

Chhattisgarh Lower and Higher Judicial Service (Revision of Pay) Rules, 2010

CHHATTISGARH

India

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Rule

CHHATTISGARH-LOWER-AND-HIGHER-JUDICIAL-SERVICE-REVISION of 2010

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Chhattisgarh Lower and Higher Judicial Service (Revision of Pay) Rules, 2010Published vide Notification No. 5919/1512/21c@Nox0/2010, dated 14th June, 2010Last Updated 14th October, 2019Notification No. 5919/1512/21c@Nox0/2010, dated the 14th June, 2010. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and in compliance with the recommendations made by One Man Commission headed by Justice E. Padmanabhan (Retired) constituted by the Interim Order dated 28-4-2009 in I.A. No. 244 passed by the Hon'ble Supreme Court in Writ Petition (C) No. 1022 of 1989 in case of All India Judges Association and others v. Union of India and others, [2002 AIR SCW 1706 : (2002) 4 SCC 247] the Governor of Chhattisgarh, hereby makes the following rules in respect of revision of pay of the Members of Chhattisgarh Lower and Higher Judicial Service, namely :-

1. Short title, commencement and application.

(1)These rules shall be called the Chhattisgarh Lower and Higher Judicial Service (Revision of Pay) Rules, 2010.(2)They shall be deemed to have come into force on the 1st day of January, 2006(3)They shall apply to all the Members of the Chhattisgarh Lower and Higher Judicial Service.

2. Definitions.

- In these rules, unless the context otherwise requires : -(a)"Schedule" means schedule appended to these rules;(b)"Basic Pay" means pay as defined in Rule 9 (21) (a) (i) of the Fundamental Rules;(c)"Existing Scale of Pay" means,(i)the pay scale mentioned in column (3) of Schedule I in

respect of the post mentioned in column (2) of the said Schedule.(ii)the pay scale mentioned in column (3) of Schedule II in respect of the post mentioned in column (2) of the said Schedule.(d)"Pre-Fixation Emoluments" shall include the basic pay in the existing scale as on 1-1-2006.Explanation. - Where increment in the existing scale of pay is payable on 1st January, 2006, it shall be treated as part of basic pay.(e)"Revised scale of Pay" means,(i)in relation to the corresponding scale of pay specified in column (4) against the existing scale of pay mentioned in column (3) of Schedule I mentioned therein;(ii)in relation to the corresponding scale of pay specified in column (4) against the existing scale of pay mentioned in column (3) of Schedule II.

3. Revised Scale of pay.

- From the date of commencement of these rules, the scale of pay of every post carrying existing scale of pay shall be as specified in the corresponding entry shown in column (4) of Schedule I or Schedule II, as the case may be.

4. Drawal of pay in the Revised Scale of pay.

- Save as otherwise provided in these rules, a Member of Lower/Higher Judicial Service shall draw pay in the revised scale or pay applicable to the post to which he is appointed :Provided that a Member of Lower/Higher Judicial Service may elect to continue to draw pay in the existing scale of pay until the date on which he earns his next or subsequent increment in the existing scale of pay or until he vacates his post or ceases to draw pay in the scale.Explanation. - (1) The option to retain the existing scale of pay under the proviso to this rule shall be admissible only in respect of one existing scale or pay.Explanation. - (2) The aforesaid option shall not be admissible to any person appointed to a post on or after 1st day of January, 2006 whether for the first time in Government service or by transfer or promotion from another post and he shall be allowed pay only as admissible in the revised scale of pay.

5. Exercise of Option.

(1)The option under the proviso to Rule 4, shall be exercised by a Member of Lower/Higher Judicial Service in writing in the "Form" appended to these rules within three months from the date of publication of these rules or where an existing scale has been revised by any order made subsequent to that date, within three months, from the date of such order : -Provided that -(a)in case of a Member of Lower/Higher Judicial Service who, on the date of publication of these rules or, on the date of such order, as the case may be, is on leave or on deputation outside the State or on foreign service out of India, may exercise the said option within the time limit prescribed under this rule or within three months from the date of his taking over charge under the State Government.(b)where a Member of Lower/Higher Judicial Service is under suspension on the 1st day of 2006, the option may be exercised within three months of the date of his return to duty, if that date is later than the dates prescribed in this sub-rule.(c)where a Member of Lower/Higher Judicial. Service, who was on duty as on 1-1-2006 and was suspended subsequently and is still under suspension on the date of publication of these rules, the option may be exercised in the manner as provided in clause (b).(d)those Members of Lower/Higher Judicial Service retiring after 1-1-2006 and before

