission has considered various issues that have arisen and has broadly kept in view the recommendations made by FNJPC. Having regard to the long passage of time since the FNJPC made its report and taking note of the genuine requirements of the serving Judicial Officers & Pensioners/Family Pensioners, the Commission formulates the following **recommendations:**

1. The spouse or other dependents of Judicial Officers drawing family pension shall also be eligible for medical facilities/ reimbursement at par with the pensioners of the judiciary. A communication to this effect shall be sent to the family pensioners by the Principal District Judges concerned.
- 2a) The necessity – more or less a formality, of reference from the Medical Officer of a Government hospital needs to be dispensed with. Straightaway, the Judicial Officers including pensioners/family pensioners shall be entitled to have consultations/treatment in the Government notified/empanelled private hospitals/Pathological Labs and seek reimbursement by submitting the bills as per the usual procedure (which is now being followed).

- 2b) However, in regard to Judicial Officers governed by DGEHS or CGHS, the existing procedure which is quite simple and systematic, can be followed.
- 2c) The Principal District Judges or Registry of High Court [in respect of Principal District Judges] shall be empowered to address credit letters to the concerned empanelled hospitals where the Judicial Officer or Judicial Pensioner/Family Pensioner has been or to be admitted as inpatient.
- 2d) For the Pensioners and Family Pensioners, a Medical Card on the lines of what is being issued in Delhi shall be issued by the Principal District Judge. A sample of such Medical Card issued by District & Sessions Judge Delhi/New Delhi is annexed herewith as an **Appendix III** to this allowance. This will serve as an identity card and facilitate treatment by the notified hospitals without hassles. It is desirable that a list of such card holders viz. serving officers, pensioners and family pensioners may be loaded on the website of District/High Courts as it will facilitate easy verification and immediate treatment.
- 2e) The expenditure incurred towards inpatient treatment or for serious ailments requiring more or less continuous treatment

shall be processed and sanctioned by the Principal District Judges or other authorized Officer of that rank or as the case may be by the Registry of the High Courts. For this purpose, necessary assistance shall be given to the pensioners/family pensioners.

- 2f) In the case of emergency, the Judicial Officer, serving & retired as well as the family pensioner can take treatment in any nearest private hospital – not necessarily, Government notified hospitals and seek reimbursement as per the usual procedure. If necessary, Credit letter shall be issued for this purpose.
3. The Commission reiterates that on submission of the estimate given by the recognized/empanelled hospital, 80% shall be sanctioned as advance, subject to preliminary scrutiny by the Principal District Judge or a District Judge of equivalent rank authorized by the Registry of the High Court. The balance shall be reimbursed on certification by the designated Civil Surgeon or Official of the Directorate of Medical & Health Services as the case may be. If the Government approved rates are not available for any particular item, the certifying officer shall have due regard to the rates generally charged in the hospitals

concerned. Though there needs to be scrutiny before sanctioning the payment in view of the tendency to exaggerate the estimates, the extent of disallowance shall be minimal and the reasons for disallowance shall be disclosed by the certifying authority. The bills sent by the District Judge for scrutiny of the designated Civil Surgeon/Officer of Directorate shall be cleared within a maximum period of one month from the date of receipt.

4(a) The retired Judicial Officers and the family pensioners who have settled down in another State shall have the facility to claim medical reimbursement/advance from the State from which s(he) is drawing pension/family pension. The cost incurred for treatment including room charges, clinical tests and medicines etc. shall be reimbursed if they had undergone treatment or tests at the Government hospital or private hospitals/pathological labs notified/recognized in that State.

4(b) The cost of treatment including room charges/tests undergone in any Government/Government notified/recognized hospitals/pathological labs in an emergency or otherwise shall be reimbursed to the serving officers on tour (official or private purpose) to another State or settled in another State after retirement. The bill submitted by such Officer shall not be

rejected on the ground that they are not recognized hospital/ labs in the State in which the Officer is serving or had served.

5. The Registry of the High Court shall examine whether the notified/empanelled hospitals sufficiently cater to the needs of the Judicial Officers including the pensioners/family pensioners and send proposals to the Government for notifying additional hospitals/pathological Labs to the extent it is considered necessary. The proposals sent by the High Court in this regard shall be promptly attended to by the concerned Departments of the Government.
6. To avoid delays in processing and sanctioning the bills for want of funds, the Registry of High court shall take prompt action in addressing the Government for releasing additional funds and the Finance Department of the State shall take immediate action by way of making available the additional funds to the High Court on this account.

19. SUMMARY OF RECOMMENDATIONS

1. Fixed medical allowance shall be payable @Rs.3,000/- p.m. to the serving Judicial Officers with effect from **01.01.2016**.

2. Fixed medical allowance shall be payable @Rs.4,000/- to the pensioners and family pensioners with effect from **01.01.2016**.
3. The spouse or other dependents of Judicial Officers drawing family pension shall also be eligible for medical facilities/ reimbursement at par with the pensioners of the judiciary.
- 4(a) The necessity of reference from the Medical Officer of a Government hospital shall be dispensed with. Straightaway, the Judicial Officers including pensioners/family pensioners shall be entitled to have consultations/treatment in the Government notified/empanelled private hospitals/Pathological Labs and seek reimbursement by submitting the bills as per the usual procedure (which is now being followed).
- 4(b) In regard to Judicial Officers governed by DGEHS or CGHS, the existing procedure which is quite simple and systematic, can be followed.
- 4(c) The Principal District Judges or Registry of High Court [in respect of Principal District Judge] shall be empowered to address credit letters to the concerned hospitals where the Judicial Officer or Judicial Pensioner/Family Pensioner has been or to be admitted as inpatient.

- 4(d)** For the Pensioners and Family Pensioners, a Medical Card on the lines of what is being issued in Delhi as shown in **Appendix III** shall be issued by the Principal District Judge.
- 4(e)** The expenditure incurred towards inpatient treatment or for serious ailments requiring more or less continuous treatment shall be processed and sanctioned by the Principal District Judges or other authorized Officer of that rank or as the case may be by the Registry of the High Courts.
- 4(f)** In the case of emergency, the Judicial Officer, serving & retired as well as the family pensioner can take treatment in any nearest private hospital – not necessarily, Government notified hospitals and seek reimbursement as per the usual procedure. If necessary, Credit letter shall be issued for this purpose.
- 5.** On submission of the estimate given by the recognized/empanelled hospital, 80% shall be sanctioned as advance, subject to preliminary scrutiny by the Principal District Judge or a District Judge of equivalent rank authorized by the Registry of the High Court. The balance shall be reimbursed on certification by the designated Civil Surgeon or Official of the Directorate of Medical & Health Services as the case may be. If the

Government approved rates are not available for any particular item, the certifying officer shall have due regard to the rates generally charged in the hospitals concerned. Though there needs to be scrutiny before sanctioning the payment in view of the tendency to exaggerate the estimates, the extent of disallowance shall be minimal and the reasons for disallowance shall be disclosed by the certifying authority. The bills sent by the District Judge for scrutiny of the designated Civil Surgeon/Officer of Directorate shall be cleared within a maximum period of one month from the date of receipt.

- 6(a)** The retired Judicial Officers and the family pensioners who have settled down in another State shall have the facility to claim medical reimbursement/advance from the State from which s(he) is drawing pension/family pension.
- 6(b)** The cost of treatment including room charges/tests undergone in any Government/Government notified/recognized hospitals/pathological labs in an emergency or otherwise shall be reimbursed to the serving officers on tour (official or private purpose) to another State or settled in another State after retirement even though it is not recognized hospital/lab in the State in which the officer is serving or had served.

- 7.** The Registry of the High Court shall examine whether the notified/empanelled hospitals sufficiently cater to the needs of the Judicial Officers including the pensioners/family pensioners and send proposals to the Government for notifying additional hospitals/pathological Labs to the extent it is considered necessary.
- 8.** To avoid delays in processing and sanctioning the bills for want of funds, the Registry of High court shall take prompt action in addressing the Government for releasing additional funds and the Finance Department of the State shall take immediate action by way of making available the additional funds to the High Court on this account.

Appendix I

File No.Z15025/105/2017/DIR/CGHS



Z 15025/105/2017/DIR/CGHS/EHS
Government of India
Ministry of Health & Family Welfare
Department of Health & Family Welfare
EHS Section

Nirman Bhawan, New Delhi
Dated the 9th November, 2017

OFFICE MEMORANDUM

Sub: Simplification of procedure for treatment at private hospitals empanelled under CGHS/CS (MA) Rules, 1944

With reference to the above mentioned subject the undersigned is directed to state that this Ministry has been receiving representations for simplification of procedure for undergoing treatment at private hospitals empanelled under CGHS. The matter has been examined and it has now been decided that CGHS beneficiaries are allowed to undergo treatment at private hospitals empanelled under CGHS of specific treatment procedures listed under CGHS rate list are advised by a Specialist in a Central Government / State Govt. Specialist hospital or a CGHS Medical Officer without any requirement of any other referral (permission) letter.

