

**List of Allowances recommended by Second National Judicial Pay Commission duly accepted by Hon'ble Supreme Court of India vide orders dated 04.01.2024 of in Writ Petition (Civil) No. 643 of 2015 titled as "All India Judges Association Vs. Union of India and Ors".**

**1. House Building Advance:**

- a. HBA shall be made available to judicial officers in terms of the House Building Advance Rules, 2017; and
- b. HBA shall be available to judicial officers also for the purchase of a ready built house from private individuals subject to such safeguards as may be prescribed by the State Government in consultation with their respective High Courts.

*-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court*

**2. Children Education Allowances**

- (a) Rs 2,250 per month as CEA and Rs 6,750 per month as hostel subsidy for two children up to Class 12 w.e.f. the academic year 2019-20;
- (b) For children with special needs, the reimbursement would be at double the rate stated in (a);
- (c) When the DA increases by 50%, the allowances and subsidy shall increase by 25%; and
- (d) The rights of officers who are already receiving this benefit will not be adversely affected by the recommendation.

*-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court*

**CLARIFICATION(S):**

The Judicial Officer entitled to claim the allowance under this Head shall submit the self certificate for claiming this allowance.

*-- Clarified vide Explanatory Memorandum - conveyed vide letter No. 310.Spl.Gaz.II(12G) dated 14.02.2024*

- a) It is clarified that fixed Education Allowance of Rs. 2250/- per month and Hostel Grant of Rs. 6750/- per month is admissible for education of each child (for two children only) upto twelfth (XII) standard.
- b) The reimbursement of Children Education Allowance / Hostel subsidy can be claimed only for the two eldest surviving children with the exception that in case after the first child, twins/multiple children are born, the allowances shall be available qua all the children on the second birth as well.
- c) For children with special needs, the reimbursement would be at double the rate stated in (a);
- d) In order to claim hostel allowance a certificate from the Head of Institution confirming that the child remained in hostel for the concerned period be submitted. Word "Hostel" would not include P.Gs (Paying Guest House) and other private accommodation.

*-- Clarified vide Supplementary Explanatory Memorandum No. 1 conveyed vide letter No. 444.Spl.Gaz.II(12G) dated 28.02.2024*

If the Children Education Allowance and hostel subsidy have already been claimed by the spouse of the Officer working in another Government Department at the rate less than Rs. 2250/- and Rs. 6750/- respectively, the difference of the same will be payable to the Judicial Officer as arrears.

-- Clarified vide Supplementary Explanatory Memorandum No. 2 conveyed vide letter No. 670.Spl.Gaz.II(12G) dated 16.03.2024

### **Clarification in the matter of query regarding admissibility of this allowance in case of Special Need Children.**

Since the Central Government has already issued instructions vide OM dated 16.08.2017 of the Department of Personnel and Training, making detailed provisions for Children Education Allowance and the same has been made applicable by the Hon'ble Supreme Court to all the Judicial Officers. Therefore, no further clarification is required and the said instructions shall be applicable to this matter also.

-- Clarified in meeting of Hon'ble Committee dated 17.07.2024 and conveyed vide letter No.1923.Spl.Gaz.II(12G) dated 31.07.2024

### **Clarification in the matter of admissibility of this allowance on increase of DA to 50%**

The judgment of the Hon'ble Supreme Court in Writ Petition (Civil) No.643 of 2015 titled 'All India Judges Association Vs. Union of India and Ors.' has provided for increase of house rent when the D.A. crosses 50 percent. However, increase in Children Education Allowance available to the Judicial Officers has not been made subject to crossing of D.A. beyond 50 percent. Therefore, following the essence of the Judgment of the Hon'ble Supreme Court, it is clarified that enhancement of Children Education Allowance shall be available to the eligible Officers from the date when the rate of D.A. reaches 50 percent. Action be taken accordingly.

-- Clarified in meeting of Hon'ble Committee dated 21.10.2024 and conveyed vide letter No.2659.Spl.Gaz.II(12G) dated 22.11.2024

### **3. Concurrent Charges Allowance**

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.

-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court

## **CLARIFICATION(S):**

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.

*– Clarified in meeting of Hon'ble Committee dated 09.05.2024 and conveyed vide letter No. 1998.Spl.Gaz.III(12G) dated 08.08.2024*

## **4. Conveyance / Transport Allowance (TP)**

- (a) The pool car service for various judicial officers, as recommended by FNJPC, must be dispensed with. However, if the officers wish, they can forgo the transport allowance and continue with the pool car service for a period of one year or so;
- (b) The transport allowance at the rate of Rs 10,000 per month be given to those judicial officers who own the car so as to cover the cost of

maintenance and driver's salary and this will be increased to Rs 13,500 from 01.01.2021. The transport allowance would be payable at a reduced rate of Rs 4,000 per month in those States where there is an existing practice of allocating a driving-knowing office attendant/peon to the officer;

