

ITEM NO.1

COURT NO.2

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 643/2015

ALL INDIA JUDGES ASSOCIATION

Petitioner(s)

VERSUS

UNION OF INDIA . & ORS.

Respondent(s)

(IA No. 2/2017 - AMENDMENT IN CAUSE TITLE, IA No. 268544/2023 - APPLICATION FILED INVOKING INHERENT & DISPENSING POWER , IA No. 257271/2023 - APPLICATION FOR PERMISSION, IA No. 96520/2020 - APPLICATION FOR PERMISSION, IA No. 183845/2024 - APPLICATION FOR PERMISSION, IA No. 70316/2020 - APPLICATION FOR PERMISSION, IA No. 68479/2020 - APPLICATION FOR PERMISSION, IA No. 75407/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 191391/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 247785/2024 - APPROPRIATE ORDERS /DIRECTIONS, IA No. 148178/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 210114/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 4137/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 145560/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 184227/2024 - CLARIFICATION/DIRECTION, IA No. 275406/2024 - CLARIFICATION/DIRECTION, IA No. 143933/2024 - CLARIFICATION /DIRECTION, IA No. 192140/2024 - CLARIFICATION/DIRECTION, IA No. 247888/2024 - CLARIFICATION/DIRECTION, IA No. 136300/2020 - CONDONATION OF DELAY IN FILING, IA No. 112739/2020 - CONDONATION OF DELAY IN FILING, IA No. 255495/2023 - EXEMPTION FROM APPOINTMENT OF OFFICIAL TRANSLATOR, IA No. 84452/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 164409/2022 - EXEMPTION FROM FILING O.T., IA No. 183846/2024 - EXEMPTION FROM FILING O.T., IA No. 66488/2021 - EXEMPTION FROM FILING O.T., IA No. 255156/2023 - EXEMPTION FROM FILING O.T., IA No. 14/2024 - EXEMPTION FROM FILING O.T., IA No. 184560/2024 - EXEMPTION FROM FILING O.T., IA No. 168155/2022 - EXEMPTION FROM FILING O.T., IA No. 260043/2023 - EXEMPTION FROM FILING O.T., IA No. 96252/2024 - EXEMPTION FROM FILING O.T., IA No. 247789/2024 - EXEMPTION FROM FILING O.T., IA No. 171004/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No. 184522/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No. 186735/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No. 256922/2023 - EXEMPTION FROM PERSONAL APPEARANCE, IA No. 167832/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No. 184238/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No. 185478/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No. 185392/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No. 191215/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No. 185100/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No. 185001/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No. 186851/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No. 183039/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No.

184568/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No.
186834/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No.
179483/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No.
186812/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No.
191922/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No.
176293/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No.
184528/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No.
186741/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No.
191459/2024 - EXEMPTION FROM PERSONAL APPEARANCE, IA No.
192894/2024 - EXTENSION OF TIME, IA No. 1375/2021 - EXTENSION OF
TIME, IA No. 100166/2020 - INTERVENTION APPLICATION, IA No.
247784/2024 - INTERVENTION APPLICATION, IA No. 87335/2020 -
INTERVENTION APPLICATION, IA No. 275438/2024 - INTERVENTION
APPLICATION, IA No. 70318/2020 - INTERVENTION APPLICATION, IA No.
240950/2023 - INTERVENTION APPLICATION, IA No. 68480/2020 -
INTERVENTION APPLICATION, IA No. 130798/2023 - INTERVENTION
APPLICATION, IA No. 18284/2020 - INTERVENTION/IMPLEADMENT, IA No.
169826/2019 - INTERVENTION/IMPLEADMENT, IA No. 74820/2022 -
INTERVENTION/IMPLEADMENT, IA No. 75406/2024 - INTERVENTION
/IMPLEADMENT, IA No. 191389/2024 - INTERVENTION/IMPLEADMENT, IA No.
165066/2019 - INTERVENTION /IMPLEADMENT, IA No. 10040/2022 -
INTERVENTION /IMPLEADMENT, IA No. 256838/2023 - INTERVENTION
/IMPLEADMENT, IA No. 53948/2024 - INTERVENTION /IMPLEADMENT, IA No.
109809/2021 - INTERVENTION /IMPLEADMENT, IA No. 187506/2024 -
INTERVENTION /IMPLEADMENT, IA No. 209979/2024 - INTERVENTION
/IMPLEADMENT, IA No. 4124/2024 - INTERVENTION/IMPLEADMENT, IA No.
110539/2024 - INTERVENTION/IMPLEADMENT, IA No. 247887/2024 -
INTERVENTION/IMPLEADMENT, IA No. 147518/2024 - MODIFICATION OF
COURT ORDER AND IA No. 1/2015 - PERMISSION TO FILE SYNOPSIS AND
LIST OF DATES)