2. Private empanelled hospitals shall perform the treatment on cashless basis in respect of pensioners, ex-MPs, Freedom Fighters, Regular employees (both CGHS and CS (MA) beneficiaries) of this Ministry & other categories of CGHS beneficiaries, who are presently eligible for credit facility and shall enclose the prescription issued by Government Specialist or a CGHS Medical Officer, in original (or a self-attested photocopy) along with the hospital bill submitted to the competent authorities.
3. Serving government employees shall enclose the prescription issued by a Government Specialist or a CGHS Medical Officer in original (or a self-attested photocopy), while submitting the medical claim to the concerned Ministry /department/office for reimbursement.
4. CGHS Medical Officer / Government Specialist shall not refer the beneficiaries to any particular empanelled hospital by name but, shall **specify the treatment procedure** and mention '**referred to any CGHS empanelled centre**'.
5. These orders are applicable only in respect of treatment procedures for which CGHS rates are available.
6. This issue with the concurrence of IFD vide FTS No. 3130849, dated 09.11.2017

Signature Not Verified
Digitally signed by SUNIL KUMAR GUPTA
Date: 2017.11.09 15:05:34 IST
Reason: Approved

[Sunil Kumar Gupta]
Under Secretary to Government of India
Tel- 011-2306 1986

To:

- 1 All Ministries / Departments, Government of India
- 2 Director, CGHS, Nirman Bhawan, New Delhi

File No.Z15025/105/2017/DIR/CGHS

- 3 Adl.DDG(HQ)/All Additional Directors /Joint Directors of CGHS cities outside Delhi
- 4 All Pay & Accounts Officers under CGHS
- 5 Additional Director (Hqrs) / Additional Director (SZ)/ (CZ)/(EZ)/(NZ), CGHS, New Delhi
- 6 JD (Gr.)/JD(R&H), CGHS Delhi
- 7 CGHS Desk-I/Desk-II/CGHS-I/CGHS-II, Dte.GHS, Nirman Bhawan, New Delhi
- 8 Estt.I/ Estt.II/ Estt.III/ Estt.IV Sections, Ministry of Health & Family Welfare
- 9 Admn.I / Admn.II Sections of Dte.GHS
- 10 Rajya Sabha / Lok Sabha Secretariat
- 11 Registrar, Supreme Court of India /Punjab & Haryana High Court, Chandigarh
- 12 U.P.S.C.
- 13 Finance Division
- 14 Deputy Secretary (Civil Service News), Department of Personnel & Training,
5th Floor, Sardar Patel Bhawan, New Delhi.
- 15 PPS to Secretary (H&FW)/ Secretary (AYUSH)/ Secretary(HR)/ Secretary(AIDS Control),
Ministry of Health & Family Welfare
- 16 PPS to DGHS /SS&MD, NRHM / AS (H) /AS & DG (CGHS)
- 17 Swamy Publishers (P) Ltd., P. B. No. 2468, R. A. Puram, Chennai 600028.
- 18 Shri Umraomal Purohit, Secretary, Staff Side, 13-C, Ferozshah Road, New Delhi
- 19 All Staff Side Members of National Council (JCM) (as per list attached)
- 20 Office of the Comptroller & Auditor General of India, 10 Bahadur Shah Zafar Marg, New
Delhi
- 21 All Offices / Sections / Desks in the Ministry
22. UTI-ITSC , 153/1, First floor, Old Madras Road, Ulsoor, Bengaluru-560008.
- 23 Nodal Officer, MCTC, CGHS with a request to upload a copy of OM on CGHS Web-site
- 24 Office Order folder

Appendix II



e-mail: law-jk@nic.in
 Fax: Jammu: 0191-2546753(Nov-April),
 Fax: Srinagar: 0194-2506063(May-Oct.)

GOVERNMENT OF JAMMU AND KASHMIR
DEPARTMENT OF LAW, JUSTICE AND PARLIAMENTARY AFFAIRS
(Judicial Administration Section) Civil Secretariat
(Srinagar/Jammu)

Notification
Jammu, the 5th of March, 2019

SRO 152 .- In exercise of the powers conferred by proviso to section 124 of the Constitution of Jammu and Kashmir, the Governor, hereby makes the following amendments in the Jammu and Kashmir Judicial Officers (Allowance, Amenities and Advances) Rules, 2007:-

(i) After sub rule (iv) of rule 10, the following sub-rules shall be inserted, namely:-

- "(v) The list of notified hospitals for the purpose shall be the same as already notified under Jammu and Kashmir Civil Service (Medical Attendance-cum-Allowances) Rules, 1990.
- (vi) The Judicial Officers shall be entitled to claim expenses incurred by them for the medical attendance and the treatment obtained by them and their family members in such notified Hospitals/ Dispensaries. The expenses shall be inclusive of the charges for accommodation in the place where such treatment is taken.
- (vii) The Judicial Officers shall be entitled to reimbursement of the expenses incurred by them or for their family members for the medical attendance and treatment obtained by them in any place other than in a hospital or dispensary maintained by the State Government and other than the hospitals or dispensaries notified by the Government, to the same extent as they are entitled to under the rules for reimbursement of expenses incurred by them for medical attendance and treatment obtained

shall be inclusive of charges for accommodation.

- (viii) There shall not be any restriction on reimbursement except to the extent of in-patient room entitlement and there shall not be any ceiling on reimbursement of expenditure on expensive treatments like kidney transplant, open heart surgery etc and full reimbursement of actual expenses shall be allowed.
- (ix) Judicial officers shall be entitled to advances to meet the medical expenses for treatment upto 80% of the estimate and the balance be paid after approving the bill when it is produced.”.

This issues with the concurrence of the Finance Department conveyed vide U.O.NO.A/71(2009)-III-563 dated 04-01-2019.

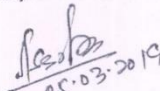
By order of the Government of Jammu and Kashmir.

Sd/-
(Achal Sethi)
Secretary to Government
Dated: 05 -03-2019.

NO: LD(A) 93/112-III(N)

Copy to the:-

1. Principal Secretary to Government, Finance Department. This is with reference
2. Commissioner/Secretary to Government, General Administration Department. This is with reference to his letter No.GDC-21/CM/2019 dated 27-02-2019.
3. Registrar General, J&K High Court, Jammu.
4. Principal Secretary to the Hon'ble Chief Justice, J&K High Court, Jammu.
5. General Manager, Ranbir Government Press, Jammu for publication in an extraordinary issue of Government Gazette.
6. In-charge Website, Department of Law, Justice & PA.
7. SRO section, Department of LJ&PA (w. 7. s.c).
8. Concerned file.


(Ashish Gupta)
Deputy Legal Remembrancer

5/3/2019

Appendix III

बाद में जोड़े गये नये लाभार्थियों का व्यौरा
DETAILS OF ADDITION OF BENEFICIARIES

क्र. सं. Sl. No.	नाम Name	जन्म तिथि/आयु DoB/ Age	सम्बन्ध/रिश्ता Relation	प्राधिकृत हस्ताक्षर/टिप्पणी Signature of Authorised Officer/Remarks

कार्ड की वैधता (सिर्फ पेंशनर के मामले में)
VALIDITY OF CARD (only in case of Pensioners)
जीवन पर्यन्त सदस्यता : हाँ/नहीं
whether lifetime membership : Yes/No

क्र. सं. Sl. No.	ट्री-आर-5 व्यौरा: रसीद संख्या, तिथि, रकम TR-5 Details: No. Date, Amount	तक वैध Valid till	जारीकर्ता प्राधिकारी के हस्ताक्षर व मोहर Signature & Seal of issuing authority

GMGIPMRND-657DGEHS-07-07-2017.

क्र.सं.
Sl.No.

