

Regd. Post

No. 1963-41 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 3rd 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 that the Committee for Service Conditions of the District Judiciary in its meeting dated 17.07.2024 has resolved as under:

I) APPROVAL OF STICKER FOR VEHICLES OF JUDICIAL OFFICERS.

".....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.

II) CLARIFICATION IN RESPECT OF EARNED LEAVE ENCASHMENT

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.”

Previous Resolution:

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.

III) CLARIFICATION IN RESPECT OF LEAVE TRAVEL CONCESSION

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.

Previous Resolution:

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 State 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 Officer will be entitled to carry forward LTC in terms of the Judgement rendered by Hon'ble Supreme Court.

The issue of getting an undertaking from a Judicial Officer in the State 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.

IV) CLARIFICATION IN RESPECT OF REPRESENTATION MADE BY MAJOR PHALIT SHARMA, ADDL. DISTRICT & SESSIONS JUDGE (RETD.) FOR SEEKING PERMISSION TO SUBMIT MEDICAL REIMBURSEMENT BILL 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.

V) GRANT OF DISTURBANCE ALLOWANCE TO THE JUDICIAL OFFICERS.

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.

Previous Clarification:

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.

Relevant extract of the decision taken by the Hon'ble Committee qua representation of Sh. Kamal Kant from Haryana is as under:

"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."

VI) CLARIFICATION IN RESPECT OF AIR CONDITIONER ALLOWANCE

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

VII) 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 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. 1964 Sp. Govt. Dated 3 August '24

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