- (c) In addition to the transport allowance, there should be a reimbursement of the cost of 100 litres of petrol/diesel in cities and 75 litres of petrol/diesel in other areas;
- (d) After the recommendations of FNJPC, the following judicial functionaries were eligible for official vehicles, namely, Principal District Judge, Chief Judicial Magistrate/Chief Metropolitan Magistrate, Principal Judge of City Civil Court and Principal Judge of Small Causes Court. In addition to these functionaries, three more judicial functionaries would be eligible for official vehicles, namely, Director of the Judicial Academy/Judicial Training Institute, Principal Judge of the Family Courts and Secretary of the District Legal Services Authority. The High Courts were permitted to prune down the list depending upon the financial capacity of the State;
- (e) The quantum of petrol/diesel for official cars would be raised to the actual consumption for official purposes as certified by the concerned official and supported by a log book, which would be maintained. The judicial officers using official cars may be permitted to use them for private purposes to the extent of 300 kms per month;
- (f) The judicial officers shall be permitted to exhibit a sticker at their option on the lower left side of the windscreen with inscription 'Judge' printed in moderately sized letters; and
- (g) Soft loan facilities to the extent of Rs. ten lakhs at nominal interest for the purchase of car shall be extended to the judicial officers.

*-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court*

#### **CLARIFICATION(S):**

- a) Word 'city' means cities having Municipal Corporation / Municipal Committee/Municipal Council.
- b) The Judicial Officers of Haryana having Government vehicle shall not be liable to make payment of Rs. 1,000/- per month of use of vehicle for private journey.
- c) Transport Allowance shall be payable to those officers also who did not avail the facility of private drivers even if this facility was available.
- d) "Own vehicle" means and includes a registered personal vehicle in the name of Judicial Officer concerned or in the name of his/her spouse or his/her immediate family members i.e. parents, real brother or sister.

*-- Clarified vide Explanatory Memorandum - conveyed vide letter No. 310.Spl.Gaz.II(12G) dated 14.02.2024*

In the matter of queries received from various District & Sessions Judges, in the State of Punjab and Haryana, it has been resolved as under:

- a) In the matter of admissibility of Conveyance Allowance in case of Two Wheeler
- it has been resolved that the request is not covered by the Judgment of the Hon'ble Supreme Court. The Committee does not find any merit in the claim raised by the Officer. Therefore, the request stands rejected.
- b) Clarification sought as to whether the provision for payment equivalent to the price of 100 litres/diesel in cities or 75 litres petrol/diesel in other areas, as the costs may be, is to be continued or the same is to be reimbursed to the Judicial Officers on production of bills.
- it has been resolved that Since reimbursement of a fixed quantity of 100 litres has been permitted by the Hon'ble Supreme Court, therefore, no bills are required for reimbursement. It is a plain and simple payment of 100 litres of petrol per month.
- c) Clarification sought as to whether Rs.4,000/- is payable to those Judicial Officers who have been provided transport allowance @Rs.13,500/- -engaged private driver.
- Rs.4,000/- is only payable where driver has been engaged in a private vehicle. The said amount is not to paid in case of government vehicle.

*- Clarified in meeting of Hon'ble Committee dated 11.09.2024 and conveyed vide letter No. 2335.Spl.Gaz.II(12G) dated 27.09.2024.*

### **Approval of sticker for vehicles of judicial officers.**

Several samples of the stickers, which could be permitted to be used by the Judicial Officers on their vehicles, have been produced before the Committee. After considering all the aspects, the Committee has approved the Sticker 'A' for Punjab and Sticker 'B' for Haryana. Back side of Punjab and Haryana Stickers shall bear Registration Number of the vehicle, signature of Issuing Authority and signature of the Judicial Officer to whom the Sticker is issued.

The sticker shall have a Serial No. and shall be issued from the Office of the Registrar General of the High Court on a request submitted through the concerned District & Sessions Judge.

The Judicial Officer shall be entitled to have not more than 2 stickers at a given point of time. The stickers so issued shall be affixed on a vehicle registered only in the name of the Judicial Officer or his/her spouse.

The size of the Stickers permitted to be used by the Judicial Officers on their vehicles approved in the meeting dated 17.07.2024, shall be 6.5 inches x 5.5 inches. The same be issued to the Judicial Officers at the earliest.

*- Clarified in meetings of Hon'ble Committee dated 17.07.2024 & 22.08.2024 and conveyed vide letter No. 1963.Spl.Gaz.II(12G) dated 03.08.2024 and letter No. 2201.Spl.Gaz.II(12G) dated 09.09.2024.*

### **5. Dearness Allowance**

Dearness Allowance is to be paid to the Judicial Officers at the rate fixed by Central Government.

*-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court*

### **CLARIFICATION(S):**

Serving Judicial Officers as well as retired Judicial Officers shall be entitled to D.A. at the same rate and from the same date as granted to the

central government employees by the Central Government in terms of Hon'ble Supreme Court of India orders dated 19.05.2023 and 04.01.2024.

*- Clarified vide Explanatory Memorandum - conveyed vide letter No. 310.Spl.Gaz.II(12G) dated 14.02.2024*

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.

*- Clarified and conveyed vide letter No. 1998.Spl.Gaz.II(12G) dated 08.08.2024 of this Court.*

## **6. Earned Leave Encashment**

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.

*-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court*

### **CLARIFICATION(S):**

- \* The earned leave shall be available for 30 days in Block of two years and the Block shall be read as 01.01.2016 to 31.12.2017, 01.01.2018 to 31.12.2019, 01.01.2020 to 31.12.2021, 01.01.2022 to 31.12.2023, 01.01.2024 to 31.12.2025 and so on.
- \* The Arrears shall be paid accordingly.
- \* Judicial Officer who intends to claim the arrears of any of the above said blocks can claim the same at the station where he/she is posted at present.