WITH

SLP(C) No. 20781/2018 (XII)
(IA No. 256682/2023 - INTERVENTION/IMPLEADMENT)

SLP(C) No. 6471-6473/2020 (IV-A)
(FOR ADMISSION and I.R.)

CONMT.PET.(C) No. 164/2024 in W.P.(C) No. 643/2015 (X)

CONMT.PET.(C) No. 181/2024 in W.P.(C) No. 643/2015 (X)
(FOR ADMISSION)

CONMT.PET.(C) No. 485/2024 in W.P.(C) No. 643/2015 (X)
(IA No. 104733/2024 - APPLICATION FOR EXEMPTION FROM FILING THE
RESIDENTIAL ADDRESS OF RESPONDENT/CONTEMNOR WITH AFFIDAVIT, IA No.
104759/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 195904/2024 -
INTERVENTION/IMPLEADMENT, IA No. 93581/2024 - PERMISSION TO APPEAR
AND ARGUE IN PERSON

Date : 21-01-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

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UPON hearing the counsel the Court made the following
O R D E R

IA Nos. 209979 and 210114 of 2024

1. The present application(s) have been filed by the Rajasthan Judicial Service Officers Association contending that though orders have been passed by this Court as far back as on 19.05.2023 and though many of the members of the Rajasthan Judicial Services are entitled for payment of super-time scale and/or selection grade scale, the same have not been paid.

2. This Court vide its judgment/order dated 19.05.2023 had approved the recommendation of the Second National Judicial Pay Commission (SNJPC) with effect that the posts of District Judges (Selection Grade) shall be increased to 35 per cent of the cadre strength as against 25 per cent.

3. Insofar as the District Judges (Super-Time Scale) is concerned, it was directed that the same shall be increased to 15 per cent of the cadre strength as against the existing 10 per cent and the same has to be given effect from 01.01.2020.

This Court had observed thus:

Recommendation No.	Recommendation	Order of this Court
44.16(i)	The posts of District Judges (Selection Grade) shall be increased to 35% of the cadre strength s against the existing 25% and the District Judges (Super Time Scale) shall be increased to 15% of the cadre strength as against the existing 10%. It will be effective from 01.01.2020.	Accepted

4. Mr. Mukul Kumar, learned counsel appearing for the High Court of Rajasthan states that the process of grant of Super-

Time Scale/Selection Grade involves reviewing the Annual Confidential Report (ACR) as well as the entire service record of a huge number of Judicial Officers. He submits that though the High Court is sincerely making efforts to do it expeditiously, on account of the volume of records, it has not been possible to complete the process so far.

5. Mr. K. Parameshwar, learned Amicus Curiae states that vide its judgment/order dated 04.01.2024, this Court had issued directions with regard to the constitution of a committee in each High Court known as "Committee for Service Conditions of the District Judiciary" (for short "the Committee") in each High Court.

