

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – First National Judicial Pay Commission – Merger of Dearness Allowances equal to 50% with the existing Basic Pay to the Judicial Officers / Retired Judicial Officers / Family Pensioners – Orders - Issued.

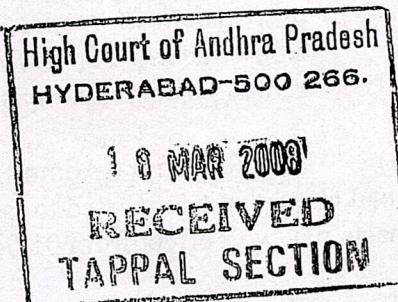
LAW (LA&J-SCF) DEPARTMENT

G.O.Ms.No.27

Date: 13.03.2008

Read the following:-

- 1) Main Judgment of Supreme Court of India in W.P.No.1022/89 Dt: 21.03.2002
- 2) G.O.Ms.No.60 Law (LA&J-SCF) Dept. Dated 7.5.2003.
- 3) G.O.Ms.No.79 Law (LA&J-SCF) Dept. Dated 17.7.2004
- 4) From the Registrar (Admn.), High Court of A.P., Lr.Roc.No.4665/1997-B1, dated 25.09.2004
- 5) G.O.Ms.No.111 Law (LA&J-SCF) Dept. Dated 21.8.2007
- 6) G.O.Ms.No.129 Law (LA&J-SCF) Dept. Dated 27.9.2007
- 7) G.O.Ms.No.174 Law (LA&J-SCF) Dept. Dated 19.12.2007
- 8) G.O.Ms.No.4 Law (LA&J-SCF) Dept. Dated 5.1.2008.
- 9) From the Government of India, Ministry of Finance, Department of Expenditure, Official Memorandum F.No.105/1/2004-IC, Dated 01.03.2004.



ORDER:

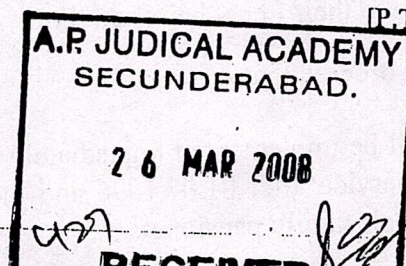
In compliance with the directions of the Hon'ble Supreme Court of India in the case of All India Judges Association Vs. Union of India in W.P:(Civil) No.1022/89 dated:21.03.2002, the Government, in the references second, third and fifth to seventh read above, issued orders implementing the revision of scales of pay to the Judicial Officers and revision of the pensions of the retired Judicial Officers, past pensioners and family pensioners. The Government also ordered that Judicial Officers, Pensioners, Past Pensioners, Family Pensioners shall be allowed Dearness Allowance/Dearness Relief from 1.7.1996 at the rates as applicable to the Central Government Employees.

2) In the order ninth read above, orders were issued by the Government of India, Ministry of Finance Department of Expenditure in O.M. in File No. 105/1/2004-1C, dated: 1.3.2004, for merger of Dearness Allowance equivalent to 50% of the existing Basic Pay with the Basic Pay to Central Government Employees/Pensioners. The Official Memorandum reads as follows:-

"The Fifth CPC in para 105.11 of their Report had recommended that DA should be converted into Dearness Pay each time the CPI increases by 50% over the base index used by the Last Pay Commission"

This recommendation of Fifth CPC has been considered and the President is pleased to decide that, with effect from 01.04.2004, DA equal to 50% of the existing basic pay shall be merged with the basic pay and shown distinctly as Dearness Pay (DP) which would be counted for purposes like payment of allowances, transfer grant, retirement benefits, contribution to GPF, License Fee, monthly contribution for CGHS, various advances, etc. The entitlements for LTC, TA/DA while on tour and transfer and government accommodation shall, however continue to be governed on the basis of the basic pay alone without taking into

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account Dearness Pay. In case of existing pensioners, dearness Relief equal to 50% of the present pension will, w.e.f. 01.04.2004 be merged with pension and shown distinctly as Dearness Pension. Dearness Allowance / Dearness Relief converted into Dearness Pay / Dearness Pension respectively would be deducted from the existing rate of Dearness Allowance / Dearness Relief.