कर्मचारी/पेंशनर
SERVING EMPLOYEE/PENSIONER

259880



दिल्ली सरकार कर्मचारी स्वास्थ्य योजना
DELHI GOVERNMENT EMPLOYEES HEALTH SCHEME
राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI

चिकित्सा सुविधा कार्ड
MEDICAL FACILITY CARD

संलग्नित औषधालय का नाम/पता
DISPENSARY ATTACHED

संलग्नित औषधालय में पंजीकरण क्रमांक
Regn. No. of Card at
Attached Dispensary

Entitlement of Ward

जारीकर्ता कार्यालय/विभाग का नाम व पता
NAME & ADDRESS OF THE ISSUING
OFFICE/DEPARTMENT

लाभकर्ता व्यौरा/ BENEFICIARY DETAILS

1. नाम/Name _____
2. पद/Designation _____
(वर्तमान/सेवानिवृत्ति से पहले)/(Present or Before Retirement)
3. आखिरी मूल वेतन/Basic Pay Last drawn _____
4. वार्डहकदारी - सरकारी अस्पताल-सामान्य/नर्सिंग होम
Ward Entitlement - Govt. Hospital-General/Nursing Home
पैनेल के अस्पताल - सामान्य/सेमीप्राइवेट/प्राइवेट
Panelled Hospital - General/Semi Private/Private
5. पता/Address _____

लाभार्थी का स्वप्रमाणित फोटो PHOTO OF BENEFICIARY CERTIFIED BY BENEFICIARY	6. जारी करने की तिथि/Date of issuing _____
	लाभकर्ता के हस्ताक्षर Signature of Beneficiary

जारीकर्ता प्राधिकारी के हस्ताक्षर एवं मोहर
Signature & Seal of issuing Authority

स्थानांतरण पर सम्बन्धित नये विभाग द्वारा अनुमोदन Endorsement by the New Department of Transfer

विभाग का नाम Name of Department	दिनांक Date	प्राधिकृत अधिकारी के हस्ताक्षर एवं मोहर Signature & Seal of issuing Authority

परिवार/आश्रित लाभकर्ताओं का व्यौरा DETAILS OF FAMILY/DEPENDENT BENEFICIARIES

[केंद्रीय सेवाएं (चिकित्सा उपस्थिति) नियमों में यथापरिभाषित]
[as Defined in Central Services (Medical Attendance) Rules]

क्र.सं. Sl. No.	नाम Name	जन्म तिथि/ आयु DoB/ Age	कार्ड धारक से सम्बन्ध Relationship with Card Holder
1.			SELF
2.			
3.			
4.			
5.			
6.			

निर्देश/INSTRUCTIONS

1. कार्ड धारक तथा उसका आश्रित इस कार्ड द्वारा इस मामले में जारी निर्देशानुसार चिकित्सा सुविधा पाने के लिए अधिकृत है। The card holder and his/her family dependent members are authorised to avail medical facilities as per instructions issued in this behalf.
2. इस कार्ड के गुप्त होने पर जारीकर्ता प्राधिकारी तथा इलाके के थाने को तुरन्त सूचित करें। इस कार्ड की दूबारी प्रति सर्वोच्च विभाग द्वारा 10 रु. के भुगतान पर ही जारी की जाएगी।
The loss of the card should be immediately reported to the issuing authority and to be nearest Police Station. Duplicate Card will be issued after payment of Rs. 10/- by the department concerned.
3. इस कार्ड के दुरुपयोग पर नियम सम्मत कार्यवाही की जाएगी।
Misuse of this card by an official/pensioner concerned is liable to action.
4. इलाक़ा, परिवार सदस्यों के बारे में परिवर्तन को जारीकर्ता प्राधिकारी द्वारा पुष्टीकृत कराए तथा विभाग संबंधित औपचारिक तथा निर्देशात्मक स्वास्थ्य सेवाओं को सूचित करें।
Any change in entitlement/family members should be got endorsed by issuing authority under intimation to concerned dispensary & Directorate of Health Services.
5. किसी भी प्रकार से सेवा निवृत्ति/समाप्ति होने पर कार्ड को जारीकर्ता सम्बन्धित विभाग/कार्यालय को वापस करना होगा। In case of retirement/termination the card should be returned back to issuing office/deptt.

NEWSPAPER/MAGAZINE ALLOWANCE

1. The FNJPC recommended free supply of newspapers and magazines to the Judicial officers. The Commission referred to the practises prevailing in certain States in this regard. The JPC reiterated the recommendation of FNJPC “without any change”. The officers of the Central and State Governments are provided with newspapers/magazines at the State’s costs. To the same extent, the Judicial officers are also being provided with newspapers/magazines. At present, the factual position regarding Newspaper/magazines provision is as follows in some of the States:

Bihar	Rs.250/- per month
Orissa	Rs.300/- per month
Madhya Pradesh	Rs.100/- per month
Kerala	2 Newspapers/ 1 Magazine
Delhi: District Judges	2 Newspapers and 2 Magazines (Maximum Rs.700/- per month)
Civil Judges	2 Newspapers and 1 Magazine (Maximum Rs.500/- per month)
Meghalaya	As admissible to the State Govt. Officers as per the pay scale

2. The Ministry of Finance, Government of India has fixed monetary ceiling depending on the rank/level of the officer vide O.M. issued on 03.04.2018. For the Group-A officers, falling within the levels 9 to 16, it varies from Rs.500/- to Rs.1,100/-per month.

3. The Commission is of the view that it is reasonable to fix the ceiling within which the Judicial officers can purchase newspapers/magazines and it shall be Rs.1000/- for District Judges **and** Rs.700/- for Civil Judges. Within this limit, the District Judges can purchase two newspapers and two magazines **and** the Civil Judges two newspapers and one magazine. The cost subject to the above ceiling shall be borne by the States.

4. However, if in any State, there is a more beneficial provision already in operation, the same can continue.

5. SUMMARY OF RECOMMENDATIONS

1. Reimbursement for newspaper and magazines shall be Rs.1000/- for District Judges (two newspapers and two magazines) and Rs.700/- for Civil Judges (two newspapers and one magazine).

2. The reimbursement shall be on half yearly basis from January to June and July to December, on the basis of self certification.

3. The allowance at the above mentioned rates shall be available from **01.01.2020**.

4. More beneficial provision already in operation in any State shall continue.

RISK ALLOWANCE

1. Under the head 'Risk Allowance', the FNJPC observed thus:

"19.89 The risk can be divided into two categories, one category would be covering areas where risk is gradual and insidious, like the danger of cancer for a Radiographer; the other category is where there is contingent danger to life or limb due to injury or attack as a direct consequence of the performance of official duties. Normally, risk allowance is given only to cases falling in the first category.

19.90. Certain categories of employees both in Government of India and in some States are given risk allowance, whose normal duties involve special risks. Risk allowance is paid to employees working in certain surroundings which are risky and may, over a period of time, cause deterioration in their health."

2. FNJPC did not consider it appropriate to recommend risk allowance for Judicial Officers because the Judicial Officers ought not to entertain any kind of fear in the course of discharge of their duties. However, it was observed that if there is any threat to their life or to their family members while trying any particular case, they must promptly inform the police who must assess the nature of situation and provide them with necessary security. FNJPC was also not inclined to provide a separate insurance cover for Judicial Officers posted in risk-prone areas or to those trying sensitive cases. However, the Commission expressed that it would be proper to introduce compulsory insurance scheme for Government servants and Judicial Officers.

3. During the regional conference, the Jammu & Kashmir Judicial Officers' Association submitted that in view of the fact that several areas in Kashmir Valley are facing the threat of terrorism and that there have been instances of Judges being threatened or harmed by terrorist elements. Those from North-East States also pointed out that certain areas are insurgency-affected/ high risk areas and the officers working in such stations shall be granted risk allowance.

4. It is brought to the notice of the Commission that at present, the risk allowance is allowed to Government officials and police personnel on field duties who are prone to real and perceptible risk. In this respect, the Judicial Officers may stand on a somewhat different footing when compared to Government employees including police/ para-military personnel working in disturbed areas.

5. The Commission considers it reasonable to provide the grant of risk allowance for the Judicial Officers working in remote and disturbed areas. In the States of Jammu & Kashmir and North-East States (other than Assam) if such allowance is being granted to the other Civilian Government officials of other departments (other than police and para-military personnel), such allowance should be made available to the Judicial Officers at the same rates as applicable to Civilian Government officials working in those areas w.e.f.

01.01.2020.

6. SUMMARY OF RECOMMENDATIONS

- 1.** Risk allowance shall be made available to the Judicial Officers working in the States of Jammu & Kashmir and insurgency affected North East States at the same rate as is available to the Civilian Government officials working in those areas.
- 2.** The allowance will be available w.e.f. **01.01.2020.**

ROBE ALLOWANCE

1. The FNJPC recommended robe allowance of Rs.5,000/- once in five years to cover expenses towards coat and gown, shirt and trousers. The JPC recommended Rs.6,000/- once in 3 years. The Associations as well as the High Courts have suggested the increase of robe allowance. The robe allowance of Rs.12000/- is allowed in Uttarakhand every two years. According to the information received, in Calcutta and Maghalaya Rs.5,000/- is being paid towards robe allowance every year. In Uttarakhand Rs.1,000/- per month is being paid towards dress allowance for all Government employees and it appears that the same has been extended to the Judicial officers also. In Delhi the judicial officers are paid the robe allowance as recommended by the JPC i.e. @ Rs. 6,000/- every three years.