publication of these rules shall also exercise option under this rule.(2)The option shall be communicated by the Member of Lower/Higher Judicial Service -(a)if he is a Member of Lower Judicial Service to the Head of his Office ;(b)if he is a Member of Higher Judicial Service to the High Court of Chhattisgarh, Bilaspur.(3)If the option is not received from a Member of Lower/Higher Judicial Service within the time limit fixed under sub-rule (1), he shall be deemed to have opted for the revised scale of pay, with effect from 1-1-2006.(4)On receipt of option, the same shall be certified by the Head of Office or High Court of Chhattisgarh, Bilaspur as the case may be. The option shall be pasted in the Service Book of concerned Judicial Officer.(5)The option once exercised shall be final. If any correction or overwriting is found on the option, it will not be accepted.Note. - (1) Persons whose services were terminated on or after 1-1-2006 and who could not exercise the option within the prescribed time limit, on account of death, discharge on the expiry of sanctioned posts, resignation, dismissal or discharge on disciplinary grounds, are entitled to the benefit of this rule.(2)A Member of Lower/Higher Judicial Service, who has died on or after 1-1-2006 but before the date of publication of these rules or who dies after the publication of these rules but before the period prescribed for exercise of options without exercising the option shall be deemed to have opted for that scale of pay, that may be found beneficial to him by the authority concerned and his pay shall be fixed accordingly.

6. Fixation of Initial Pay in the Revised Scale of Pay.

(1)The initial pay of a Member of Lower/Higher Judicial Service, who opts or is deemed to have opted the revised scale of pay under Rule 5, shall be fixed separately in respect of his substantive pay in the permanent post on which he holds lien or would have held a lien if had not been suspended, and in respect of his pay in the officiating post held by him shall be determined on revised pay stage as shown before existing pay stage with reference to master pay stage of Schedule III attached to these Rules.(2)While fixing pay in the revised scale the following rule shall also Be followed : -(a)In case, an officer drawing pay in the pre-revised scale (existing scale), equal to or less than that of his senior/seniors in the same cadre and similarly appointed, drawn his next increment in the revised scale on the date earlier than such senior/seniors whereby his pay is raised to a state higher than that of such senior/seniors, the date of next increment of the senior/seniors shall be advanced to the date on which the junior officer draws his next increment.(b)In case an Officer promoted to a higher post before 1-1-2006 draws less pay in the revised scale than his junior shall be advanced to an amount equal to the pay fixed for his junior in the higher post, from the date of promotion of the junior.

7. Date of Next Increment in the Revised Scale of Pay.

(a)The next increment of a Member of Lower/Higher Judicial Service whose pay has been fixed in the revised scale of pay in accordance with the provision of Rule 6 shall be granted on the date on which he would have drawn his increment had he continued in the existing scale of pay.(b)If an Officer draws his next increment in the revised scale under clause (a) above and thereby becomes eligible for higher pay than his senior whose increment falls due on a later date then the pay of such senior shall be re-fixed equal to the pay of the junior from the date on which the junior becomes entitled to higher pay.(c)In case where the pay of an officer is stepped up in terms of clause (b)

above the next increment shall be granted to him after completion of one year from the date of such stepping up.

8. Fixation of Pay in the Revised Scale of Pay subsequent to 1st day of January, 2006.

(1)(i)where a Member of Lower Judicial Service continues to draw his pay in the existing scale of pay and is brought over to the revised scale of pay from a date later than the 1st January, 2006 his pay from the later date in the revised scale of pay shall be fixed under Fundamental Rules, with reference to his basic pay in the existing scale of pay.(ii)where a Member of Higher Judicial Service continues to draw his pay in the existing scale of his pay and is brought over to the revised scale of pay from a date later than 1-1-2006 his pay from the later date in the revised scale of pay shall be fixed under Indian Administrative Service (Pay) Rules, 1954 with reference to his basic pay in the existing scale of pay.(2)A member of Higher Judicial Service, who has officiated in a post prior to 1st January, 2006 but was not holding that post on 1st January, 2006 and who, on subsequent appointment to that post, draws pay in the revised scale of pay, shall be allowed the benefit of the proviso to F. R. 22 to the extent it would have been admissible to him had he been holding that post on the 1st January, 2006 and had elected the revised scale of pay on the date.

9. Payment of Arrears of Pay.

- The revised pay as a result of fixation of pay under these rules shall be payable in cash from 1st June, 2010 (i.e. pay for the month of June, 2010 payable in July, 2010). 40% of amount of arrears of revised pay (from 1st January, 2006 to 31st May, 2010) shall be deposited forthwith in the General Provident Fund/Contributory Pension Scheme Account of respective Judicial Officers. Half of remaining 60% of the arrears of revised pay means 30% amount shall be paid in financial years 2010-11 and remaining 30% amount shall be paid in financial year 2011-2012.Explanation. - For the purpose of this rule : -(a)"arrears of pay" means the difference between : -(i)the aggregate of the Pay, Allowances and other emoluments which he is entitled on account of revision of pay under these rules, for the relevant period; and(ii)the aggregate of Pay, Allowance and other emoluments which he have been paid as per entitlement (whether such pay, and other allowances have been received or not) for that period had his Pay, D.A. and other allowances not be so revised.

10. Overriding Effect of Rules.

- In cases where the pay is regulated by these rules, the provisions of Fundamental Rules and I.A.S. (Pay) Rules, 1954 shall not apply to the extent they are inconsistent with these Rules.

11. Assured Career Progress Scales.

- ACP Scale described in revised scale should not be automatic but on the appraisal of their work and performance by the recommendation of a committee of senior judges of the High Court constituted by Hon'ble Chief Justice of the High Court.