To ensure that pensioners retiring between 01.04.2004 to 31.01.2005 do not face any loss in fixation of pension as special dispensation in their case, DA equal to 50% of the basic pay would be treated as basic pay for purposes of computation of pension in respect of basic pay received by them prior to 01.04.2004. Consequently, element of dearness pension will exist only for pensioners retired / retiring from Government of India up to 31.03.2004.

- 3) The Registrar (Admn.), High Court of Andhra Pradesh in the reference fourth read above have requested to issue orders for merger of D.A. equal to 50% of the existing basic pay with effect from 01.04.2004 in respect of Andhra Pradesh Judicial Officers.
- 4) The Government after careful consideration of the matter, is hereby sanction that with effect from 01.04.2004 Dearness Allowance equal to 50% of the existing basic pay shall be merged with the basic pay and shown distinctly as Dearness Pay (DP) which would be counted for purposes like payment of allowances, transfer grant, retirement benefits, contribution of GPF, various advances, etc. The entitlements for LTC, TA/DA while on tour and transfer and Government accommodation shall, however, continue to be governed on the basis of the basic pay alone without taking into account Dearness Pay. In case of existing Pensioners/Family Pensioners, dearness Relief equal to 50% of the present Pension/Family Pension will, w.e.f. 01.04.2004 be merged with pension/Family Pension and shown distinctly as Dearness Pension/Dearness Family Pension. Dearness Allowance / Dearness Relief converted into Dearness Pay / Dearness Pension/Dearness Family Pension respectively would be deducted from the existing rate of Dearness Allowance / Dearness Relief/Dearness Family Pension.
- 5) The rates of Dearness Allowance/Dearness Relief as applicable to Central Government employees from 01.04.2004 shall be applicable to the Judicial Officers, Retired Judicial Officers, Family Pensioners in the State.
- 6) To ensure that pensioners retired between 01.04.2004 to 29.02.2008 do not face any loss in fixation of pension, as a special dispensation in their case, Dearness Allowance equal to 50% of the basic pay would be treated as basic pay for purposes of computation of pension in respect of basic pay received by them.
- 7) The arrears of Dearness pay and Dearness allowance that are payable to the Judicial officers w.e.f. 01.04.2004 till 29.02.2008 shall be credited to their respective G.P.F. Account / Contributory Provident Fund. The Dearness Pay and Dearness Allowance shall be drawn and paid in cash along with Pay of March, 2008 payable on 01.04.2008.
- 8) In respect of all the retired Judicial Officers and Family Pensioners all the treasury officers / pension payment officers shall work-out and make payment of Dearness Pension and Dearness Relief along with arrears sanctioned in this order without waiting for further authorization / instructions from Accountant General (A&E) A.P., Hyderabad.
- 9) In the event of death of the Pensioners or Family Pensioners the arrears of Dearness Relief shall be paid to their Legal heirs at a time.
- 10) The Government further ordered that:-
 - i) These orders shall be implemented immediately in respect of Judicial Officers who have joined the service after 01.07.1996 and the Judicial Officers retired prior to 01.07.1996 and their family pensioners.

- ii) In respect of Judicial Officers who are in service on 01.07.1996 and continuing in service these orders shall be implemented soon after refixing their pay in terms of G.O.Ms.No.111, Law (LA&J SC.F) Department, dated 21.08.2007.
- iii) With regard to the pensioners/Family Pensioners who retired prior to 01.07.1996 and whose pension is to be consolidated in terms of G.O.Ms.No.129, Law (LA&J SC.F) Department, dated 27.09.2007 and G.O.Ms.No.4, Law (LA&J SC.F) Department, dated 05.01.2008 be implemented soon after their pension is consolidated to revised as the case may be.
- iv) In respect of the Judicial Officers who have retired after 01.07.1996 and the family pensioners thereon, orders shall be implemented soon after revising their Pensions in terms of G.O.Ms.No.174, Law (LA&J SC.F) Department, dated 19.12.2007 respectively.

11. The Pay and Accounts Officer, Hyderabad/ District Treasury Officer/ Assistant Treasury Officer shall take necessary steps to implement the said orders.

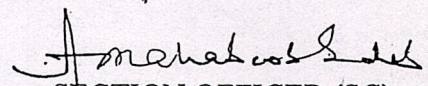
12. This orders issues with the concurrence of the Finance(P.C.I) Department vide their U.O. No.7042/92/A1/PC.I/08, dated 13.03.2008.

(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 Secy. to Govt. 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//


SECTION OFFICER (SC).