2. FNJPC has noted that the High Courts of Gujarat, Karnataka, Bombay and Calcutta were against granting robe allowance to the Judicial officers. The opinion expressed by the High Courts was that it would not be befitting the status of Judicial officers to claim robe allowance or dress allowance. FNJPC then referred to the judgment of the Delhi High Court in **Delhi Judicial Service Association v Delhi Administration and others** (1993 3 SLR 583) wherein a direction was given that the officers of the Delhi Judicial service have to be provided with uniform and allowance for maintenance of the same. FNJPC also referred to the Order of Hon'ble

Supreme Court in **State of Rajasthan v Rajasthan Judicial Service Association** (1999) 5 SCC 675. The Supreme Court deprecated the practice of High Courts making the order regarding grant of robe allowance. The Supreme Court observed that it would be inappropriate to invoke the analogy of the Class IV employees who are usually given such allowance. However, in view of the representation made by the Government counsel that the State of Rajasthan has decided to pay the increased allowance of Rs.3,000/- in a block of 3 years with effect from 01.01.1998, the same was recorded and the matter was disposed of. FNIJC after observing that the Judicial officers shall be decently dressed while on the dais or off the dais and after referring to the practice of Judicial officers wearing the suits in the course of official duties, recommended a sum of Rs.5,000/- to be paid once in 5 years to cover the charges for cloth and stitching of coat, gown, trousers and shirt. It is already noticed that the JPC has recommended robe allowance to be increased to Rs.6,000/- payable once in 3 years.

3. Many of the Associations have suggested substantial increase in the robe allowance in view of the ever increasing cost.

4. Having regard to the fact that the pay and facilities of Judicial officers have considerably improved in view of the recommendations made by the Judicial Commissions and the situation which was existing at the time when FNIJC had examined the matter no longer exists now, it would be

gracious on the part of the Judicial officers if such demands are not raised. It deserves mention that the VII CPC has recommended uniform allowance only to those employees who were required to wear prescribed dress in the course of discharge of their duties.

5. Though the Commission is somewhat reluctant to recommend the allowance, having regard to the practice which has been there for a considerable time and the wearing of robe in Court is essential, as per rules in force, this Commission would not like to recommend discontinuance of robe allowance altogether. The Commission is, however, inclined to recommend only modest increase of the allowance, with the hope that such demand for robe allowance will not be raised before the next Commission.

6. The Commission is of the view that the present allowance of Rs.6,000/- may be enhanced to **Rs.12,000/-** payable once in 3 years with effect from **01.01.2016**. This would cover the cost of gown and black coat only.

7. The Commission **recommends** accordingly.

8. SUMMARY OF RECOMMENDATIONS

1. The robe allowance shall payable @Rs.12,000/- once in 3 years w.e.f. **01.01.2016**.

2. The demand may not be raised before the next Commission.

SPECIAL PAY FOR ADMINISTRATIVE WORK

1. The FNJPC noted that most of the High Courts suggested that special pay should be given only to those posts which in addition to the Judicial work have administrative work as well. It was also noted that the High Court of Delhi was not in favour of special pay for doing administrative work on the ground that such work was being done mostly during office hours only. The fact that all the Service Associations urged for special pay was noted by the Commission. Further, it was mentioned that the majority of State Governments wanted the abolition of special pay inasmuch as the pay structure was based on the concept of nature of work, jurisdiction, qualification etc. Then, the Commission observed thus at paragraphs 19.146 and 19.147:

19.146: "We agree with the submission that the pay scale is fixed on several factors including the duties, responsibilities of the post and, therefore, no additional payment for Judicial officers who do the administrative work during court hours is called for.

19.147: We, however, request the High Courts to evolve a principle of paying "special pay" to such of those Judicial officers who have considerable administrative work outside the court hours. We do not have any such material before us and, therefore, we do not want to embark upon such enquiry".

2. The JPC merely observed at paragraph 65 that "the recommendation of FNJPC as approved by the Hon'ble Supreme Court is to be continued and followed".

3. As per the information received from some High Courts, the special pay for administrative work which is being allowed is as follows:

Uttar Pradesh: Rs.1,000/- per month. **Chhattisgarh:** for Civil Judge (Jr. Div. & Sr. Div.), it is Rs.750/- and Rs.500/- respectively, for Principal District Judge, the allowance is Rs.1500/- and for other District Judges Rs.1,000/- per month. In **Himachal Pradesh**, the special pay for the four categories of officers is Rs.400/-, 600/- and 800/- (for ADJ) and Rs.1,000/- for DJ. In **Punjab and Haryana**, the special pay is Rs.1000/- per month. (It is not clear whether it applies to all categories of Judicial Officers doing administrative work). In **Sikkim**, the District Judge is paid Rs.2,000/- per month. In **Jammu & Kashmir**, it is as meagre as Rs.250/-per month (may be for all categories of officers doing administrative work). In **Manipur**, the District Judge is allowed Rs.700/- and the Civil Judge (Sr. Div.) Rs.500/- per month.

3.1 In the States of **Andhra Pradesh** and **Telangana**, the special pay ranges between Rs.350/- to Rs.700/-. As per the G.O. issued by the then Government of Andhra Pradesh on 05.11.2009, based on the proposal of the High Court, the special pay was granted with effect from 01.11.1999. The special pay of Rs.700/- per month has been granted to the five Registrars of the High Court and certain categories of District Judges viz. all the Principal and First Addl. District Judges and the Judges/Chairpersons/Presiding officers

of specified Courts and Tribunals such as Family Court, Special Court for SC & ST (POA) cases, Industrial Tribunal, Labour Court, Sales Tax Appellate Tribunal, Wakf Tribunal, Cooperative Tribunal etc., Rs.500/- was granted to all Principal Senior Civil Judges and Rs.350/- to all Principal Junior Civil Judges.

3.2 The highest amount of special pay on account of administrative work is being paid at present in the State of **Kerala**. It is as follows: Principal District and Sessions Judges **Rs.3,750/-** per month; Judges of MACT Courts, Family Courts, Special Courts, Presiding Officers of Labour Courts, Wakf Tribunal, Cooperative Tribunal and CJMs: **Rs.2,500/-** per month; Addl. CJMs and Principal Sub-Judges and Sub-Judges of independent Courts with filing powers: **Rs.1875/-**; Munsiff-Magistrates, Principal Munsiffs and Munsiffs of independent Courts with filing powers and Judicial Magistrates of First Class: **Rs.1,250/-** per month.

3.3 No information has been received from other High Courts.

4. The Commission observes that the Judicial officers in charge of certain Courts/Tribunals have administrative responsibilities for which extra time outside the Court working hours has to be spent. This is especially so in the case of Principal District and Sessions Judges or other DJs having similar responsibilities such as Chief Judge, City Civil Court and Metropolitan Sessions

Judge. The Principal District Judges in the Districts or equivalent rank officers in the cities are also required to inspect the Courts in the District/City, monitor the progress of cases from time to time and assess the performance of the officers by the scrutiny of judgments and conduct discreet enquiries in vigilance cases. Further, the Prl. District Judge has to frequently send up reports to the High Court on various aspects. The administrative work handled by Principal District Judge or Chief Judge, City Civil Court is considerable and extra time at the office and at home needs to be devoted for carrying out such duties. *Inter alia*, the accounts branch work demands more time and attention to be devoted.

4.1 The Commission has also received information that in some places, the Addl. District Judges (who are mostly DJs at entry level) are being assigned some duties connected with the administration of Courts in the concerned Districts. However, ultimately the files have to go to the Principal District Judge for approval/remarks. In Delhi, it appears, the Principal District Judge entrusts the work relating to certain sections/portfolios to the other District Judges.

4.2 We must take note of the fact that the magnitude of administrative work handled by various officers (other than Principal District Judges) varies. For instance, the District Judge rank officers presiding over the Tribunals/Special Courts and Civil Judges (Jr. Div. & Sr. Div.) in charge of

the Courts having comparatively less pendency may not have considerable administrative work. Not much of time needs to be spent by such officers beyond the Court hours. As there are difficulties in classification, FNJPC left it to the High Courts to evolve the criteria for the grant of special pay. However, it is noticed that the prevalent practices in the States considerably vary and therefore, the Commission has considered it necessary to bring about some uniformity.

5. Having considered various aspects mentioned above and having regard to the practice that has developed in regard to the payment of special pay, the Commission finds sufficient justification for payment of special pay and the quantum of special pay should necessarily vary having regard to the rank, responsibility and work load. Accordingly, the following rates of special pay are **recommended**:

- a) Principal District & Sessions Judges including Chief Judge, City Civil Court and Metropolitan Sessions Judge: Rs.7000/- per month.
- b(i) I Additional District Judges or such other District Judges entrusted with administrative work for which the District Judge concerned generally spends time beyond Court working hours : Rs.3500/- per month.

- (ii) District Judges presiding over Labour Courts/Industrial Tribunals, VAT/Sales Tax Appellate Tribunal and other statutory Tribunals, Spl. Courts such as the Courts trying offences under PC Act, SC & ST (POA) Act, Sales Tax/VAT Appellate Tribunal etc., having administrative responsibilities: Rs.3500/- per month.
- c) CJMs, Principal Sr. Civil Judges & Principal Junior Civil Judges being in charge of independent Courts with filing powers and other Judicial Officers having administrative responsibilities: Rs.2000/- per month.