6. We find that it will be appropriate to reproduce the operative part of the said order :-

"82. We are of the considered view that a framework has to be set up under the auspices of every High Court for institutionalizing the implementation of the orders of this Court with respect to the service conditions of the district judiciary and for implementing the recommendations of the SNJPC, as approved. Institutionalizing the mechanism for enforcement and implementation will have several benefits which are set out below:

- (a) The implementation of the orders of this Court will be streamlined. A Committee set up by this Court at the level of every High Court to act as a bridge between the High Court and the State Government will facilitate seamless implementation;
- (b) Experience indicates that this Court is flooded with individual applications and grievances concerning pay and service conditions leading to multiplicity of proceedings and issues. This would be obviated by institutionalizing the process at the level of each High Court; and
- (c) An institutionalized entity can act as a body for recording and archiving information and suggestions, maintaining a record of difficulties faced in implementation and generating an institutional memory which will facilitate a consultative framework for the next Pay Commission.

83. Bearing in mind the above benefits, we hereby direct the constitution of a Committee in each High Court for overseeing the implementation of the recommendations of the SNJPC as approved by this Court. The Committee shall be called the 'Committee for Service Conditions of the District Judiciary¹⁶'. The composition of the Committee shall consist of the following:

- (i) Two Judges of the High Court to be nominated by the Chief Justice of which one should be a Judge who has previously served as a member of the district judiciary;
- (ii) The Law Secretary/Legal Remembrancer;
- (iii) The Registrar General of the High Court who shall serve as an ex officio Secretary of the Committee; and
- (iv) A retired judicial officer in the cadre of District Judge to be nominated by the Chief Justice who shall act as a nodal officer for the day to day redressal of grievances.

84. The senior most Judge nominated by the Chief Justice shall be the Chairperson of the Committee. The Chairperson may co-opt officers of the State Government, including the Secretaries in the Departments of Home, Finance, Health, Personnel and Public Works, when issues concerning these departments are being deliberated upon and implemented. The Chairperson of the Committee may at their discretion co-opt the Accountant General to ensure due implementation of the recommendations of the SNJPC, as approved by this Court. The Committee would be at liberty to consult with the representatives of the Judges' Association or, as the case may be, the Retired Judges' Association in the State.

85. The principal functions of the CSCDJ shall be to :

- i. Oversee the proper implementation of the recommendations of the SNJPC, including pay, pension, allowances and all allied matters as approved by this Court by its orders;
- ii. Act as a single point nodal agency for the redressal of the grievances of the judicial officers, both serving and retired to secure the implementation of the recommendations of the SNJPC which have been approved by this Court;
- iii. Develop an institutional mechanism for recording and archiving institutional concerns pertaining to pay, pension and service conditions of the district judiciary which shall aid in the consultative framework for subsequent Pay Commissions constituted for judicial officers; and
- iv. Ensure that hospitals of a requisite standard with necessary facilities are empaneled for every district in consultation with the Secretary in the Health Department of the State Government. The Collectors of the districts shall render all necessary assistance in ensuring that the process of empanelment is duly streamlined. The process of empanelment shall ensure that the hospitals which are empaneled have a demonstrable track record and possess requisite medical facilities required for affording medical treatment of the requisite quality and care. The Committee may also ensure the empanelment of institutions for the purpose of carrying out medical investigations. The Committee will prescribe the benchmarks for empanelment. The Committee shall ensure that where medical care of the requisite standard for specified ailments is not available in the district concerned, treatment in respect of those ailments may be availed of elsewhere in an empaneled hospital. The Committee would be at liberty to take incidental measures covering situations where officers who have served in the State are residing outside the State. In such a case, the Committee may consider

empanelment of hospitals outside the State so as to facilitate the availing of medical facilities.