*-- Clarified vide Explanatory Memorandum - conveyed vide letter No. 310.Spl.Gaz.II(12G) dated 14.02.2024*

The benefit of 30 days leave encashment in a block of 2 years shall be payable even to those Judicial Officers who retired or were elevated to the Hon'ble High Court or resigned from service or took voluntary retirement or have been compulsorily retired before completion of full block of 2 years subject to the condition that they have at least 30 days earned leaves in their account over and above 300 earned leaves.



Since the benefit of leave encashment of 30 days in a block of 2 years is attached to the service rendered by a Judicial Officer, and is payable as per the Judgment of Hon'ble Supreme Court irrespective of the State Rules to the contrary, therefore, a retired Judicial Officer will be entitled to the benefit of said leave encashment in the relevant year even if he/she resigned from service during the period 2016-2023.

Since the recommendations of Second National Judicial Pay Commission (SNJPC) have been approved by the Hon'ble Supreme Court through its judgments dated 19.05.2023 and 04.01.2024 respectively, and the allowances, except in the cases specified to be available from a different date, have been made admissible with effect from 01.01.2016, no limitation will apply for claiming the benefit of leave encashment of 30 days in a block of 2 years between the period 01.01.2016 to 31.12.2023.

*- Clarified in meeting of Hon'ble Committee dated 09.05.2024 and conveyed vide letter No. 1963.Spl.Gaz.II(12G) dated 03.08.2024 of this court*

Earlier vide decision dated 09.05.2024, the Hon'ble Committee for Service Conditions of the District Judiciary had clarified the issue regarding encashment of 30 days leave in a block of 2 years. However, certain difficulties have been felt during the actual implementation of the said clause.

After deliberating upon the matter in total, the Committee clarifies the issue as under:

“To ensure full compliance of the Judgment of the Hon'ble Supreme Court, the benefit of block year leave encashment has to be given to the Judicial Officers, including those who have been elevated to the Hon'ble High Court/retired before completion of full block of 2 years irrespective of the condition that they have atleast 30 days Earned Leave in their leave accounts over and above 300 days and the same can be given proportionately.”

*- Clarified in meeting of Hon'ble Committee dated 17.07.2024 and conveyed vide letter No. 1963.Spl.Gaz.II(12G) dated 03.08.2024 of this court*

## **7. Electricity and Water Charges.**

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

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

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

-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court

## 8. Higher Qualification Allowance

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.”

-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court

## CLARIFICATION(S):

Regarding pay fixation with regard to grant of Benefit of three additional increments for L.L.M. and further one increment for qualification of 'Doctorate in Law', in respect of Judicial Officers, it has been clarified that this aspect is already clarified. The payments be made as per the fixation done or advised by the Office of High Court.

-- Clarified in meeting dated 20.03.2024 of Hon'ble Committee.

## 9. Home Orderly / Domestic Help Allowances

- “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. The High Court may, if considered appropriate, draw 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.”

**CLARIFICATION(S):**

- a) The arrears of Domestic Help Allowance shall be paid to Judicial Officers who had not availed the services of Home Peon provided by Punjab / Haryana Governments.
- b) The difference between allowances granted now (vide order dated 04.01.2024 of Hon'ble Supreme Court at point 11) and amount already paid to the Home Peons since 01.01.2016 shall also be granted as arrears of domestic help allowance, to the Judicial Officers who had availed the services of Home Peons provided by Punjab / Haryana Governments.

*-- Clarified vide Explanatory Memorandum –  
conveyed vide letter No. 310.Spl.Gaz.II(12G) dated 14.02.2024*

The proforma of self certificate for Domestic Help Allowance to be submitted by pensioners / family pensioners to the pension disbursing bank was circulated *vide this Court's letter No. 444.Spl.Gaz.II(12G) dated 28.02.2024.*

It has been clarified that arrears of Home Orderly / Domestic Help Allowance are payable to CJM, DLSA for which they did not avail the services of Home Peon as provided by Government of Haryana.

*- Clarified vide meeting dtd 11.03.2024 of Hon'ble  
Committee*

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 the Hon'ble Committee has clarified that the issue in respect of release of Home-cum-Office Orderly Allowance on production of self-certification by the respective Judicial Officers has been clarified and therefore, does not require further clarification.

*- Clarified in meeting of Hon'ble Committee dated 09.05.2024 and conveyed vide letter No. 1998.Spl.Gaz.II(12G) dated 08.08.2024 of this court*

## **10. House Rent Allowance and Residential Quarters**

### **(a) Residential Quarters:**

The SNJPC took note of the fact that there is a dearth of residential government quarters and that securing suitable accommodation has become an acute problem for judicial officers. The SNJPC made the following recommendations:

1. The State Governments should urgently take up construction of the residential quarters for the Judicial Officers and the progress of construction be monitored by this Court.
2. The Judicial Officer is to be provided accommodation or requisitioned private accommodation within one month of taking charge of the post.
3. If the Judicial Officer is not provided with the government accommodation or requisitioned private accommodation within one month, then the Judicial Officer may secure private accommodation and should be paid rent in the following terms:
  - a. If the rent of the private accommodation is within the admissible house rent allowance mentioned below, no fixation of rent is required. But the concerned Judicial Officer has to certify the actual rent being paid.
  - b. If the rent of the private accommodation is more than permissible house rent allowance, the rent shall be assessed by Principal District Judge with the assistance of PWD/R&B officials.
  - c. If the difference between the permissible house rent allowance and the rent assessed is more than 15% and Principal District Judge may seek approval of High Court for payment of the said amount unless the officer is ready to pay the differential cost.
4. The minimum plinth area for the residential accommodation shall be 2500 sq. ft. for District Judge and 2000 sq. ft. for Civil Judge. However, The High Court administration have the discretion to sanction the design with higher plinth area.

