

ANNEXURE-~~A~~ 4

GOVERNMENT OF ANDHRA PRADESH
LAW (L.A.&J.SC.F) DEPARTMENT

Circular Memo No.9 /Law LA & J-SC.F/2003-1, Dated:20-9-2003

Sub:- First National Judicial Pay Commission - Certain clarification on the admissibility of D.A. rates to be allowed for fitment in the Revised Pay Scales as recommended by the National Judicial Pay Commission in respect of State Judicial Officers - Issued.

- Ref:-
1. G.O.Ms.No.70, Law (LA&J-SC.F) Department, dated 29-4-1998.
 2. G.O.Ms.No.60, Law (LA&J-SC.F) Department, dated 7-5-2003.
 3. From the PAO, Hyderabad Letter No. PAO/PAG-II/Unit-A/2003-04/371 dated 1-8-2003.
 4. From the DTA, Hyderabad Letter No.M1/8862/03 dt. 6-8-2003.
 5. Andhra Pradesh High Court Roc.No.4665/1997-B1 dated 7-7-2003.
 6. A.P.High Court, Registrar General Letter Roc.No.4665/1997/B1 dated 30-8-2003.
 7. Judgment of Hon'ble S.C., in W.P(C) No. 1022 of 1989

The Government of India constituted the First National Judicial Pay Commission (FNJPC) for the Subordinate Judiciary in pursuance of the directions of the Supreme Court of India in the case of All India Judges Association Vs.Union of India. The report of the Commission as per the directions of the Supreme Court has been implemented by the State Government in the reference 2nd cited.

2. According to paragraph 2(c) of the orders 2nd read above, the fitment in the revised pay scales shall be as follows:

Fitment in the Revised Pay Scales

i) A Judicial Officer shall first be given a financial benefit of 10% over his basic pay as on 1-1-96 in his existing pay scales.

ii) Then the aggregate emoluments of the officer as on 1-1-96 shall be computed in the following manner:-

- a) Basic pay in the existing scale as on 1-1-96 + 10% thereon.
- b) DA admissible on the original Basic Pay on 1-1-96 at AICPI level of 1510 (1960=100)
- c) Amount of IR sanctioned in the G.O. 1st read above."

3. The Registrar General, High Court of Andhra Pradesh in an administrative circular Roc.No.4665/1997-B1, Dated 7-7-2003 (addressed to the Judicial Officers of A.P. State) has issued guidelines in regard to admissibility of Dearness Allowance at 148%, 111% and 96% respectively, depending upon the pay range for fitment in the First National Judicial Pay Commission Scales in respect of State Judicial Officers.

4. In the reference 3rd and 4th cited, the Pay and Accounts Officer, Hyderabad and the Director of Treasuries and Accounts, besides other points, have sought clarification in regard to admissibility of rates of Dearness Allowance to be taken into account for fitment purpose in the Revised Pay Scales as recommended by the First National Judicial Pay Commission either at State Dearness allowance rates that were prevalent on 1-1-1996 i.e., at 35.75%, 30.38% and 27.30% respectively depending upon the pay range as the State Judicial Officers were drawing State Revised Pay Scales with effect from 1-7-92 or at 148%, 111% and 96% depending upon the pay range as per the guidelines issued by the Registrar General, A.P. High Court, in respect of State Judicial Officers.

5. Government are in the process of seeking clarification from the appropriate authority for their clarification on the rates of Dearness Allowance admissible for fitment purposes in the case of State Judicial Officers from the existing pay scales as on 1-1-96 to the pay scales recommended by the First National Judicial Pay Commission ordered to be implemented in the reference 2nd cited.

6. Government, pending clarification from the appropriate authority hereby order that the following are the provisional percentage rates of the Dearness Allowance to be taken for fitment purpose in the case of State

Judicial Officers from the existing State pay scales as on 1-1-96 to the pay scales recommended by the First National Judicial Pay Commission ordered to be implemented in the reference 2nd cited:

Pay Range	Percentage of D.A.
i) Basic Pay up to Rs.3500	148%
ii) From Rs.3501 to Rs.6000	111% (minimum of Rs.5180)
iii) Rs.6001 and above	96% (minimum of Rs.6660)

The fixations done in respect of some of the Judicial Officers prior to issue of this clarification are also subject to out come of the clarification from the appropriate authority.

7. The concerned Drawing and Disbursing Officers shall obtain an undertaking from the Judicial Officers that the claim is subject to adjustment in terms of further orders issued by Government in the matter basing on the clarification received from the appropriate authority. The concerned Drawing and disbursing Officers shall also obtain the above undertaking from judicial Officers whose pay fixation have already been cleared by the Pay and Accounts Officer, Hyderabad / District Treasury Officer/ Assistant Treasury Officer/ Sub Treasury Officer. The concerned Drawing and Disbursing Officers shall preserve the original of the undertaking obtained from the Judicial Officers in the office and a copy of the undertaking shall be enclosed to the bill presented to the Pay and Accounts Officer/ District Treasury Officer/ Assistant Treasury Officer/ Sub Treasury Officer as the case may be.

8. The Pay and Accounts Officer, Hyderabad, District Treasury Officer/ Assistant Treasury Officer/ Sub Treasury Officer shall obtain the above undertaking before the pay fixation claims of Judicial Officers from the State Pay Scales to First National Judicial Pay Commission Pay Scales are cleared.

9. Government orders on other points raised by the Pay and Accounts Officer, Hyderabad and the District of Treasuries and Accounts, would be issued separately.

(This has got the approval of Finance Department U.O.No.17961-B/473/A1/03, Finance (PC1) Department, date.19.9.2003)

K.G.SHANKAR
SECRETARY TO GOVERNMENT

To
All concerned
The Assistant Registrar, Supreme Court of India, New Delhi with a covering letter
The Advocate on Record, Supreme Court of India, O/o the Resident Commissioner., A.P.Bhavan, New Delhi.
The Registrar, High Court of A.P., Hyderabad.
The Registrar, A.P.A.T., Hyderabad.
The Pri.Secretary to Govt., G.A.D.& Resident Commissioner to Government, Government of A.P., A.P.Bhavan, New Delhi.
The Accountant General, A.P.Hyderabad.
The Pay & Accounts Officer, Hyderabad
The Secretary to Government of India, Ministry of Law, Justice & C.A., New Delhi.

Copy to:
The Finance (PC.I) Department
The Law (OP) Department
The Law (Courts) Department
The G.A.(Cabinet/claims/OP/Spl.A) Departments.
The Director of Treasuries and Accounts, Hyderabad.
The Joint Director, Pension Payment Office, M.J.Road., Hyderabad.
All District Treasury Officers.

//FORWARDED: BY ORDER//

SECTION OFFICER(SC)

ANNEXURE

(To Circular Memo No.9/Law LA&J-SC.F/2003,dated:20.9.2003)

Undertaking

I (Name) working as
..... (Cadre) at (Station)

shall hereby give an undertaking that the amount now claimed consequent to pay fixation from State Pay Scales to First National Judicial Pay Commission Pay Scales ordered to be implemented in G.O.Ms.No.60, Law(LA&J.SC.F) Department, dated 7.5.2003 is subject to recovery if any, in terms of further orders to be issued in matter basing on the clarificatory orders of the appropriate authority.

Date:

Signal

Signature:

Name:
Designation:

Position:

Office

Seal:

TO:
The Drawing & Disbursing Officer,
O/o the