86. Each of the CSCDJs constituted under the auspices of the High Court shall consider the following:

(i) Formulating a Standard Operating Procedure (SOP) with specified timelines for claims and disbursement of allowances as approved by this Court, including the payment of arrears of salary and pension to judicial officers, pensioners and family pensioners; and

(ii) The SOP shall, inter alia, cover the following:

a) The nodal agency for disbursement of allowances, arrears and other service and retiral benefits;

b) Laying down a simplified and effective procedure for reimbursement and disbursement of claims;

c) Providing contact details of the nodal agency at the district or State level;

d) Publication of the SOP on the website of the High Court, together with the details of the nodal officer; and

e) Maintenance of a database of retired Judges and family pensioners in the district judiciary with a process for periodical updating, at least on a quarterly basis“

7. Learned Amicus Curiae submits that, had the said recommendation been followed in letter and spirit by the various High Courts, the delay in consideration of the grievances of the judicial officers on account of non-implementation of the directions issued by this Court would not have arisen.

8. Learned Amicus Curiae further submits that in many High Courts/States the said Committee has not been constituted. He further submits that in various High Courts/States though this Committee has been constituted, the same is not meeting regularly. It is further submitted that in some of the High Courts/States even the Nodal Officers, who can look after the day-to-day individual grievances of the judicial officers, have not been appointed.

9. We find that if the implementation of the directions issued by this Court vide judgment/order dated 04.01.2024 are complied with in letter and spirit, many of the issues would get resolved at the Committee level.

10 The said judgment/order takes care of various aspects, including framing of the timelines for payment and disbursal of the claims and allowances as approved by this Court.

11. We, therefore, request all the High Courts/States to implement the aforesaid directions as are found in judgment/order dated 04.01.2024 reproduced hereinabove.

12. If the Committee has not been constituted by any of the High Courts/States so far, the same shall be constituted within a period of four weeks from today.

13. The Nodal Officer, who is required to be a retired District Judge and who is required to work for the day-to-day redressal of the grievances shall also be appointed within a period of four weeks from today.

14. It is further directed that the High Courts shall provide an office place to such a Nodal Officer in the premises of the High Court(s) wherein the Judicial Officer can meet such a Nodal Officer for submitting their grievances.

15. It is further directed that since the said Nodal Officer would be working almost on a regular basis, he shall be paid a monthly remuneration of Rs.75,000/-.

16. Needless to state that the said remuneration shall be in addition to the pension that is being paid to such Judicial Officers.

17. We further direct that wherever any High Court has more than one permanent Benches, in addition to the principal seat, the Nodal Officer shall also receive and hear grievances of the Judicial Officers residing within the territorial jurisdiction of those Benches and place the same before the Committee.

18. The Nodal Officer concerned shall also be entitled for the TA/DA for travelling to the Benches, which shall be paid by the State Governments concerned.

19. The said Committee shall be chaired by a Senior Judge of the High Court who is requested to ensure that the Committee meets at regular intervals of not more than three months.

20. Needless to state that the decision of the Committee on the individual grievances of the Judicial Officers, shall be implemented by the respective State Governments within a period of three months from the date of the recommendation of the said Committee.

21. Since the grievances of the Judicial Officers are not perennial in nature, once all the grievances with regard to implementation are addressed, the Committee would stop functioning so also the Nodal Officers.

22. If any of the Judicial Officers has any grievance with regard to the decision of the Committee or non-implementation of the decision of the Committee, such Judicial Officer would be entitled to approach the High Court directly either for redressal of his grievance or for implementation of decision of the Committee.

23. It is also noticed that in some of the High Courts, some of the judges concerned, do not enter the ACRs of the Judicial Officers.

24. In some of the High Courts, the Appellate Committee, which normally consists of the Judges of the High Court, also sit for years on the representations made by the Judicial Officers for expunction, modification and verification of the ACRs. On account of delay in such procedure, the Judicial Officers are deprived of their due consideration for promotional avenues.

25. We request the Hon'ble Chief Justices/Acting Chief Justices of all the High Courts to impress upon the judges concerned to promptly record the ACRs of the Judicial Officers and also to the Appellate Committees to consider the representations of the Judicial Officers with regard to ACRs at the earliest so that they are not deprived of being considered for promotions.

