

Himachal Pradesh Judicial Officers (Pay, Allowances and Conditions of Service) Act, 2003

HIMACHAL PRADESH

India

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Act 13 of 2003

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Himachal Pradesh Judicial Officers (Pay, Allowances and Conditions of Service) Act, 2003(Act No. 13 of 2003)Last Updated 18th January, 2020Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 18th July, 2003, pp. 808 and 814.(Received the assent of the Governor on 11th August, 2003 and was published in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 13th August, 2003, pp. 1287-1294).An Act to provide for the regulation of the pay [, allowances] [Inserted vide H.P. Act No. 23 of 2006.] and conditions of service of the Judicial Officers in the State of Himachal Pradesh and for matters connected therewith or incidental thereto.Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 25th August, 2006, pp. 3967 and 3969.Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 12th March, 2007, pp. 11650-11651 and 11654-11655.Be it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-fourth Year of the Republic of India, as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the Himachal Pradesh Judicial Officers (Pay [, Allowances] [Inserted vide H.P. Act No. 23 of 2006.] and Conditions of Service) Act, 2003.(2)It extends to the whole of the State of Himachal Pradesh.(3)It shall be deemed to have come into force on the First day of July, 1996.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) ["Allowances" means the allowances admissible to the Judicial Officers in Himachal Pradesh on 31st July, 2006 [or such other allowances [XXXXXXXXXXXXXXX] [Existing clause (a) renumbered as clause (aa) and new clause (a) Inserted vide H.P. Act No. 23 of 2006] as may be notified from time to time by the State Government];(aa)"Judicial Officers" means the persons appointed by the State Government to the Himachal Pradesh Higher Judicial Service and the Himachal Pradesh Judicial Service in the State;(b)"notification" means a notification published in the Rajpatra, Himachal Pradesh;(c)"prescribed" means prescribed by the rules made under this Act;(d)"Schedule" means Schedule appended to this Act;(e)"State" means State of Himachal Pradesh; and(f)"State Government" means the Government of Himachal Pradesh.

3. [Salaries. [Section 3 amended by Act No. 23 of 2006 and substituted vide H.P. Act No. 5 of 2008.]

- Notwithstanding anything contained in any rules made under any other law for the time being in force, regulating the pay, allowances and other conditions of service, or any order or judgment passed by any court, the Judicial Officers in the State shall be paid the pay scales as specified in the Schedule and the rates of allowances and other conditions of service of such Officers shall be such as may be prescribed.]

3A. [Power to amend Schedule. [Section 3-A inserted vide H.P. Act No. 23 of 2010.]

- The State Government may, by notification published in the Official Gazette, amend or substitute the Schedule, and thereupon the Schedule shall be deemed to have been amended accordingly.]

4. Power to make rules.

(1)Subject to the provisions of section 3, the State Government may, by notification in the Official Gazette, make rules [with retrospective effect] [In section 4 the words 'with retrospective effect' inserted vide H.P. Act No. 5 of 2008.] regulating the [pay, allowances] [Substituted vide Act No. 23 of 2006.] and conditions of of service of the Judicial Officers.(2)Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly, while it is in session for a total period of not less than fourteen days which may be comprised is one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

5. Saving.

- Subject to the provisions of section 3, the rules applicable to the Judicial Officers, immediately before the commencement of this Act shall continue to regulate the [pay, allowances] [Substituted vide H.P. Act No. 23 of 2006.] and conditions of service of the Judicial Officers until the rules in that behalf are made under this Act.[Schedule [Schedule substituted vide H.P. Act No. 23 of 2010.](See section 3)The Pay Scales for different cadres of the Judicial Officers:

1. Civil Judge (Junior Division),-

(a)Initial Scale:- Rs. 27,700-770-33090-920- 40540-1080-44770.(b)First stage Assured Career Progression Scale, after five years of service: Rs. 33090-920-40540-1080-45850.(c)Second stage Assured Career Progression Scale, after another five years of service:- Rs. 39530-920-40450-1080-49090-1230-54010.

2. Civil Judge (Senior Division),-

(a)Initial Scale:- Rs. 39530-920-40450-1080-49090-1230-54010.(b)First stage Assured Career Progression Scale, after five years of service: Rs. 43690-1080-49090-1230-56470.(c)Second stage Assured Career Progression Scale, after another five years of service:- Rs. 51550-1230-58930-1380-63070.

3. District Judges Cadre,-

(a)Initial Scale:- Rs. 51550-1230-58930-1380-63070.(b)Selection Grade: (Available to 25% Officers of the cadre): Rs. 57700-1230-58930-1380-67210-1540-70290.(c)Super Time Scale (Available to 10% Officers of the cadre) : Rs.70290-1540-76450.]