5.1 In case of doubt regarding the eligibility of Judicial officers, the High Court's decision shall be acted upon.

6. The above recommendation will be effective from **01.01.2019**.

7. SUMMARY OF RECOMMENDATIONS

- 1.** Special Pay for Judicial officers doing administrative work shall be payable to :
 - a)** Principal District and Sessions Judges : Rs.7000/- per month
 - b)** Other District Judges including I Additional District Judges entrusted with administrative work who have to generally spend time beyond Court working hours : Rs. 3500/- per month.

- c)** District Judges presiding over Special Courts and Tribunals having independent administrative responsibilities : Rs.3500/- per month.
 - d)** CJMs **and** Principal Senior, Junior Civil Judges and other Judicial Officers having administrative responsibilities being in charge of independent Courts with filing powers : Rs.2000/- per month.
- 2.** The Special Pay shall be available w.e.f. **01.01.2019**.

SUMPTUARY ALLOWANCE

1. The FNJPC recommended sumptuary allowance to the Judicial Officers of various ranks while observing that they may often have at home such as Court staff and members of Judicial and legal fraternity and they have to extend certain courtesies by offering refreshment and Tea/Coffee. The FNJPC referred to the sumptuary allowance drawn by the High Court Judges at that time at Rs.2,000/- per month. The FNJPC fixed the rates of sumptuary allowance as follows:

District Judges	Rs.1,000/- per month
Civil Judges (Sr. Div.)	Rs. 750/- per month
Civil Judges (Jr. Div.)	Rs. 500/- per month

2. JPC recommended increase of the allowance based on the percentage of increase of High Court Judges' pay i.e. 3.07 times. Accordingly, the following rates of sumptuary allowance were recommended and approved by Hon'ble Supreme Court.

District Judges	Rs. 3,100/- per month
Civil Judges (Sr. Div.)	Rs. 2,300/- per month
Civil Judges (Jr. Div.)	Rs. 1,500/- per month

3. The Judicial Officers throughout the country are receiving sumptuary allowance at the above rates. The Associations requested for steep increase in the sumptuary allowance. For instance, the Judicial Officers'

Association of Bihar, Kerala, Uttar Pradesh, Maharashtra and Madhya Pradesh have suggested sumptuary allowance to be 50%, 37.5% and 25% of the allowance paid to the High Court Judges. High Courts of Patna, Jharkhand, Gujarat, Madhya Pradesh have also suggested increase of sumptuary allowance at the same rates. Himachal Pradesh and Madhya Pradesh Judicial Officers' Association have suggested sumptuary allowance to be granted even at higher percentages. The rates of sumptuary allowance suggested by Allahabad High Court is as high as Rs.15,000/- Rs.10,000/- and Rs.7,500/- for the three categories of Officers. Guwahati High Court has proposed the increase to be Rs.8,650/-, Rs.6,500/- and Rs.4,350/-, Orissa High Court suggested Rs.8,000/-, Rs.5,000/- and Rs.3,500/- and Sikkim High Court suggested Rs.7,000/-, Rs.5,000/- and Rs.3,000/-. The Rajasthan High Court suggests the sumptuary allowance to be connected to the Mean pay and the percentages specified by FNJPC in evolving the pay scales. Chhattisgarh High Court suggests sumptuary allowance to be fixed at 12% of the basic pay i.e. at the same level at which High Court Judges' sumptuary allowance has been increased.

4. During the process of consultations, representatives of Associations have suggested that atleast sumptuary allowance shall be stepped up by the same proportion by which the basic pay is increased as per the revised pay structure to be recommended by this Commission. Some of

the High Courts and Associations have suggested that sumptuary allowance shall be exempt from tax.

5. The VII CPC recommended abolition of sumptuary allowance and observed that the expenditure on hospitality should be treated as office expenditure and the Ministry of Finance shall lay down the ceilings for various levels. Accepting the recommendation of CPC, the sumptuary/entertainment allowance was abolished w.e.f. 30.06.2017. At the same time, by the Office Memorandum dated 22.09.2017, the Government of India (Department of Expenditure, Ministry of Finance) having observed that "the hospitality related expenditure is now to be incurred as office expenditure", conveyed the President's decision prescribing the ceiling of office expenditure on hospitality only for a few dignitaries and officials. The Table appended to the O.M. is as follows:

Sl. No.	Designation	Existing Rates of sumptuary/ Entertainment Allowance (Rs. per month)	Prescribed ceiling in respect of hospitality related office expenditure (Rs. per month)
1.	Chief Justice of India	20000/-	45000/-
2.	Judges of the Supreme Court and Chief Justice of High Courts	15000/-	34000/-
3.	Judges of High Court	12000/-	27000/-
4.	Cabinet Secretary	10000/-	23000/-

5.	Training Establishments		
	Director or Head	3500/-	8000/-
	Course Director	2500/-	5700/-
	Counsellors	2000/-	4500/-
6.	Judicial Officers in Supreme Court Registry	At the same rate as they were getting in the parent office	Existing rates may be multiplied by a factor of 2.25

6. Instructions were issued that the said expenditure on hospitality shall be booked as office expenditure. It may be seen that broadly the multiplier of 2.25 has been applied. The sumptuary allowance of High Court Judges which was Rs.12,000/- became Rs.27,000/-. The sumptuary allowance of Supreme Court Judges which was Rs.15,000/- became Rs.34,000/-. If we go by the yardstick of annual inflation, declining purchasing power of rupee due to inflation and the increase of points in the consumer price index, perhaps, it can be said that the increase in sumptuary allowance to the extent of 2.26 times (226%) is warranted. The inflation calculation Table is as follows:

	January 1996 to December 2005	January 2006 to December 2015
Total Inflation	73.5%	226.05%
Average Annual Inflation	5.66%	8.48%
Price change due to inflation	Rs.1000 in January 1996 Rs.1735.02 in December 2005	Rs.1000 in January 2006 Rs.2260.50 in December 2015
Rupee Purchasing power change due to inflation	Rs.1000 in January 1996	Rs.1000 in January 2006

	Rs.576.36 in December 2005	Rs.442.38 in December 2015
Consumer Price Index (CPI) Change	Rs.26.12 in January 1996 Rs.45.6 in December 2005	Rs.45.52 in January 2006 Rs.102.9 in December 2015

Source : <https://www.statbureau.org/en/india/inflation-calculators>
<https://www.inflationtool.com/indian-rupee>

7. JPC has applied the same multiplier (307%) reflecting the increase in High Court Judges' salary for arriving at the increased quantum of sumptuary allowance also.

8. We do not think that it would be appropriate to link up the increase in sumptuary allowance to the percentage of increase of salary. Further, it is not reasonable to make comparison with the sumptuary allowance of High Court Judges who have been getting the same from the beginning by virtue of their constitutional status. The needs of High Court Judges are greater especially with the court- staff and security personnel permanently attached to their residential offices, and also larger number of Judicial officers from District judiciary who are likely to visit them.

9. The enormous increase pleaded by some of the Associations and even suggested by some High Courts is not justified. It deserves notice that no need-based justification or any other special circumstances have been pleaded in support of such request/suggestion. Incidentally, it needs to be mentioned that no other category of civil servants gets this sumptuary

allowance though many of them who work in the Districts have also visitors and staff.

10. The request to enhance sumptuary allowance to be equivalent to 50%, 37.5% and 25% of the allowance paid to the High Court Judges, in our view, is not justified. 2.25 times increase shall be broadly the guiding principle. At the most, the Commission is inclined to **recommend** the increase at 2.50 times. If so, following are the figures:

	<u>Presently</u>	<u>Recommended</u>
District Judges	Rs. 3,100/-	Rs.7,800/- per month
Civil Judges (Sr. Div.)	Rs. 2,300/-	Rs.5,800/- per month
Civil Judges (Jr. Div.)	Rs. 1,500/-	Rs.3,800/- per month

11. However, the Commission is of the view that the following categories of Judicial Officers shall get Rs.1,000/- (One thousand) more by virtue of their status or the additional responsibilities they shoulder.

- Principal District Judge in-charge of administration in the Districts/Cities
- District Judges in selection grade and super time-scale.
- Director of Judicial Academy/Judicial Training Institute/Member Secretary, State Legal Services Authority
- Chief Judicial Magistrate/Chief Metropolitan Magistrate

12. We may mention that in the representation submitted by the All India Retired Judges' Association (Vol.1), the Association requests the Commission to make a recommendation of extension of sumptuary allowance to retired Judges also and suggested a 'uniform slab' of Rs.7,500/- per month.

We do not think that this suggestion should receive serious consideration.

The reasons given by AIRJA in this regard are not convincing.

