

(Authoritative English text of this Government Notification No.Home-B(B) 7-1/2009I dated _____, 2010 as required under Clause (3) of article 348 of the Constitution).

**GOVERNMENT OF HIMACHAL PRADESH
HOME DEPARTMENT**

NOTIFICATION

No. Home-B(B)7-1/2009 Dated:Shimla-171002,the 4th August, 2010

The Governor, Himachal Pradesh, in exercise of the powers vested in her under sub-section (1) of section 4 of the Himachal Pradesh Judicial Officers (Pay and Conditions of Service) Act, 2003 (Act No. 13 of 2003), as amended from time to time, is pleased to make the following rules to regulate the pay of the Judicial Officers, namely

:-

1. **Short title and commencement:** - (i) These rules may be called the **Himachal Pradesh Judicial Officers (Pay Fixation) Rules, 2010.**
(ii) They shall be deemed to have come into force from the First day of January, 2006.
2. **Definitions.- (1) In these rules, unless there is anything repugnant to the subject or context,-**
 - (a) “Act” means the Himachal Pradesh Judicial Officers (Pay and Conditions of Service) Act, 2003 as amended from time to time;
 - (b) “basic pay” means the amount drawn monthly by a Judicial Officer in the existing scale of the post held by him or to which he is entitled by the reasons of his position in a cadre including ex-gratia annual increment(s) and additional pay, if any, but shall not include Special Pay and Personal Pay ,Special Allowances etc;
 - (c) “Government” means the Government of Himachal Pradesh;
 - (d) “existing pay scale” means the pre revised pay scale in respect of a post held or a personal scale allowed to a Judicial Officer as on 1st day of January, 2006 whether in a substantive or officiating capacity ;
 - (e) “revised pay” means basic pay of a Judicial Officer to be fixed in the revised scale under rule 6 of these rules ;
 - (f) “revised pay scale” means the pay scales specified in column IV

of the Table-I, as against the existing pay scales specified in column III thereof ; and

(g) “Table” means the Table-I, II and III included in these rules.

(2) The words and expressions used, but not defined in these rules, shall have the same meanings respectively as assigned to them in the Act.

Explanation:- In the case of a Judicial Officer, who was on the first day of January, 2006, on deputation out of India or on leave or on foreign service, or who would have on that date officiated in one or more lower posts, but for his officiating in a higher post, “existing scale” shall include the scale applicable to the post which he would have held, but for his being on deputation out of India or on leave or on foreign service, as the case may be, but for his officiating in a higher post.

3. Master pay scale. - The pay of Judicial Officers shall be regulated in accordance with the Master pay scale of Rs. 27700-770-33090-920-40450-1080-49090-1230-58930-1380-67210-1540-76450.
4. Revision of pay scales .- From the date of commencement of these rules, the pay scales specified in column no. 4 of the Table-I of Rule-5 as against the existing pay scales specified in column no. 3 thereof shall be deemed to have been revised with effect from 1.1.2006 :
- 5 Revised Scales of Pay.- The revised pay scale of the posts as on 1.1.2006 shall be as shown in Table-I

TABLE-I

Sl. No.	Name of Service	Existing Pay Scale in rupees	Revised Pay Scale in rupees
(I)	(II)	(III)	(IV)
1	Civil Judge (Junior Division) (Entry level)	Rs. 9000-14550	Rs. 27700-770-33090-920-40450-1080-44770
2	Civil Judge (Junior Division)(I st StageACP SCALE)	Rs. 10750-14900	Rs. 33090-920-40450-1080-45850. (after 5 years of continuous service from the date of entry into service).
3	Civil Judge (Junior Division)	Rs.12850-17550	Rs. 39530-920-40450-1080-49090-1230-54010.

	(II nd Stage ACP SCALE)		(after completion of another 5 years of continuous service).
4	Civil Judge (Senior Division) (Entry level)	Rs. 12850-17550	Rs. 39530-920-40450-1080-49090-1230-54010.
5.	Civil Judge (Senior Division) (I st Stage ACP SCALE)	Rs. 14200-16350	Rs. 43690-1080-49090-1230-56470. (after completion of 5 years of continuous service from the date of entry in the service in Senior Division).
6.	Civil Judge (Senior Division) (II nd Stage ACP SCALE)	Rs. 16750-20500	Rs. 51550-1230-58930-1380-63070. (after completion of another 5 years of continuous service).
7.	District Judge (Entry Level).	Rs.16750-20500	Rs. 51550-1230-58920-1380-63070
8.	District Judge (Selection Grade)	Rs. 18750-22850	Rs. 57700-1230-58930-1380-67210-1540-70290. (on merit-cum-seniority basis to 25% of the cadre posts to those officers who have put in not less than 5 years of continuous service in the cadre) .
9.	District Judge (Super Time Scale)	Rs. 22850-24850	Rs. 70290-1540-76450. Super time scale shall be available to 10% officers of cadre of District Judges who have put in not less than 3 years service as selection Grade District Judge.