26. It is informed that some of the High Courts have also not

framed the rules to give effect to the recommendation No. 44.16 (i) of order dated 19.05.2023 in WP (C) 643/2015.

27. We, therefore, request such of the High Courts as well as the State Governments who have not framed Rules in conformity with the directions issued by this Court, to frame the Rules within a period of three months from today.

28. We clarify that the aforesaid directions are issued by this Court in exercise of the jurisdiction under Article 142 of the Constitution of India and all the State Governments as well as the High Courts would be bound to comply with the same.

29. The Registrar (Judicial) of this Court shall forthwith forward a copy of this order to the Chief Secretaries of all the States so also the Registrar Generals of the High Courts for implementation of the aforesaid directions.

30. In the above terms, the applications are disposed of.

IA Nos. 247887 and 247888 of 2024

1. The application for impleadment (IA No. 247887 of 2024) is allowed.

2. The present application (IA Nos. 247888 of 2024) is filed by the applicants who have worked as Special Judicial Magistrates of the Second Class/Special Metropolitan Magistrates in the State of Andhra Pradesh.

3. The Special Judicial Magistrates who are working in some

of the States and discharging their functions under Section 13 of the Criminal Procedure Code, 1973 and Petty Offence Trial (Trial by Special Judicial Magistrates) Rules, 1996, were being paid Rs.6,000/- per month which was subsequently increased to Rs.9,000/- per month.

4. This Court vide its order dated 19.05.2023, considered the issue and directed thus:-

Recommendation No.	Recommendation	Order of this Court
44.19	Special Judicial Magistrates (Second Class)/Special Metropolitan Magistrates (dealing with petty criminal cases) shall get minimum remuneration of Rs.30,000/- per month in addition to conveyance allowance of Rs.5,000/- per month w.e.f. 01.04.2019 and to be suitably revised every five years.	Accepted with modification of Rs. 45,000 per month and Rs. 5,000/- per month for conveyance

5. Learned Amicus Curiae submitted that the recommendations of the SNJPC to pay the minimum remuneration of Rs.30,000/- per month in addition to the conveyance allowance of Rs. 5,000/- per month with effect from 01.04.2019 and to suitably revise the same in every five years, was accepted with modification by this Court i.e. this Court has enhanced the amount of minimum remuneration to Rs.45,000/- per month in addition to the conveyance allowance of Rs. 5,000/- per month.

6. Learned Amicus Curiae further submits that in addition to the State of Andhra Pradesh various other High Courts and

State Governments are misconstruing the directions issued by this Court.

7. It is stated that the State of Andhra Pradesh rightly construing the orders passed by this Court has revised the remuneration with effect from 01.04.2019. However, after considering the representation made by some of the applicants vide its communication dated 30.09.2024, the Registrar General of the High Court of Andhra Pradesh, has observed that there was no direction of this Court to make the payment with retrospective effect from 01.04.2019.

8. We are at pains to say that the observations of the High Court of Andhra Pradesh communicated through its Registrar General vide communication dated 30.09.2024 are on a total misconstruction of the directions issued by this Court vide its order dated 19.05.2023, referred to hereinabove.

9. The recommendations of the SNJPC was two-fold. Firstly, the Special Judicial Magistrates were to get a minimum remuneration of Rs. 30,000/- per month in addition to conveyance allowance of Rs. 5,000/- per month. The second part was that it has to be paid with effect from 01.04.2019.

10. This Court accepted the recommendation and provided for enhancement of the minimum remuneration from Rs. 30,000/- to Rs. 45,000/- per month in addition to conveyance allowance of Rs.5,000/- per month. The other part of the recommendation

that it has to be paid with effect from 01.04.2019, had already been accepted.

11. We find that rather than rejecting the representation, the least the High Court of Andhra Pradesh could have done was to seek clarification from this Court.

12. Mr. G.N. Reddy, learned counsel appearing for the State of Andhra Pradesh states that the State of Andhra Pradesh has not paid the arrears only on account of the order passed by the High Court.