13. SUMMARY OF RECOMMENDATIONS

- 1.** The sumptuary allowance shall be available to the Judicial Officers at the following rates :

District Judges	Rs. 7,800/- per month
Civil Judges (Sr. Div.)	Rs. 5,800/- per month
Civil Judges (Jr. Div.)	Rs. 3,800/- per month

- 2.** The allowance shall be available **w.e.f. 01.01.2016.**
- 3.** The following categories of Judicial Officers shall get Rs.1,000/- (One thousand) more by virtue of their status or the additional responsibilities they shoulder.
 - Principal District Judge in-charge of administration in the Districts/Cities
 - District Judges in selection grade and super time-scale.
 - Director of Judicial Academy/Judicial Training Institute/Member Secretary, State Legal Services Authority
 - Chief Judicial Magistrate/Chief Metropolitan Magistrate
- 4.** No sumptuary allowance shall be payable to retired Judicial Officers.

TELEPHONE FACILITY

1. As per the recommendations of FNJPC which was reiterated by JPC, landline telephone facility/allowance is available to the extent set out below:

Designation	Admissible free calls for two months	
	Office	Residence
Prl. Dist. Judge/Sessions Judge/C.M.M. (with STD facility both in office and residence)	3000	2000
Addl. Dist. Judge/Addl. Sessions Judge (with STD facility both in office and residence)	2000	1000
Civil Judge (Sr. Div) and C.J.M. (STD facility to CJM both in office and residence)	2000	1000
Civil Judge (Jr. Div) /Magistrate	1500	750

2. It is obvious that the landline telephone facility is rarely availed of by the officials including the Judicial Officers. Mobile phones are in extensive use and with the advancement of technology, new models have been entering the market. The internet facility has become a necessary adjunct to the mobile phone facility. Further, with the addition of broadband to the landline phone, it has become possible to have access to computer with internet. In spite of the fact that there was no specific recommendation of JPC in this regard, in some States such as Punjab & Haryana and NCT of Delhi, mobile handsets/smart phones are provided to the Judicial Officers also once in three and two years respectively (at par with State Officials). In some

States such as Telangana and Andhra Pradesh, only certain categories of officers viz., Principal District Judges, District Judges (Super Time Scale), Directors of State Judicial Academies, Secretaries of State Legal Services Authorities, CJMs/CMMs/Family Court Judges Junior/Civil Judges/Magistrates in-charge of protocol, the High Court Registry officials are provided with mobile handsets/mobile phone facility with usage to the extent permitted.

3. The views and suggestions received from High Courts and Associations of Judicial Officers have highlighted the need for providing mobile phone facility with handset subject to the ceiling to be prescribed in respect of internet use. Some High Courts have suggested the discontinuance of landline facility excepting for District Judges and others who, by virtue of their duties need landline phone facility as well. Gujarat High Court has suggested broadband facility to be provided at the residence so that the landline can be connected to the computer.

4. In some States, the permitted cost of mobile handsets and user per month is as under:

State	Designation	Mobile	
		Cost of Mobile Handset	User (per Month)
Delhi	District Judge (STS)	Rs.30,000/-	Rs.2,500/-
	District Judge (Selection Grade) District Judge (Entry Level)	Rs.25,000/-	Rs.2,000/-

	Civil Judges	Rs.15,000/-	Rs.1,500/-
Punjab	Principal District Judge	Rs.30,000/-	Rs.1,000/-
	All Others	Rs.20,000/-	Rs.1,000/-
Haryana	Principal District Judge	Rs.30,000/-	Rs.1,000/-
	All Others	Rs.20,000/-	Rs.1,000/-

5. On due consideration, having regard to the extensive and ever-growing use of mobile phones with internet facility and the said facility having become an effective tool in justice dispensation, the Commission is of the view that the following telephone facilities shall be appropriate for the Judicial Officers :

i. Residential Telephone (Landline) :

(a) The landline telephone and broadband facility (by the same or different service providers) shall be provided at the residence of the Judicial Officers with the permitted user as follows :

District Judges : Rs.1500/- per month

Civil Judges : Rs.1000/- per month

inclusive of rent, calls (local and STD both) and internet use.

(b) At places where broadband facility is not available, the permissible user shall be :

District Judges : Rs.1000/- per month

Civil Judges : Rs.750/- per month

inclusive of rent and calls (local and STD both).

ii.(a) Inasmuch as the internet facility will be of considerable help to the Judicial Officers in discharging their judicial functions, the Commission recommends the provision of mobile phone (handset) with internet as follows:

District Judge : Rs.30,000/-

Civil Judges (Jr. & Sr. Divisions) : Rs.20,000/-

And the permissible user shall be :

District Judges : Rs.2000/- per month

Civil Judges : Rs.1500/- per month

inclusive of internet data package.

(b) The mobile phone handset needs to be replaced once in three years at the request of Judicial Officers.

(c) The Judicial Officers to be given option to retain the old mobile phone handset at a price to be determined as per the guidelines prescribed by the Registry of High Court.

(d) The existing facilities in so far as they are more beneficial by virtue of the order issued by some of the State Governments/UTs may be continued notwithstanding the above recommendations.

iii. Office Telephone:

Regarding telephone connection to the office, we do not think it necessary to make any further recommendations and the present arrangement to continue.

6. The Commission **recommends** accordingly.

7. SUMMARY OF RECOMMENDATIONS

1. The Judicial Officers shall be provided with the following telephone facilities:

i. Residential Telephone (Landline) :

(a) The landline telephone and broadband facility (by the same or different service providers) shall be provided at the residence of the Judicial Officers with the permitted user as follows :

District Judges : Rs.1500/- per month

Civil Judges : Rs.1000/- per month

inclusive of rent, calls (local and STD both) and internet use.

(b) At places where broadband facility is not available, the permissible user shall be :

District Judges : Rs.1000/- per month

Civil Judges : Rs.750/- per month

inclusive of rent and calls (local and STD both).

ii. Mobile Phone :

(a) The provision of mobile phone (handset) with internet shall be as follows:

District Judge : Rs.30,000/-

Civil Judges (Jr. & Sr. Divisions) : Rs.20,000/-

And the permissible user shall be :

District Judges : Rs.2000/- per month

Civil Judges : Rs.1500/- per month

inclusive of internet data package.

- (b)** At the request of the Judicial Officers, the mobile phone handset shall be replaced once in three years.
- (c)** The Judicial Officers shall be given option to retain the old mobile phone handset at a price to be determined as per the guidelines prescribed by the Registry of High Court.
- (d)** The existing facilities in so far as they are more beneficial by virtue of the order issued by some of the State Governments/ UTs shall be continued notwithstanding the above recommendations.

iii. Office Telephone:

Regarding telephone connection to the office, the present arrangement shall continue.

TRANSFER GRANT

1. The FNJPC having endorsed the recommendation made by V CPC under the head 'composite transfer grant' recommended the payment of transfer grant for Judicial officers as per the Government of India rules. The 'composite transfer grant' recommended by V CPC is equal to one month's basic pay in case of transfer involving change of station located at a distance of more than 20 kilometres. In case of transfer to stations situated at a distance of less than 20 kilometres from the old station or in case of transfer within the same city involving change of residence, 1/3rd of basic pay was recommended. The FNJPC commented: "in our opinion, this method of composite transfer grant is simple and better than the cumbersome procedure under the existing rules of the State Government regarding transfer grant". The JPC in reiteration of recommendation of FNJPC recommended the transfer grant to be continued at the same level.

2. The All India Judges Association has requested for continuation of the recommendation of FNJPC as regards Transfer Grant and further for transportation of household goods, the actual expenditure incurred thereon to be reimbursed.

3. It may be noted that no specific recommendation has been made by FNJPC regarding the reimbursement of expenditure involved in

transporting the personal luggage to the transferred station. In this regard, the V CPC recommended full reimbursement of actual expenditure incurred for transfer of personal effects (by road or rail).

4. The VII CPC recommended the composite transfer and packing grant (CTG) to be paid at the rate of 80% of the last month's basic pay in case of transfer involving a change of station located at a distance of more than 20 kilometres. However, for transfer to and from the Island territories of Andaman/Nicobar and Lakshadweep, 100% of last month's basic pay has been recommended. In case of transfers to stations which are at a distance of 20 kilometres or less from the old station and the transfer within the same city if it involves change of residence, 1/3rd of the composite transfer grant is admissible provided a change of residence is actually involved. This is apart from travel entitlement for self and family and reimbursement of cost of transportation of personal effects. More or less, the same rules were laid down in regard to CTG entitlement of retiring employees including the composite transfer grant.

5. It is seen from the O.M. dated 13.07.2017 issued by the Ministry of Finance, Department of Expenditure, post-VII CPC report, that for transportation of personal effects, limits are prescribed depending on the pay levels. For the pay levels above 6 to 11, 6000 Kgs by goods train/four wheeler wagon is allowed. By road, Rs.50/- per kilometer is allowed. Further,

it is mentioned in the O.M. that the prescribed rates will rise by 25% whenever DA increases by 50%. The rates for transporting the entitled weight by steamer are also laid down.

6. The Service Associations of Bihar, Kerala and Uttar Pradesh have suggested continuance of transfer grant at the same rates as recommended by FNJPC and JPC. Some Associations have suggested the composite transfer grant to be at one month's gross salary instead of basic pay. The Haryana Judicial officers Association suggested fixed transfer grant of one lakh or an amount equivalent to basic pay + DA.