*-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court*

### **(b) House Rent Allowance**

The SNJPC noticed that different rates of HRA are prevalent in different cities. Taking all aspects into account, the SNJPC was of the view that the Central Government notified rates may be adopted by the States and made the following recommendations:

- (i) Judicial officers who are allotted official quarters for residence shall not be entitled to HRA;
- (ii) Judicial officers residing in their own houses, including the house of a parent or spouse, shall also be entitled for the recommended HRA with effect from 01.01.2016 after obtaining permission from the High Court to reside in their own house and judicial officers already residing in hired accommodation will be entitled to the recommended HRA with effect from 01.01.2020, subject to the actual rent paid within the said ceiling;
- (iii) The Office of the Principal District Judge or equivalent shall pay rent directly to the landlord, in which case, the officer is not eligible to draw HRA; and
- (iv) The SNJPC rates of HRA should be applicable to all Judicial Officers as per the notification dated 07.07.2017 which was issued after the VIIth Central Pay Commission (CPC) by the Central Government:

“	Rates of HRA/pm as % of basic pay
X	24%
Y	16%
Z	8%

However, the minimum rates prescribed are 5400/-, 3600/- and 1800/- respectively. And the rate will be changed in accordance with the change in Dearness Allowance in the following terms:

Classification of Cities	Rates of HRA/pm as % of basic pay	When crosses	DA
X	27%	25%	
	30%	50%	
Y	18%	25%	
	20%	50%	
Z	9%	25%	
	10%	50%	

‘Z’ Category is unclassified at present and the High Court is at liberty to upgrade and add the cities in different classes.”

-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court

**CLARIFICATION(S):**

It was clarified that as per the judgment of the Hon'ble Supreme Court, House Rent Allowance has been made available to the Judicial Officers residing in

their own houses including the houses of their parents and spouses and only condition imposed by the judgment is that permission from the High Court to reside in such a house should have been obtained by such Judicial Officers, therefore, the said allowance shall be available to the concerned Judicial Officer with effect from 01.01.2016, if he/she resided in such a house after obtaining necessary permission from the Hon'ble High Court irrespective of the fact as to whether the Government Accommodation was available or not.

*-- Clarified vide Supplementary Explanatory Memorandum No. 1 & conveyed vide letter No. 444.Spl.Gaz.II(12G) dated 28.02.2024.*

It was further clarified that, since the Trainee Judicial Officers are already provided free accommodation in the Chandigarh Judicial Academy and at most of the stations of posting they are provided with accommodation, therefore, the trainee Judicial Officers would not be entitled to any House Rent Allowance (HRA)

*-- Clarified vide Supplementary Explanatory Memorandum No. 2 & conveyed vide letter No. 670.Spl.Gaz.II(12G) dated 16.03.2024.*

**(c) Furniture and Air Conditioner Allowance**

- “1. 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.
2. Apart from the furniture grant, one air-conditioner shall be provided at the residence of every Judicial Officer once in every five years.”

*-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court*

**CLARIFICATION(S):**

- \* The Judicial Officer shall be entitled for reimbursement of one air conditioner once in 5 years in a Block of 01.01.2016 to 31.12.2020 and 01.01.2021 to 31.12.2025. It is further clarified that an amount of Rs. 75,000/- as cost of one A.C. shall be given as air conditioner allowance subject to the production of utilization certificate. No bills shall be required to be produced.
- \* Judicial officer who intends to claim the arrears of any of the above said blocks can claim the same at the station where he/she is posted at present.
- \* In a couple case, both the Judicial Officers shall be entitled to claim separate air conditioners and furniture allowances as per their entitlement as Judicial officer, irrespective of the fact as to whether they are posted at the same station or different stations.
- \* The prevalent practice in respect of retention of furniture shall continue in respect of Air Conditioners also.

*-- Clarified vide Explanatory Memorandum conveyed vide letter No. 310.Spl.Gaz.II(12G) dated 14.02.2024*

### **Clarification with regard to Air Conditioner Allowance**

The provisions regarding the Furniture and Air Conditioner Allowance are already clear. The same shall be paid as allowance payable to the Officer by the Drawing and Disbursing Officer (DDO) without further reference to the High Court.

*– Clarified vide Supplementary Explanatory Memorandum No. 2 conveyed vide letter No. 670.Spl.Gaz.II(12G) dated 16.03.2024*

Air Conditioner Allowance is admissible to the Judicial Officers during suspension period.

*– Clarified in meeting of Hon'ble Committee dated 09.05.2024 and conveyed vide letter No. 1963.Spl.Gaz.II(12G) dated 03.08.2024 of this court*

### **Clarification with regard to Furniture Allowance**

No clarification is required. The judgment read with Explanatory Memorandum and Supplementary Explanatory Memorandum is clear. The Furniture Allowance as provided by the judgment of the Hon'ble Supreme Court has to be disbursed if the Judicial Officer is having 2 years or more of remaining period of service before retirement. The Air Conditioner Allowance shall be available to a Judicial Officer irrespective of his / her remaining period of service before retirement.

