

Regd. Post

No. 1998.spl. Gaz.II(12G)

From

The Registrar General,
High Court of Punjab and Haryana,
Chandigarh.

To

1. All the District and Sessions Judges,
in the State of Punjab
2. All the District & Sessions Judges,
in the State of Haryana
3. The District & Sessions Judge,
Chandigarh

Chandigarh, Dated the 8th August' 2024.

Subject:- Implementation of Judgments of the Hon'ble Supreme Court passed in Writ Petition (Civil) No. 643 of 2015 titled as "All India Judges Association Vs. Union of India and Ors."

Ref: This Court's earlier letter Nos. 311.spl.Gaz-II(12G) dated 14.02.2024, 444-445.spl.Gaz-II(12G) dated 28.02.2024, 670-671.spl.Gaz-II(12G) dated 16.03.2024 and 761-762.spl.Gaz-II(12G) dated 23.03.2024

Sir/Madam,

I am directed to refer to you on the subject cited above and to inform you that the Hon'ble Committee for Service Conditions of the District Judiciary in its meeting held on 09.05.2024 has resolved as under:

I) CLARIFICATIONS IN RESPECT OF CONCURRENT CHARGE ALLOWANCE

In the judgment dated 04.01.2024, the Hon'ble Supreme Court has revised the pay and all the allowances etc. of the Judicial Officers with effect from 01.01.2016 unless specifically mentioned qua any specific benefit to be applicable from a different date. Although the Government of Haryana has notified the Concurrent Charge Allowance to be admissible with effect from 04.01.2024, however, it has been clarified by this Committee many times that as per the Judgment of Hon'ble Supreme Court any rule or instruction of the State Government contrary to the judgment of the Hon'ble Supreme Court is totally irrelevant. In view thereof, the date of effect to be 04.01.2024 mentioned by the Government of Haryana in its Notification dated 23.02.2024 is totally irrelevant; and does not affect the right of the Judicial Officers to get the said

allowance with effect from 01.01.2016. They will accordingly be entitled to Concurrent Charge Allowance with effect from the said date subject to the condition that they fulfill the other conditions laid down in the judgment of the Hon'ble Supreme Court.

In terms of the judgment rendered by the Hon'ble Supreme Court, the criteria laid down by FNJPC that for being entitled to Concurrent Charge Allowance, a Judicial Officer has to perform "appreciable judicial work" of another Court beyond 10 days continuously, has been dispensed with. Therefore, the condition of performing "appreciable judicial work" will not apply to the cases covered by the judgment dated 04.01.2024 of the Hon'ble Supreme Court.

It is further clarified that Concurrent Charge Allowance is payable to a Judicial Officer when he/she is placed in charge of another 'Court' continuously beyond the period of 10 working days. Therefore, the Secretary, District Legal Services Authority, having been given the additional charge of the Secretary, District Legal Services Authority of another district and mandated to visit the Office situated in another district twice a week, does not qualify the condition of 10 days continuous 'Court work'. Hence he/she will not be entitled to Concurrent Charge Allowance.

It is also clarified that a Judicial Officer working in the administrative departments of State Governments on deputation does not conduct 'Court work', he/she is not entitled to the Concurrent Charge Allowance.

II) CLARIFICATION IN RESPECT OF DEARNESS ALLOWANCE (D.A.)

Since it has been clarified that retired Judicial Officers are also entitled to receive Dearness Allowance at the same rate as has been granted to the Central Government employees with effect from 01.01.2016, the retired Judicial Officers shall also be entitled to arrears payable on account of revision of Dearness Allowance at par with Central Government employees with effect from 01.01.2016.

III) CLARIFICATION IN RESPECT OF HOME ORDERLY ALLOWANCE.

In the Notification dated 23.02.2024, the Government of Haryana has notified that the District Judges and Civil Judges shall be entitled to Home

Orderly/Domestic Help Allowance at the rate of Rs.10,000/- per month and Rs.7,500/- per month respectively with effect from 01.01.2016, whereas, the recommendations of Second National Judicial Pay Commission (SNJPC) as approved by the Hon'ble Supreme Court have granted minimum wages for 1 unskilled worker in the concerned State/U.T. subject to minimum of Rs.10,000/- per month and Rs.7,500/- per month respectively, and for the pensioners and family pensioners, Rs.9,000/- per month and Rs.7,500/- respectively have been granted as such allowance. In view thereof, recommendations of Second National Judicial Pay Commission (SNJPC) as accepted by the Hon'ble Supreme Court shall prevail over the Notification dated 23.02.2024 issued by the State of Haryana and the serving Judicial Officers are entitled to the Home-cum-Office Orderly Allowance at the rates specified in the judgment dated 04.01.2024.