12. Power to Relax.

- The State Government in consultation with the High Court may relax or suspend the operation of the provisions of these rules in the case of Judicial Officers or category of Judicial Officers in such a manner and to such extent as may appear to it, to be just and equitable or necessary or expedient in the public interest: Provided that such relaxation or suspension shall not operate to the disadvantage of the Judicial Officer or categories of Judicial Officers, as the case may be.

13. Interpretation.

- If any question arises relating to the interpretation of these rules, it shall be referred to State Government in Finance Department, whose decision thereon shall be final.

Form of Option[See Rule 5]

I.....hereby elect to draw my pay in the Revised pay structure with effect from 1st January, 2006. Or I.....hereby elect to continue on the existing scale of pay of Rs..... of my substantive/officiating Post of.....until*(a) The date of my next increment or or *(b) The date of subsequent increment raising my pay to Rs.....or *(c) I vacate the post or cease to draw pay in the existing scale of Rs.....Station.....Date.....Signature.....Name.....Designation.....Office in which employed.....*(strike off if inapplicable)

For Office Use Only Certified that the option submitted by Shri/Smt./Ku./.....(name) is received in the office on.....Signature.....Designation

I

S. No.	Name of Post	Existing Pay Scale	Revised Pay Scale
(1)	(2)	(3)	(4)
1.	Civil Judge (Junior Division) Civil Judge Class II(Entry Level)	9000-250-10750-300-13150-350-14550	27700-770-33090-920-40450-10800
2.	Civil Judge (Junior Division) First Stage of A.C.P. Scale	10750-300-13150-350-14900	33090-920-40450-10800-45850
3.	Civil Judge (Junior Division) Second Stage	12850-300-13150-350-15950-400-17550	39530-920-40450-10800-49090-12300

of A.C.P. Scale if not
promoted as Senior
Civil Judge

- | | | | |
|----|---|-------------------------------------|--------------------------------|
| 4. | Senior Civil Judge (Civil Judge Class I) | 12850-300-13150-350-15950-400-17550 | 39530-920-40450-1080-49090-123 |
| 5. | Senior Civil Judge
(First Stage of A.C.P. Scale) | 14200-350-15950-400-18350 | 43690-1080-49090-1230-56470 |
| 6. | Senior Civil Judge
(Selection Grade) C.J.M./A.C.J.M. | 14200-350-15950-400-18350 | 43690-1080-49090-1230-56470 |
| 7. | Senior Civil Judge
(Selection Scale)
Second stage of A. C.P. scale if not promoted to the Cadre of District Judge in H.J.S. | 16750-400-19150-450-20500 | 51550-1230-58930-1380-63070 |

II

S. No.	Name of Post	Existing Pay Scale	Revised Pay Scale	Remarks
(1)	(2)	(3)	(4)	(5)
1.	District Judge (Entry	16750-400-19150-450-20500	51550-1230-58930-1380-63070	-

Level)

2.	District Judge (Selection Grade)	18750-400-19150-450-21850-500-22850	57700-1230-58930-1380-67210-1540-70290
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3.	District Judge (Super Time Scale).	22850-500-24850	70290-1540-76450
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III

(Pay-Stages)

Existing	Revised S. No.	Existing	Revised
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S.
No.

Pay	Increment	Pay	Annual Increment	Pay	Increment	Pay	Annual Increment		
(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
1.	9000	250	27700	770	20.	14550	350	44770	1080
2.	9250	250	28470	770	21.	14900	350	45850	1080
3.	9500	250	29240	770	22.	15250	350	46930	1080
4.	9750	250	30010	770	23.	15600	350	48010	1080
5.	10000	250	30780	770	24.	15950	400	49090	1230
6.	10250	250	31550	770	25.	16350	400	50320	1230
7.	10500	250	32320	770	26.	16750	400	51550	1230
8.	10750	300	33090	920	27.	17150	400	52780	1230
9.	11050	300	34010	920	28.	17550	400	54010	1230
10.	11350	300	34930	920	29.	17950	400	55240	1230
11.	11650	300	35850	920	30.	18350	400	56470	1230
12.	11950	300	36770	920	31.	18750	400	57700	1230
13.	12250	300	37690	920	32.	19150	450	58930	1380
14.	12550	300	38610	920	33.	19600	450	60310	1380
15.	12850	300	39530	920	34.	20050	450	61690	1380
16.	13150	350	40450	1080	35.	20500	450	63070	1380
17.	13500	350	41530	1080	36.	20950	450	64450	1380
18.	13850	350	42610	1080	37.	21400	450	65830	1380
19.	14200	350	43690	1080	38.	21850	500	67210	1540

SI No. Existing Revised Existing Revised

Pay	Increment	Pay	Annual Increment	
(1)	(2)	(3)	(4)	(5)
39.	22350	500	68750	1540
40.	22850	500	70290	1540
41.	23350	500	71830	1540
42.	23850	500	73370	1540
43.	24350	500	74910	1540
44.	24850		76450	