*– Clarified vide Supplementary Explanatory Memorandum No. 2 conveyed vide letter No. 670.Spl.Gaz.II(12G) dated 16.03.2024*

It is resolved that in terms of the decision of the Hon'ble Supreme Court and the directions issued by the Committee, Furniture Allowance be paid to every Judicial Officer with effect from 1<sup>st</sup> January, 2016 irrespective of the fact as to whether it was granted by the concerned State Government from a subsequent date.

*- Clarified in meeting of Hon'ble Committee dated 09.04.2024*

Since the Officers were duly eligible at the time of grant of the benefit, therefore, the benefit was granted to them. Hon'ble Supreme Court has made it clear that no recovery is to be effected from any Officer. Therefore, no recovery is to be effected from the concerned Officers.

It has also been clarified that Period of five years has already been specified by the Hon'ble Supreme Court for providing Furnishing Allowance. As such the same be followed irrespective of the date of disbursement of the Furnishing Allowance.

*– Clarified in meeting of Hon'ble Committee dated 11.09.2024 and conveyed vide letter No. 2335.Spl.Gaz.II(12G) dated 27.09.2024.*

#### **(d) Residential quarters - maintenance**

An amount of Rs. Ten lakhs be made available to each Principal District Judge on the basis of a proposal sent by the Registry of the High Court for the proper maintenance of the residential quarters and that the Government must sanction the amount proposed within two months from the date of the receipt of their proposal.

*-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court*



**(e) Guest House/Transit Accommodation**

The guest house-cum-transit home facility is a long felt need of the Judicial Officers. The two winged Guest house/transit homes shall be constructed by the Governments concerned out of which one can be used for transit home by transferred officers for a few weeks. The officials concerned shall act in coordination with the Registry of the High Court to identify the places where such Guest Houses are to be constructed. The details such as number and size of rooms and the amenities shall be finalized after mutual discussion. As Government / 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. After construction, the High Courts will issue necessary instructions regarding maintenance, minimal catering arrangement, rent to be charges etc.

*-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court*

**11. Leave Travel Concession**

- “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. 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.”

-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court

**CLARIFICATION(S):**

- a) As per the judgment dated 04.01.2024 of the Hon'ble Supreme Court, L.T.C. would be extended by one year in case of retired Judicial Officers. It is hereby clarified that such retired Judicial Officer can avail the encashment of 10 days earned leave, if he/she is having the said earned leave to his/her credit beyond 300 days, which he/she has already got encashed.
- b) For the purpose of claiming L.T.C. the block years be read as follows:

2024-2026

2027-2029

-- Clarified vide Explanatory Memorandum - conveyed vide letter No. 310.Spl.Gaz.II(12G) dated 14.02.2024

Since the arrears arising on account of revision of pay scales have to be paid to the Judicial Officers with effect from 01.01.2016 as per the mandate of the Hon'ble Supreme Court, therefore, any allowance dependent upon pay, including L.T.C./leave encashment or the amounts in lieu thereof would be required to be calculated afresh and the difference would be payable to the Judicial Officers w.e.f. 01.01.2016.

-- Clarified vide Supplementary Explanatory Memorandum No. 2 conveyed vide letter No. 670.Spl.Gaz.II(12G) dated 16.03.2024

The letter No. 13/19/2008-2SII dated 18.05.2009 issued by the Haryana Government, whereby it has been mentioned “This being an allowance, no arrears would be admissible even when the pay is revised from a retrospective date”, was also considered by the Hon'ble Committee and it has been decided that since this benefit has been granted by the Hon'ble Supreme Court retrospectively and the Hon'ble Supreme Court has also clarified that no state law inconsistent with the judgment of the Hon'ble Supreme Court would be of any consequences, therefore, the arrears of leave encashment towards LTC be disbursed to the Judicial Officers in the State of Haryana as well, as has already been paid to Judicial Officers in the State of Punjab, as was clarified earlier in Supplementary Explanatory Memorandum No. 2 issued vide letter No. 670-71.Spl.Gaz.II(12G) dated 16.03.2024.

-- Clarified in meeting of Hon'ble Committee dated 20.03.2024 and conveyed vide letter No. 761.Spl.Gaz.II(12G) dated 23.03.2024

The Judicial Officers in the State of Punjab shall be entitled to avail Leave Travel Concession (LTC) in future for the block 2024-2026 irrespective of the fact as to whether he/she/they has/have availed the said facility previously.

The Judicial Officers in the State of Haryana are not entitled to one month's salary in lieu of LTC/HTC for the block period 2020-2023

(extended upto 31.12.2024) after passing of the judgment dated 04.01.2024 by the Hon'ble Supreme Court.

The Judicial Officers in the State of Haryana who have completed or will complete probation period from January, 2024 to December, 2024 are not entitled to one month's salary in lieu of LTC/HTC for the block period 2020-2023 (extended upto 31.12.2024).

A block period, for the purpose of entitlement to HTC in the States of Punjab & Haryana, shall be, as has been ordered by the Hon'ble Supreme Court in the judgment dated 04.01.2024 irrespective of completion of the period of probation by a Judicial Officer.