NOTE (1): The Interim Relief already allowed to the Judicial Officers from time to time shall be adjusted in the Revised pay and the Judicial Officers shall be entitled to draw only the additional amount on account of the difference between the Revised pay and the emoluments being drawn by them, on the corresponding date.

NOTE (2): The ACPS scales mentioned above shall be granted subject to the conditions mentioned in the Rule 8.

6. Fixation of pay in the revised pay scale .- (1) The pay of a Judicial Officer in the revised pay scale shall be fixed on 1.1.2006 in terms of the provisions of these rules, unless in any case, the Government by special order otherwise directs, in the following manner:-

The existing pay of the Judicial Officer as on 1.1.2006 shall be fixed in the Revised Pay Scales, corresponding to the basic pay in the pre-revised pay scale as on 1.1.2006 in the Master Pay Scale at the stages 1 to 44 as shown in Table-II. There shall not be any fitment or fixation of pay by granting any increment or additional weightage while fixing the pay as above in Revised Pay Scale.

TABLE-II

1.	EXISTING		REVISED	
	2.	3.	4.	5.
Sr. No.	Pay	Increment	Pay	Annual increment
1.	9,000	250	27,700	770
2.	9,250	250	28,470	770
3.	9,500	250	29,240	770
4.	9,750	250	30,010	770
5.	10,000	250	30,780	770
6.	10,250	250	31,550	770
7.	10,500	250	32,320	770
8.	10,750	300	33,090	920
9.	11050	300	34,010	920
10.	11,350	300	34,930	920
11.	11,650	300	35,850	920
12.	11,950	300	36,770	920
13.	12,250	300	37,690	920
14.	12,550	300	38,610	920
15.	12,850	300	39,530	920
16.	13,150	350	40,450	1,080
17.	13,500	350	41,530	1,080
18.	13,850	350	42,610	1,080
19.	14,200	350	43,690	1,080
20.	14,550	350	44,770	1,080
21.	14,900	350	45,850	1,080
22.	15,250	350	46,930	1,080
23.	15,600	350	48,010	1,080
24.	15,950	400	49,090	1,230
25.	16,350	400	50,320	1,230
26.	16,750	400	51,550	1,230
27.	17,150	400	52,780	1,230
28.	17,550	400	54,010	1,230
29.	17,950	400	55,240	1,230
30.	18,350	400	56,470	1,230
31.	18,750	400	57,700	1,230

32.	19,150	450	58,930	1,380
33.	19,600	450	60,310	1,380
34.	20,050	450`	61,690	1,380
35.	20,500	450	63,070	1,380
36.	20,950	450	64,450	1,380
37.	21,400	450	65,830	1,380
38.	21,850	500	67,210	1,540
39.	22,350	500	68,750	1,540
40.	22,850	500	70,290	1,540
41.	23,350	500	71,830	1,540
42.	23,850	500	73,370	1,540
43.	24,350	500	74,910	1,540
44.	24,850	--	76,450	--

(2) While fixing the pay in the revised pay scales, the following factors shall also be taken into account, namely :-

- (a) in case, a Judicial Officer drawing pay in the existing pay scale, equal to or less than that of his senior in the same cadre and similarly appointed, draws his next increment in the revised pay scale on the date earlier than such senior whereby his pay is raised to a stage higher than that of such senior, the next increment of the senior shall be granted on the same date on which the junior officer draws his next increment in the revised pay scale ;
- (b) in case, a Judicial Officer promoted to a higher post before 1.1.2006 draws less pay in the revised pay scale than his junior, his pay shall be stepped up equal to the pay of his junior in the higher post from the date of promotion of the junior; and
- (c) the benefits under clauses (a) and (b), shall be admissible only in case the anomaly has arisen due to the consequence of the application of the fixation of pay in the revised pay scales.

(3) It shall be responsibility of the DDO to ensure correct fixation of pay in the revised pay structure. However, in case any discrepancy in fixation of pay is noticed resulting in over payment, such amount shall be recovered from the concerned officer. An undertaking will be obtained from every officer before the

disbursement of arrears to the effect that any excess payment made as a result of incorrect fixation of pay in the revised pay structure or for any other reasons, will be refunded by him/her to the Government. A specimen form of the undertaking is enclosed with these rules.

7. **Date of next increment .-** (1) The next date of increment of a Judicial Officer whose pay in the revised pay scale is fixed with effect from 1.1.2006 in accordance with Rule- 6 shall be on the date on which he would have drawn his increment had he continued in the existing pay scale.