7. At the consultative conferences, the representatives of Judicial officers' Associations have stated that as regards the transfer of personal effects, they are not being allowed the actual expenditure and the rates are linked to the cost of transportation by train.

8. The Commission having considered the *pros and cons*, is of the opinion that the following norms can be accepted:

1. The composite transfer grant shall be equivalent to one month's basic pay as revised by this Commission. If, however, the transfer is to a place at a distance of 20 kilometres or less or within the same city (if it involves change of residence), the transfer grant shall be 1/3rd of the basic pay.

2. As regards the transportation of personal effects, the O.M. dated 13.07.2017 issued by the Department of Expenditure; Government of India pursuant to the recommendations of VII CPC shall be made applicable. The copy of O.M. is enclosed to this allowance as **Appendix I**. In case of transportation by road, the admissible amount will therefore be Rs.50/- per km which will be inclusive of labour charges for loading and unloading. The said amount shall be raised by 25% when the DA increases by 50%. As regards the transportation by train, the rules of Government of India will govern. However, it is made clear that if the actual expenditure incurred is less than what is prescribed under the OM issued by the Government of India dated 13.07.2017, the reimbursement will be limited to the actual amount incurred.

9. SUMMARY OF RECOMMENDATIONS

- 1.** On transfer, the composite transfer grant shall be equivalent to one month's basic pay.
- 2.** If the transfer is to a place at a distance of 20 kilometres or less or within the same city (if it involves actual change of residence), the transfer grant shall be 1/3rd of the basic pay.
- 3.** For the transportation of personal effects, the O.M. dated 13.07.2017 (annexed as **Appendix I**) issued by the Department

of Expenditure; Government of India pursuant to the recommendations of VII CPC shall be applicable.

- 4.** In case of transportation by road, the admissible amount shall be Rs.50/- per km. inclusive of labour charges for loading and unloading or the actual whichever is lower. The said amount shall be raised by 25% when the DA increases by 50%.
- 5.** The recommendations will come into effect from **01.01.2016**.
- 6.** The Officers who have undergone transfer(s) after 01.01.2016 and their claims for transfer grant paid as per pre-revised pay scales, shall be paid the differential amount on the basis of revised pay w.e.f. **01.01.2016**.

Appendix I

No.19030/1/2017-E.IV
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 13th July 2017

OFFICE MEMORANDUM

Subject: **Travelling Allowance Rules - Implementation of the Seventh Central Pay Commission.**

Consequent upon the decisions taken by the Government on the recommendations of the Seventh Central Pay Commission relating to Travelling Allowance entitlements to civilian employees of Central Government, President is pleased to decide the revision in the rates of Travelling Allowance as set out in the Annexure to this Office Memorandum.

2. The 'Pay Level' for determining the TA/DA entitlement is as indicated in Central Civil Service (Revised Pay) Rules 2016.
 3. The term 'Pay in the Level' for the purpose of these orders refer to Basic Pay drawn in appropriate Pay level in the Pay Matrix as defined in Rule 3(8) of Central Civil Services (Revised Pay) Rules, 2016 and does not include Non-Practising Allowance (NPA), Military Service Pay (MSP) or any other type of pay like special pay, etc
 4. However, if the Travelling Allowance entitlements in terms of the revised entitlements now prescribed result in a lowering of the existing entitlements in the case of any individual, groups or classes of employees, the entitlements, particularly in respect of mode of travel, class of accommodation, etc., shall not be lowered. They will instead continue to be governed by the earlier orders on the subject till such time as they become eligible, in the normal course, for the higher entitlements.
 5. The claims submitted in respect of journey made on or after 1st July, 2017, may be regulated in accordance with these orders. In respect of journeys performed prior to 1st July, 2017, the claims may be regulated in accordance with the previous orders dated 23.09.2008.
 6. It may be noted that no additional funds will be provided on account of revision in TA/DA entitlements. It may therefore be ensured that permission to official travel is given judiciously and restricted only to absolutely essential official requirements.
 7. **These orders shall take effect from 01st July, 2017**
 8. Separate orders will be issued by Ministry of Defence and Ministry of Railways in respect of Armed Forces personnel and Railway employees, respectively.
 9. In so far as the persons serving in the Indian Audit & Accounts Department are concerned, these orders issue in consultation with the Comptroller & Auditor General of India
- Hindi version is attached.



(Nirmala Dev)

Deputy Secretary to the Government of India

To,

All Ministries and Departments of the Govt. of India etc. as per standard distribution list.

Copy to: C&AG and U.P.S.C., etc. as per standard endorsement list.

ANNEXURE

**Annexure to Ministry of Finance, Department of Expenditure
O.M.No.19030/1/2017-E.IV dated 10th July 2017.**

In supersession of Department of Expenditure's O.M. No. 19030/3/2008-E.IV dated 23.09.2008, in respect of Travelling Allowance the following provisions will be applicable with effect from 01.07.2017 :

2. Entitlements for Journeys on Tour or Training

A.(i) Travel Entitlements within the Country

Pay Level in Pay Matrix	Travel entitlement
14 and above	Business/Club class by air or AC-I by train
12 and 13	Economy class by air or AC-I by train
6 to 11	Economy class by air or AC-II by train
5 and below	First Class/AC-III/AC Chair car by train

(ii) It has also been decided to allow the Government officials to travel by Premium Trains/Premium Tatkal Trains/Suvidha Trains, the reimbursement to Premium Tatkal Charges for booking of tickets and the reimbursement of Dynamic/Flexi-fare in Shatabdi/Rajdhani/Duronto Trains while on official tour/ training. Reimbursement of Tatkal Seva Charges which has fixed fare, will remain continue to be allowed. Travel entitlement for the journey in Premium/Premium Tatkal/Suvidha/ Shatabdi/Rajdhani/ Duronto Trains will be as under :-

Pay Level in Pay matrix	Travel Entitlements in Premium/Premium Tatkal/Suvidha/ Shatabdi/ Rajdhani/ Duronto Trains
12 and above	Executive/AC 1 st Class (In case of Premium/Premium Tatkal/Suvidha/Shatabdi/Rajdhani Trains as per available highest class)
6 to 11	AC 2 nd Class/Chair Car (In Shatabdi Trains)
5 & below	AC 3 rd Class/Chair Car

(iii) The revised Travel entitlements are subject to following:-

- In case of places not connected by rail, travel by AC bus for all those entitled to travel by AC II Tier and above by train and by Deluxe/ordinary bus for others is allowed.
- In case of road travel between places connected by rail, travel by any means of public transport is allowed provided the total fare does not exceed the train fare by the entitled class.
- All mileage points earned by Government employees on tickets purchased for official travel shall be utilized by the concerned department for other official travel by their officers. Any usage of these mileage points for purposes of private travel by an officer will attract departmental action. This is to ensure that the benefits out of official travel, which is funded by the Government, should accrue to the Government.
- In case of non-availability of seats in entitled class, Govt. servants may travel in the class below their entitled class.

B. International Travel Entitlement :

Pay Level in Pay Matrix	Travel entitlement
17 and above	First class
14 to 16	Business/Club class
13 and below	Economy class

C. Entitlement for journeys by Sea or by River Steamer**(i) For places other than A&N Group of Islands and Lakshadweep Group of Island :-**

Pay Level in Pay Matrix	Travel entitlement
9 and above	Highest class
6 to 8	Lower class if there be two classes only on the steamer
4 and 5	If two classes only, the lower class. If three classes, the middle or second class. If there be four classes, the third class
3 and below	Lowest class

(ii) For travel between the mainland and the A&N Group of Islands and Lakshadweep Group of Island by ships operated by the Shipping Corporation of India Limited :-

Pay Level in Pay Matrix	Travel entitlement
9 and above	Deluxe class
6 to 8	First/ 'A' Cabin class
4 and 5	Second/ 'B' Cabin class
3 and below	Bunk class

D. Mileage Allowance for Journeys by Road :**(i) At places where specific rates have been prescribed :-**

Pay Level in Pay Matrix	Entitlements
14 or above	Actual fare by any type of public bus including AC bus OR At prescribed rates of AC taxi when the journey is actually performed by AC taxi OR At prescribed rates for auto rickshaw for journeys by auto rickshaw, own car, scooter, motor cycle, moped, etc.
6 to 13	Same as above with the exception that journeys by AC taxi will not be permissible.
4 and 5	Actual fare by any type of public bus other than AC bus OR At prescribed rates for auto rickshaw for journeys by auto rickshaw, own car, scooter, motor cycle, moped, etc.
3 and below	Actual fare by ordinary public bus only OR At prescribed rates for auto rickshaw for journeys by autorickshaw, own scooter, motor cycle, moped, etc.