All the Judicial Officers including retired Judicial Officers will be entitled to carry forward LTC in terms of the judgment rendered by Hon'ble Supreme Court.

The issue of getting an undertaking from a Judicial Officer in the States of Punjab & Haryana that his/her spouse will not avail LTC from her/his department for the block year for which the Officer is availing LTC needs no clarification at this stage.

Further, henceforth, the payment of one month salary is not to be given to the Judicial Officers unless had already applied for the same within time. It has also been brought out that one month salary for Block 2024-2027 has also been sanctioned to around eight officers but the same has not been disbursed to them. In that regard, it is clarified that no disbursement of one month salary for the Block Period 2024-2027 shall be made to such officers and the sanction given qua them shall stand withdrawn in view of the judgment passed by the Hon'ble Supreme Court.

It has also been pointed out that since the benefit of LTC/HTC encashment has been stopped with effect from the block year 2024-2027 but some of the Judicial Officers have already received the benefit of encashment before that. Now certain Treasuries are attempting to effect recovery from the Judicial Officers who already stand retired. A perusal of the Judgment dated 04.01.2024 passed by the Hon'ble Supreme Court shows that regarding certain allowances, it has clarified that if an allowance already stands paid to the Judicial Officer, then recovery is not to be effected on account of that allowance.

Accordingly, it is clarified that since the revision has come pursuant to the approval by the Hon'ble Supreme Court but some Judicial Officers were already paid before the date of the Judgment of Hon'ble Supreme Court, i.e. 04.01.2024, as per the then existing rules, therefore, since the Hon'ble Supreme Court has restrained the recovery from the Judicial Officers, hence, no recovery shall be effected on account of any allowance already paid to the Judicial Officer, who stood retired on or subsequent to the date of the pronouncement of the Judgment of the Hon'ble Supreme Court.

## 12. Medical Allowance / Medical Facilities

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.

The referral system is to be done away with.

*-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court*

### **13. Newspaper and Magazine Allowances**

- “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.”

*-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court*

### **CLARIFICATION(S):**

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.

*- Clarified in meeting of Hon'ble Committee dated 09.05.2024 and conveyed vide letter No. 1998.Spl.Gaz.II(12G) dated 08.08.2024*

#### **14. Robe Allowance**

- (i) An allowance of Rs 12,000 will be payable once in three years with effect from 01.01.2016; and
- (ii) **The demand for the robe allowance may not be raised before the next Commission.**

*-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court*

#### **15. Special Pay for Administrative Work**

- “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 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.”

*-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court*

#### **CLARIFICATION(S):**

- a) It is hereby clarified that term “Principal District & Sessions Judges” means all the District & Sessions Judges who are/were working as District and Sessions Judges, irrespective of their place of posting (including those on deputational posts).
- b) All “Other District Judges” means all Officers of Superior Judicial Service except as mentioned at Serial No. 1.
- d) All Civil Judges are included in this category.

*- Clarified vide Explanatory Memorandum conveyed vide letter No. 310.Spl.Gaz.II(12G) dated 14.02.2024*



Every Judicial Officer under the jurisdiction of this High Court, posted in a Sessions Division, by default, is required to perform some administrative duties attached to his/her Court beyond office hours, as well as, other duties specifically assigned to such Officer. As such, every Judicial Officer posted in Sessions Divisions or posted or permitted to be posted by the High Court, in its discretion, at any other place, shall be entitled to the amounts of the administrative pay as specified in the judgment of the Hon'ble Supreme Court of India dated 4<sup>th</sup> January, 2024. The amount of Rs. 1,000/- already paid as Special Pay shall however be adjusted while paying the arrears for the period already availed of.

*– Clarified in meeting dated 20.03.2024 and Conveyed vide letter No. 761.Spl.Gaz.II(12G) dated 23.03.2024*

## 16. Sumptuary Allowance

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.

*- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court*

## CLARIFICATION(S):

As per the judgment dated 04.01.2024 passed in Writ Petition (Civil) No. 643 of 2015 titled as “All India Judges Association Vs. Union of India and other”, CJMs are entitled to get Rs. 1,000/- more by virtue of their status or the additional responsibility they shoulder. The CJMs in DLSA and in SSSC are posted as CJM-cum-Secretary/Members. Therefore, they are also entitled to get Rs. 1,000/- more by virtue of their status or additional responsibilities.

*– Conveyed vide letter No.761.Spl.Gaz.II(12G) dated 23.03.2024*

## 17. Telephone Facility

- “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.”

*-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court*

**CLARIFICATION(S):**

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.

*- Clarified in meeting of Hon'ble Committee dated 09.05.2024 and conveyed vide letter No. 1998.Spl.Gaz.II(12G) dated 08.08.2024*

## **18. Transfer Grant**

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 1/3 rd 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.

*-- Extract from judgment dated 04.01.2024 of Hon'ble Apex Court*

## **CLARIFICATION(S):**

In couple case/s the Judicial Officers are entitled to the transfer grant equivalent to one month's basic pay of each Officer.

*-- Clarified vide Supplementary Explanatory Memorandum No. 1 conveyed vide letter No. 444.Spl.Gaz.II(12G) dated 28.02.2024*

If one Judicial Officer had not claimed Disturbance Allowance as per Haryana Civil Services (TA) Rules, 2016 for being transferred with his/her spouse to a new station within 6 months, the Judicial Officer is entitled to claim one month's basic salary as Disturbance Allowance.

