

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services- Revision of pay scales in respect of Andhra Pradesh Judicial Officers in pursuance of the recommendations of the First National Judicial Pay Commission - Order of the Hon'ble Supreme Court of India in I.A.No.152/2004 in W.P(C).No.1022/89, dated 21.11.2006 - Instructions on refixation of pay of Judicial Officers - Issued.

LAW(LA&J SC.F) DEPARTMENT

24 AUG 2007

G.O.Ms.No.111

RECEIVED
TAPPAL SECTION

Date : 21.08.2007

Read the following :-

1. G.O.Ms.No.60, Law (LA&J- SC,F) Department, dated 07.05.2003.
2. From the High Court of A.P., Lr. Roc.No.4665/1997-B1, Dt. 07.07.2003.
3. From the Registrar General, High court of A.P. Letter. No.4665/1997/B1, dated 30.08.2003.
4. Law (LA&J SC-F) Department Circular. Memo.No.9/LA&J SC-F/2003-1, dated 20.09.2003.
5. Orders of the Hon'ble Supreme Court of India in I.A.No.152 of 2004 in W.P.(C) No. 1022/89, dated 21.11.2006.

ORDER:

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. As per the directions of the Supreme Court of India, the report of the Commission has been implemented by the State Government in the orders first read above and the First National Judicial Pay Commission Pay Scales have come into effect from 01.07.1996

According to para 2(c) of the orders issued in the reference first read above, the fitment in the revised pay scales shall be as follows: -

- (i) A Judicial Officer shall first be given a financial benefit of 10% over his basic pay as on 01.01.1996 in his existing pay scale.
- (ii) Then the aggregate emoluments of the officer as on 01.01.1996 shall be computed in the following manner:-
 - (a) Basic Pay in the existing scale as on 01.01.1996 plus 10% thereon;
 - (b) Dearness Allowance admissible on the original Basic Pay on 1st January, 1996 at All India Consumer Price Index level of 1510(1960 = 100) ;
 - (c) Amount of Interim Relief sanctioned in the G.O. first read above.

3. The Registrar General, High Court of Andhra Pradesh in an administrative Circular second read above, addressed to the Judicial Officers in the State has issued guidelines in regard to admissibility of Dearness Allowance at 148%, 111% and 96% respectively existed as on 01.01.1996, depending upon the basic pay range for fitment in the First National Judicial Pay Commission Scales in respect of State Judicial Officers.

4. 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 prevailed as on 01.01.1996 i.e. 35.75%, 30.38% and 27.30% respectively depending upon the basic pay range as the State Judicial were drawing Revised pay Scales, 1993(State) with effect from 01.07.1992 or at 148%, 111% and 96% respectively existed as on 01.01.1996 depending upon the basic pay range as per the guidelines issued by the Registrar General, Andhra Pradesh, High Court.

5. The Government issued Circular instructions vide Memo. forth read above allowing the Judicial officers to fix their pay on the provisional percentage rates of Dearness Allowance indicated at para 6 of the said order to be taken for fitment purpose from the existing State Pay Scales as on 01.01.1996 in the Pay Scales recommended by the First National Judicial Pay Commission ordered to be implemented in the reference 1st cited as per the Circular instructions of the Registrar General, High Court of A.P. vide Circular third read above pending clarification from an appropriate authority after obtaining 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.

6. The Government filed an application in I.A.No. 152/2004 in W.P.(C) No.1022/89 in the Hon'ble Supreme Court of India seeking clarification whether the Dearness Allowance already merged in the Revised Pay Scales of 1993 which are drawn by the Judicial Officers as per the State Pay Revision Commission, 1993, effecting from 1st July, 1992 with monetary benefit from 01.04.1993 has to be taken into account while determining the pay and dearness allowance consequent to the implementation of the First National Judicial Pay Commission recommendations on pay scales.