(2) In case a Judicial Officer draws his next increment in the revised pay scale under sub-rule (1) of this rule and thereby becomes eligible for higher pay than his senior whose next increment falls due at a later date, 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 and in case where the pay of a Judicial Officer is stepped up in terms of clause (b) of sub rule (2) of rule 6 of these rules, the next increment shall be granted after completing requisite qualifying service of 12 months.

(3) Where a Judicial Officer is held up at the maximum of the initial scale or selection grade or super time scale, as the case may be, on or after the 1st day of January, 2006, he shall be allowed ex-gratia annual increment, unless it is withheld at the same rate, as is given in the Master Scale after the stage at which he was held up, but in no case the basic pay of a Judicial Officer shall exceed Seventy Six Thousand Four Hundred Fifty Rupees.

8. **Assured Career Progression Scheme :-** The Judicial Officers shall be eligible for Assured Career Progression Scheme w.e.f. 1.1.2006 as specified in the Table-III below **Rules:-**

TABLE-III

Sr. No.	Designation	Existing ACP Scale of Pay	Revised ACP Scale
(I)	(II)	(III)	(IV)
1.	Civil Judge	Rs. 10750-300-13150-	Rs. 33090-920-

	(Junior Division) Ist stage ACP Scale	350-14900	40450-1080-45850 after 5 years of continuous service from the date of entry into service.
2.	Civil Judge (Junior Division) IInd Stage ACP Scale	Rs. 12850-300-13150- 350-15950-400-17550	Rs. 39530-920- 40450-1080-49090- 1230-54010 after completion of another 5 years of continuous service.
3.	Civil Judge (Senior Division) I Stage ACP Scale	Rs. 14200-350-15950- 400-18350	Rs. 43690-1080- 49090-1230-56470 after completion of 5 years of continuous service from the date of entry in service in the Senior Division.
4.	Civil Judge (Senior Division) II Stage ACP Scale	Rs. 16750-400-19150- 450-20500	Rs. 51550-1230- 58930-1380-63070 after completion of another 5 years of continuous service.
5.	District Judge (Selection Grade)	Rs. 18750-400-19150- 450-21850-500-22850	Rs. 57700-1230- 58930-1380-67210- 1540-70290 on merit-cum-seniority basis to 25% of the cadre posts to those officers who have put in not less than 5 years of continuous service in the cadre.
6.	District Judge (Super Time Scale)	Rs. 22850-500-24850	Rs. 70290-1540- 76450 Super time scale shall be available to 10% officers of the cadre of District Judges who have put in not less than 3 years of service as District Judge Selection Grade.

The higher pay scale under the Assured Career Progression Scheme shall be subject to the following conditions: -

- (a) that the incumbent is not promoted to the next higher

- post ;
- (b) that the conferment of this benefit shall be subject to appraisal of the work and performance of the eligible incumbent by a Committee of Senior Judges of the Himachal Pradesh High Court constituted by it ;
- (c) that this benefit shall not be admissible to an incumbent who has declined regular promotion on any grounds ;
- (d) In case where an officer in the cadre of Civil Judge (Junior Division) or Civil Judge (Senior Division), who has been provided the benefit of Assured Career Progression Scheme, refuses functional promotion to higher cadre on his turn on merit and seniority, he shall be reverted to the original pay scale.
9. Interpretation.- If any question arises in relation to interpretation of any of the provisions of these rules, the Government shall decide the same and its decision shall be final.
10. Repeal. - The Notification No. FIN-(PR) B (7)-1/98 dated 18th September, 2001 and The Himachal Pradesh Judicial Officers (Pay Fixation) Rules, 2003 notified vide Notification No. FIN (PR) B(7)-3/98-III, dt. 22 -9-2003 issued by the Government are hereby repealed.

By Order

(AJAY MITTAL)

Principal Secretary (Home) to the
Government of Himachal Pradesh.

No.Home-B(B)7-1/2009,Dated:Shimla-171002, 4th August, 2010.

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6. All District and Sessions Judges in Himachal Pradesh.

7. **The Registrar, H.P. Administrative Tribunal, Shimla-171002.**
8. **The Secretary, H.P. Vidhan Sabha, Shimla-171004.**
9. **All District Treasury Officers/ Treasury Officers in H.P.**
10. **The Controller, Printing & Stationary Department, Himachal Pradesh, Shimla-171005 for publication in the Rajpatra Himachal Pradesh (Extraordinary)**
11. **The DLR-cum-Deputy Secretary (Law) to the Government of Himachal Pradesh, Shimla-171002.**
12. **The Pay and Accounts Officer, No. 1, Reserve Bank of India, Parliament Street, New Delhi.**
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Sd/-

**Under Secretary (Home) to the
Government of Himachal Pradesh.**