If the Judicial Officers had not claimed/submitted their Disturbance Allowance/Transfer Grant Claim in a wait for the decision of the Hon'ble Supreme Court, he/she will be entitled to claim the same despite the expiry of limit of one year as prescribed in the relevant Rules.

It was clarified in the matter of Sh. Kamal Kant, Retd. DSJ that the Officer concerned will be entitled to the Grant of Transfer (TA)/Disturbance

Allowance as the judgment in All India Judges Association's case has been rendered by the Hon'ble Supreme Court on 04.01.2024 and no limitation for availing the said grant/allowance shall apply."

*- Clarified in meeting of Hon'ble Committee dated 09.05.2024 and conveyed vide letter No. 1963.Spl.Gaz.II(12G) dated 03.08.2024*

The transfer grant as mentioned at point No. 21 of the judgment dated 04.01.2024 passed in Writ Petition (Civil) No. 643 of 2015 titled as 'All India Judges Association and others Vs. Union of India and Ors.' is also applicable to the Judicial Officers/L.R.'s on their shifting from the place of posting to their hometown/settlement place on their retirement/death after January, 2016.

As far as grant of disturbance allowance w.e.f. 01.01.2016 to the officers, who did not avail at relevant time is concerned, the same already stands clarified by the Hon'ble Committee for Service Conditions of the District Judiciary while deciding the representation of Sh. Kamal Kant from Haryana. The same shall be applicable to all judicial officers.

*- Clarified in meeting of Hon'ble Committee dated 17.07.2024 and conveyed vide letter No. 1963.Spl.Gaz.II(12G) dated 03.08.2024*

Clarification is sought as to whether road mileage of Rs.6/- per kilometer in the State of Punjab and Rs.16/- per kilometer in the State of Haryana for personal travel is also to be paid to the Judicial Officer with the Transfer Grant/Disturbance Allowance on transfer/retirement, as was given earlier, in addition to one month's basic pay and cost of transportation of household luggage.

Whatever allowance/benefit is admissible or not to the Judicial Officers, has already been clarified by the Judgment dated 04.01.2024 of Hon'ble Supreme Court and by this Committee. No further clarification is required on Transfer Grant.

*-- Clarified in meeting dated 11.09.2024 of Hon'ble Committee and conveyed vide letter No.2335.Spl.Gaz.II(12G) dated 27.09.2024*

## **GENERAL CLARIFICATION(S) MADE IN VARIOUS MATTERS OF ALLOWANCES:**

### **Retention of Furniture and Air Conditioner as well as Mobile phone**

Retention of Furniture and Air Conditioner as well as mobile phone by the Judicial Officers on depreciated value was specifically discussed in the meeting dated 19.02.2024. It was agreed in the said meeting by the Officers of the State Governments that the existing provisions in the State of Punjab and Haryana already provide that on expiry of the requisite time period, the Judicial Officer shall be entitled to retain the said items without any payment. It was accordingly resolved in the said meeting that no provision for payment of depreciated value of the above-said items is required to be prescribed.

*-- Clarified vide Supplementary Explanatory Memorandum No. 1 conveyed vide letter No. 444.Spl.Gaz.II(12G) dated 28.02.2024*

### **Retrospective recovery from amount of revised commuted pension.**

In the meeting dated 01.02.2024 of the Hon'ble Committee, a representation made by Mr. A.K.S. Panwar, former District & Sessions Judge was taken up. In the said representation, the Officer had stated that on revision of pensionary benefits he was allowed revision qua commutation of pension as well. However, while disbursing the said amount on account of commutation of pension, most of the amount was appropriated towards adjustment of the repayment in relation to commutation of pension alongwith interest. In other words, the recovery which was required to be effected from his pension has been retrospectively effected from the commuted amount of the revised pension, even that with interest from a back-date. In the meeting dated 19.02.2024, a copy of the said representation was handed over to Sh. Sunil Saran, Senior Economic Advisor, Finance Department, Haryana who assured the Committee to get the matter resolved.

In view of the above, it is clarified that the said revision of commuted value of pension be paid to the retiree after adjusting only the principal amount, without interest with effect from 01.01.2016 to the date of payment, towards repayment of commutation. The interest on commuted value would be chargeable with effect from the date of actual payment till its recovery, as per time schedule already fixed.

*-- Clarified vide Supplementary Explanatory Memorandum No. 1 conveyed vide letter No. 444.Spl.Gaz.II(12G) dated 28.02.2024*

### **Availability of more beneficial benefit.**

If any benefit more beneficial is already available under any existing law/rule or instruction, the Judicial Officers shall have the option to get the same.

*-- Clarified vide Supplementary Explanatory Memorandum No. 1 conveyed vide letter No. 444.Spl.Gaz.II(12G) dated 28.02.2024*

### **Obstruction / resistance to the implementation**

Since the payments are to be made pursuant to the judgment rendered by the Hon'ble Supreme Court granting benefits to the Judicial Officers as well as to the retired Judicial Officers, and the said judgment has clarified that any law, rule, regulation and instruction of

any of the State Governments inconsistent with or contrary to the judgment are irrelevant, therefore, none of the authorities shall raise any objection qua the payment on the ground that such payment would go contrary to any rule or instruction of the State Government. Therefore, all the authorities, Treasuries and the concerned Banks shall be bound by the recommendations approved and accepted by the Hon'ble Supreme Court in this regard, as interpreted by this Committee; and which are communicated to the concerned authorities. Any resistance / obstruction or denial of clearance of any bill or making of any payment by any person or authority is liable to be viewed very seriously making such person or authority liable for necessary punitive action by the Court at appropriate level and in appropriate manner.