7. The Hon'ble Supreme Court in its orders in I.A.No.152/2004 in W.P. (C) No.1022/89, dated 21.11.2006, in the reference fifth read above, made the following upholding the policy of the State Government in allowing Dearness Allowance admissible as on 01.01.1996 at the rates of 35.75%, 30.38% and 27.30% respectively in relation to basic pay range and on recovery to be made from the Judicial Officers :

" In view of the above, the position as stated in the afore-noted communication dated 19/23 September,2003 is correct and not the one reflected in the circular of the High Court dated 7th July,2003. The necessary consequences of this clarification will follow except that the recoveries to be made from the Judicial officers would be in the manner hereinafter:

Some Judicial Officers would be still in service. Some have retired and their pensions have been worked out and payments made though tentatively. In terms of the Circular dated 20th September,2003 above referred. On their furnishing undertaking. It would be unjust to make recovery at one lump sum from these officers, serving or retired. For the reason that the State Government has also to share the blame. In that, it ought to have, at appropriate time, brought to the notice of this court the factum of merger of Dearness Allowance with Basic pay before 1st, January, 1996 unlike other states. Neither did the State Government bring this factor to the notice of this court not it seems to have furnished such information clearly before the Shetty Commission.

Under these circumstances. We direct that the amounts, which may become payable by Judicial Officers serving or retired after this clarification, should be recovered only by adjustment from the future salary or pension payable to the officers by reasonable installments. As far as possible, the installments should be so fixed that the amount payable to the concerned officer does not get reduced by more than 10%. "

8. The Government after careful consideration of the matter and in obedience to the directions of the Hon'ble Supreme Court hereby order to re-fix the pay of the Judicial Officers as per the Dearness Allowance rates prevailing as on 01.01.1996 according to G.O.(P).No.163, Finance and Planning (F.W.P.C.I) Department, dated 20.05.1996 as detailed below:

Pay Range	Rate of Dearness Allowance per annum
Basic pay up to Rs.6380/- p.m..	35.75% of pay subject to a maximum of

9. The Government also order that the recoveries of excess payments made shall be only by adjustment from the future salary or pension payable to the officers by reasonable installments. As far as possible, the installments should be so fixed that the amount payable to concerned officer does not get reduced by more than 10%.

10. The Registrar General, High Court of Andhra Pradesh is requested to revise the pay fixations of Judicial Officers accordingly, which shall be completed within one month from the date of issue of these orders as per the above Dearness Allowance rates indicated at para 8 above.

11. The concerned Drawing Officers shall prepare the Bills and effect the recoveries as laid down at paras 8-9 above.

12. The Pay and Accounts Officer, Hyderabad/ District Treasury Officer/ Assistant Treasury Officer shall verify the fixation claims/ recoveries effected before the claim of Judicial Officers from the State pay scales to First National Judicial Pay Commission pay scales are cleared.

13. This orders issues with the concurrence of the Finance(P.C.I) Department vide their U.O.No. 22076/371/A1/PC.I/2007, dated 21.08.2007.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

T.MADAN MOHAN REDDY
SECRETARY TO GOVERNMENT

To,

✓ The Registrar General, High Court of Andhra Pradesh, Hyderabad.

The Registrar, A.P. Administrative Tribunal, Hyderabad.

The Principal Accountant General, Andhra Pradesh, Hyderabad.

The Director of Treasuries and Accounts, A.P. Hyderabad.

The Pay and Accounts Officer, A.P. Hyderabad.

Copy to

The Assistant Registrar, Supreme Court of India, New Delhi.

(With a covering letter)

The Advocate on Records, O/o the Resident Commissioner, No.1
Ashoka Road, A.P. Bhavan, New Delhi.

The Secretary to Government of India, Ministry of Law, Justice and C.A.,
New Delhi.

The Finance(P.C.I) Department.

The Law (OP) Department.

The Law (Courts) Department.

The Home (Courts) Department.

The Joint Director, Pension Payment Office, M.J. Road, Hyderabad.

All District Treasury Officers.

S.C/ S.F.

//FORWARDED::BY ORDER//

A. Mahabadi
SECTION OFFICER (SC)