(ii) At places where no specific rates have been prescribed either by the Directorate of Transport of the concerned State or of the neighboring States:

For journeys performed in own car/taxi	Rs. 24/- per Km
For journeys performed by auto rickshaw , own scooter, etc	Rs. 12/- per Km

At places where no specific rates have been prescribed, the rate per km will further rise by 25 percent whenever DA increases by 50 percent.

E(i). Daily Allowance on Tour

Pay level in pay matrix	Entitlement
14 and above	Reimbursement for hotel accommodation/guest house of up to ₹7,500/- per day, Reimbursement of AC taxi charges as per actual expenditure commensurate with official engagements for travel within the city and Reimbursement of food bills not exceeding ₹1200/- per day.
12 and 13	Reimbursement for hotel accommodation/guest house of up to ₹4,500/- per day, Reimbursement of AC taxi charges of up to 50 km per day for travel within the city, Reimbursement of food bills not exceeding ₹1000/- per day.
9 to 11	Reimbursement for hotel accommodation/guest house of up to ₹2,250/- per day, Reimbursement of non-AC taxi charges of up to ₹338/- per day for travel within the city, Reimbursement of food bills not exceeding ₹900/- per day.
6 to 8	Reimbursement for hotel accommodation/guest house of up to ₹750 per day, Reimbursement of non-AC taxi charges of up to ₹225/- per day for travel within the city, Reimbursement of food bills not exceeding ₹800/- per day.
5 and below	Reimbursement for hotel accommodation/guest house of up to ₹450 per day, Reimbursement of non-AC taxi charges of up to ₹113/- per day for travel within the city, Reimbursement of food bills not exceeding ₹500/- per day.

(ii) **Reimbursement of Hotel charges :-** For levels 8 and below, the amount of claim (up to the ceiling) may be paid without production of vouchers against self-certified claim only. The self-certified claim should clearly indicate the period of stay, name of dwelling, etc. Additionally, for stay in Class 'X' cities, the ceiling for all employees up to Level 8 would be ₹1,000 per day, but it will only be in the form of reimbursement upon production of relevant vouchers. The ceiling for reimbursement of hotel charges will further rise by 25 percent whenever DA increases by 50 percent

(iii) **Reimbursement of Travelling charges :-** Similar to Reimbursement of staying accommodation charges, for levels 8 and below, the claim (up to the ceiling) may be paid without production of vouchers against self-certified claim only. The self-certified claim should clearly indicate the period of travel, vehicle number, etc. The ceiling for levels 11 and below will further rise by 25 percent whenever DA increases by 50 percent. For journeys on foot, an allowance of Rs.12/- per kilometer travelled on foot shall be payable additionally. This rate will further increase by 25% whenever DA increases by 50%.

(iv) **Reimbursement of Food charges :-** There will be no separate reimbursement of food bills. Instead, the lump sum amount payable will be as per Table E(i) above and, depending on the length of absence from headquarters, would be regulated as per Table (v) below. Since the concept of reimbursement has been done away with, no vouchers will be required. This methodology is in line with that followed by Indian Railways at present (with suitable enhancement of rates). i.e. Lump sum amount payable. The lump sum amount will increase by 25 percent whenever DA increase by 50 percent.

(v) Timing restrictions

Length of absence	Amount Payable
If absence from headquarters is <6 hours	30% of Lump sum amount
If absence from headquarters is between 6-12 hours	70% of Lump sum amount
If absence from headquarters is >12 hours	100% of Lump sum amount

Absence from Head Quarter will be reckoned from midnight to midnight and will be calculated on a per day basis.

- (vi) In case of stay/journey on Government ships, boats etc. or journey to remote places on foot/mules etc for scientific/data collection purposes in organization like FSI, Survey of India, GSI etc., daily allowance will be paid at rate equivalent to that provided for reimbursement of food bill. However, in this case, the amount will be sanctioned irrespective of the actual expenditure incurred on this account with the approval of the Head of Department/controlling officer.

Note : DA rates for foreign travel will be regulated as prescribed by Ministry of External Affairs.

3. T.A. on Transfer

TA on Transfer includes 4 components : - (i) Travel entitlement for self and family (ii) Composite Transfer and packing grant (CTG) (iii) Reimbursement of charges on transportation of personal effects (iv) Reimbursement of charges on transportation of conveyance.

(i) Travel Entitlements :

- (a) Travel entitlements as prescribed for tour in Para 2 above, except for International Travel, will be applicable in case of journeys on transfer. The general conditions of admissibility prescribed in S.R.114 will, however, continue to be applicable.
- (b) The provisions relating to small family norms as contained in para 4(A) of Annexure to M/o Finance O.M. F.No. 10/2/98-IC & F.No. 19030/2/97-EIV dt. 171, April 1998, shall continue to be applicable.

(ii) Composite Transfer and Packing Grant (CTG) :

- (a) The Composite Transfer Grant shall be paid at the rate of 80% of the last month's basic pay in case of transfer involving a change of station located at a distance of or more than 20 kms from each other. However, for transfer to and from the Island territories of Andaman, Nicobar & Lakshadweep, CTG shall be paid at the rate of 100% of last month's basic pay. Further, NPA and MSP shall not be included as part of basic pay while determining entitlement for CTG.
- (b) In cases of transfer to stations which are at a distance of less than 20 kms from the old station and of transfer within the same city, one third of the composite transfer grant will be admissible, provided a change of residence is actually involved.
- (c) In cases where the transfer of husband and wife takes place within six months, but after 60 days of the transfer of the spouse, fifty percent of the transfer grant on transfer shall be allowed to the spouse transferred later. No transfer grant shall be admissible to the spouse transferred later, in case both the transfers are ordered within 60 days. The existing provisions shall continue to be applicable in case of transfers after a period of six months or more. Other rules precluding transfer grant in case of transfer at own request or transfer other than in public interest, shall continue to apply unchanged in their case.

(iii) Transportation of Personal Effects

Level	By Train/Steamer	By Road
12 and above	6000 Kg by goods train/4 wheeler wagon/ 1 double container	Rs. 50/- per km
6 to 11	6000 Kg by goods train/4 wheeler wagon/ 1 single container	Rs. 50/- per km
5	3000 kg	Rs. 25/- per km
4 and below	1500 kg	Rs. 15/- per km

The rates will further rise by 25 percent whenever DA increases by 50 percent. The rates for transporting the entitled weight by Steamer will be equal to the prevailing rates prescribed by such transport in ships operated by Shipping Corporation of India. The claim for reimbursement shall be admissible subject to the production of actual receipts/ vouchers by the Govt. servant. Production of receipts/vouchers is mandatory in r/o transfer cases of North Eastern Region, Andaman & Nicobar Islands and Lakshadweep also.

Transportation of personal effects by road is as per kilometer basis only. The classification of cities /towns for the purpose of transportation of personal effects is done away with.

(iv) **Transportation of Conveyance.**

Level	Reimbursement
6 and above	1 motor car etc. or 1 motor cycle/scooter
5 and below	1 motorcycle/scooter/moped/bicycle

The general conditions of admissibility of TA on Transfer as prescribed in S.R. 116 will, however, continue to be applicable.

4 T.A. Entitlement of Retiring Employees

TA on Retirement includes 4 components : - (i) Travel entitlement for self and family (ii) Composite Transfer and packing grant (CTG) (iii) Reimbursement of charges on transportation of personal effects (iv) Reimbursement of charges on transportation of conveyance.

(i) **Travel Entitlements**

Travel entitlements as prescribed for tour/transfer in Para 2 above, except for International Travel, will be applicable in case of journeys on retirement. The general conditions of admissibility prescribed in S.R.147 will, however, continue to be applicable.

(ii) **Composite Transfer Grant(CTG)**

- (a) The Composite Transfer Grant shall be paid at the rate of 80% of the last month's basic pay in case of those employees, who on retirement, settled down at places other than last station(s) of their duty located at a distance of or more than 20 km. However, in case of settlement to and from the Island territories of Andaman, Nicobar & Lakshadweep, CTG shall be paid at the rate of 100% of last month's basic pay. Further, NPA and MSP shall not be included as part of basic pay while determining entitlement for CTG. The transfer incidentals and road mileage for journeys between the residence and the railway station/bus stand, etc., at the old and new station, are already subsumed in the composite transfer grant and will not be separately admissible.
- (b) As in the case of serving employees, Government servants who, on retirement, settle at the last station of duty itself or within a distance of less than 20 kms may be paid one third of the CTG subject to the condition that a change of residence is actually involved.

(iii) **Transportation of Personal Effects :-** Same as Para 3(iii) above.

(iv) **Transportation of Conveyance :-** Same as Para 3(iv) above.

The general conditions of admissibility of TA on Retirement as prescribed in S.R. 147 will, however, continue to be applicable.

End of Volume-III

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JUSTICE P. VENKATARAMA REDDI

Former Judge Supreme Court of India
CHAIRMAN

SHRI R. BASANT

Former Judge High Court of Kerala
MEMBER

SHRI VINAY KUMAR GUPTA

District Judge, Delhi
MEMBER-SECRETARY