*-- Clarified vide Supplementary Explanatory Memorandum No. 1 conveyed vide letter No. 444.Spl.Gaz.II(12G) dated 28.02.2024*

**Permission to submit any official correspondence at nearest station instead of last place of posting after superannuation.**

As far as request to submit medical reimbursement bill and other documents at nearest station in respect of latest place of residence after superannuation is concerned, the representation made by Major Phalit Sharma Additional District and Sessions Judge has already been allowed vide letter No.1667 Spl.Gaz.-II(4G) dated 10.07.2024. The same shall be made applicable to all the officers and it is made clear that the retiring judicial officers shall be entitled to opt for the office of District and Sessions Judge at the station where they are settled after retirement, as per the address intimated to the Punjab and Haryana High Court within the jurisdiction.``

Those Officers who are settled outside the jurisdiction of this High Court, they can opt for the place nearest to them within jurisdiction of Hon'ble High Court by furnishing information, in advance, in this regard to the High Court.

*-- Clarified in meeting dated 17.07.2024 of Hon'ble Committee and conveyed vide letter No.1963..Spl.Gaz.II(12G) dated 03.08.2024*

**Applicability of the decisions taken by the Committee for service conditions of the district judiciary.**

It is made clear that all the decisions either previously taken or to be taken in the future by the Committee shall be made applicable to all the Judicial Officers of Punjab, Haryana and U.T. Chandigarh and even to those who have not given representations. It is further clarified that all decisions taken by this committee shall be conveyed to all the District and Session Judges and other concerned so that such further representations are not placed before this committee.

*-- Clarified in meeting dated 17.07.2024 of Hon'ble Committee and conveyed vide letter No.1963..Spl.Gaz.II(12G) dated 03.08.2024*

**Clarification 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 his/her capacity as a Judicial Officer and also as a family pensioner of spouse who was a Judicial Officer. Similarly situated Judicial Officers shall also be entitled to the same benefit.



-- Clarified in meeting dated 09.05.2024 of Hon'ble Committee and conveyed vide letter No.1998..Spl.Gaz.II(12G) dated 08.08.2024

**Clarification sought by District & Sessions Judge, Rohtak regarding the “Head” under which reimbursement of the cost of petrol/diesel will be made**

Sh. Anurag Rastogi, Additional Chief Secretary, Finance, Government of Haryana added that at present, for the Judicial Officers of the State of Haryana, the reimbursement of cost of petrol/diesel could be made from the Head 45 POL.

- Clarified in meetings of Hon'ble Committee dated 22.08.2024 and conveyed vide letter No. 2201.Spl.Gaz.III(12G) dated 09.09.2024

**Representation regarding retiral benefits.**

The aspect of increment due on the day next to the date of retirement has already been dealt with by the Hon'ble Supreme Court in case of Civil Appeal No.2471 of 2023, titled 'The Director (Admn. and HR) KPTCL and Ors. vs. C.P. Mundinamani and Ors.', and it has been held vide order dated 11.04.2023 and the subsequent clarificatory orders that the employees/Officers shall be entitled to such an increment; but only for the purposes of pensionary benefits. Therefore, the case of the Officer is covered by the said judgment. He is entitled for the increment which he has claimed but only for the purposes of pensionary benefits. The same be granted to him. Any other Officer similarly situated, be also granted this benefit without further reference to this Committee anymore.

- Clarified in meetings of Hon'ble Committee dated 21.10.2024

**Orders dated 27.08.2024 of Hon'ble Supreme Court of India.**

The Hon'ble Supreme Court in its order dated 27.08.2024 passed in Writ Petition (Civil) No.643 of 2015 titled “All India Judges Association Vs. Union of India and Ors.” has directed this Committee to take up the matter with regard to any individual grievances of the Judicial Officers in respect of any specific allowance and to place the Standard Operating Procedure in any event by 30<sup>th</sup> September, 2024. It has further been requested to the Committee to meet once every month so that grievances are resolved expeditiously. The directions of the Hon'ble Supreme Court have already been complied with. In future, all the grievances of the Judicial Officers regarding allowances be put up before this Committee.

- Clarified in meeting of Hon'ble Committee dated 11.09.2024.

**Grant of facility of Domestic Help Allowance/Home Peon facility and Driver facility to the Judicial Officers during training period.**

In view of directions passed in paras 33 and 47 of the Judgment dated 04.01.2024 passed in Writ Petition (Civil) No.643 of 2015 titled 'All India Judges Association Vs. Union of India and Ors.', it is resolved that Judicial Officers under training shall also be entitled to the same facilities/allowances being availed by other Judicial Officers. There shall be no recovery from the trainee Judicial Officers.

- Clarified in meeting of Hon'ble Committee dated 29.11.2024 and conveyed through letter No. 2857Gaz.II(12G) dated 12.12.2024