It is further resolved that Pensioners and family pensioners, in terms of the judgment dated 04.01.2024, shall be entitled to increase in Home-cum-Office Orderly Allowance at the rate of 30% on completion of 5 years from 01.01.2016, that is, with effect from 01.01.2021.

Since the facility of Home Orderly/Domestic Help Allowance was admissible to the Judicial Officers in the States of Punjab and Haryana prior to 01.01.2016, therefore, they will be entitled to the revised benefit of such allowance with effect from 01.01.2016 in terms of the judgment of the Hon'ble Supreme Court.

Further committee has clarified the issue in respect of release of Home-cum-Office Orderly Allowance on production of self-certification by the respective Judicial Officers.

IV) CLARIFICATION IN RESPECT OF NEWSPAPER & MAGAZINE ALLOWANCE AND TELEPHONE FACILITY.

More beneficial provision in respect of permissible limits of reimbursement of facility of newspaper and magazine bills already in operation, shall continue as ordered by the Hon'ble Supreme Court in the judgment dated 04.01.2024.

The existing facilities in so far as the same are more beneficial by virtue of the order issued by the State Governments/Union Territory in respect of mobile handset, telephone/broadband facility shall be continued notwithstanding the recommendations of Second National Judicial Pay

Commission (SNJPC) as has been ordered by the Hon'ble Supreme Court in the judgment dated 04.01.2024.

V) CLARIFICATION SOUGHT QUA ADMISSIBILITY OF DOMESTIC HELP ALLOWANCE AND MEDICAL FACILITY TO PENSIONERS/FAMILY PENSIONERS, IF THE JUDICIAL OFFICER GETTING PENSION IS IN SERVICE.

The Officer concerned is entitled to Domestic Help Allowance as well as Medical Allowance in her capacity as a Judicial Officer and also as a family pensioner of her husband who was a Judicial Officer. Similarly situated Judicial Officers shall also be entitled to the same benefit.

It is for your information and necessary compliance in the matter.

Sd/-

Registrar General-cum-ex-officio Secretary,
CSCDJ, Punjab and Haryana High Court,
Chandigarh

Endst. No. 1999.Spl. Dated 8th August'2024

Copy of the letter is forwarded to the following for information and necessary action in the matter:-

1. The Member Secretary, Haryana State Legal Services Authority, Panchkula.
2. The Director (Administration), Chandigarh Judicial Academy, Chandigarh.
3. The Legal Remembrancer & Principal Secretary to Govt. of Punjab, Chandigarh.
4. The Legal Remembrancer & Admn. Secy. to Govt. of Haryana, Law & Legislative Department, Chandigarh.
5. The Member Secretary, Punjab State Legal Services Authority, Punjab, S.A.S. Nagar.
6. Sh. Rajneesh Bansal, District & Sessions Judge (Retd.), Nodal Officer for day-to-day Redressal of Grievances.
7. The Member Secretary, Society for Centralized Recruitment of staff in Subordinate Courts (S.S.S.C.), Chandigarh.
8. The Legal Remembrancer-cum-Director Prosecution, Chandigarh Administration, Chandigarh.
9. The Member Secretary, State Legal Services Authority, U.T, Chandigarh.
10. The Director, Treasuries and Accounts, Government of Punjab, Chandigarh.
11. The Director, Treasuries & Accounts, Government of Haryana, Chandigarh.

12. The Registrar (Administration-II), Punjab and Haryana High Court, Chandigarh.
13. The O.S.D. (Gazette-II), Punjab and Haryana High Court, Chandigarh.
14. The Joint Registrar (General), Punjab and Haryana High Court, Chandigarh.
15. The Deputy Registrar (Accounts), Punjab and Haryana High Court, Chandigarh.

Sd/-

Registrar General-cum-ex-officio Secretary,
CSCDJ, Punjab and Haryana High Court,
Chandigarh