13. We, therefore, direct the State of Andhra Pradesh to pay the arrears of the remuneration with effect from 01.04.2019 till the date from which the enhanced amount of Rs. 45,000/- was paid to them. The said arrears shall be cleared within a period of three months from today.

14. We hope that if any of the High Courts or the State Governments have any doubt with regard to the payment of arrears from 01.04.2019 till the date on which the actual payment of Rs.45,000/- in addition to the conveyance allowance of Rs. 5,000/- per month is made to the Special Judicial Magistrates, the aforesaid direction would clarify the position and the same can be implemented in the aforesaid terms.

15. Needless to state that this Court had also accepted the recommendation of SNJPC that this remuneration will be

suitably revised every five years.

16. In view of the above, this application is disposed of.

IA Nos. 247784, 247785, 247889 of 2024

In view of the order passed in I.A. No. 247887 of 2024, these applications are disposed of on the same terms.

Contempt Petition (C) No. 485 of 2024

1. The grievance of the present petitioner is that the petitioner is being paid a meagre pension of Rs. 7,160/- per month which is a total breach of the order passed by this Court dated 19.05.2023.

2. We are informed that the High Court of Telangana has already constituted the Committee for Service Conditions of District Judiciary (for short, the Committee).

3. We, therefore, find it appropriate that the Committee of the High Court of Telangana shall at first instance consider the grievance of the petitioner.

4. The Registrar (Judicial) of this Court shall forward a digital copy of the present contempt petition as well as this order to the Registrar General of the High Court who shall place the same before the Committee. The Committee is requested to address the issue immediately.

5. The Registrar General of the High Court shall communicate the outcome of the proceedings of the committee to this Court

within a period of eight weeks from today.

I.A. Nos. 4124 and 4137 of 2024

1. Since the applicant's case is an individual case, it will be appropriate that the applicant approaches the High Court of Kerala where he may request the High Court to consider his grievance.

2. Accordingly, these applications are permitted to be withdrawn with liberty to approach the High Court of Kerala which shall consider the claim of the applicant in accordance with law.

I.A. NOS.275406/2024 & 184227/2024

1. These applications are filed by the State of Nagaland and the State of Manipur. Certain clarifications are sought on the following three aspects:-

"a) Clarify the admissibility/enforcement of the risk allowance when Civil Officers of the State are not given the risk allowance;

b) Clarify as to whether a Judicial Officer is entitled to the Higher Qualification Allowance at every ACP stage;

c) Pass such other order or orders as this Hon'ble Court may consider proper."

2. The first issue raised is as to whether the judicial officers would be entitled to admissibility/enforcement of the risk allowance when the civil officers of the States are not being given the risk allowance.

3. We find that it would be appropriate for the respective Committee for Service Conditions of the District Judiciary of Gauhati High Court (the State of Nagaland) and of Manipur High Court (the State of Manipur) to take a call on the said issue. Needless to state that before considering the said issue, the Committee shall give hearing to the representatives of the judicial officers as well as the officials of State of Nagaland and State of Manipur. We clarify that we are not expressing any opinion on the said issue either way.

4. Insofar as the second issue raised is concerned, a clarification is sought, as to whether a judicial officer is entitled to the higher qualification allowance at every Assured Career Progression (ACP) stage.

5. We find that the said issue is no more *res integra*. This Court in its judgment/order dated 04.01.2024 has observed thus:-

"42. The recommendation made by the SNJPC that the benefit of advance increment shall not be extended at the ACP stage appears to be covered by the order of this Court dated 30 September 2022 in State of Maharashtra v Tejwant Singh Sandhu where this Court held:

"The short question which is posed for consideration of this Court is whether the judicial officers who have acquired the the degree of LL.M. are entitled to the benefit of an additional increment? It is the case on behalf of the State that once the concerned Judicial Officer is getting the benefit of ACP, is not entitled

to the additional increment on acquiring the additional qualification of LL.M. The aforesaid cannot be accepted. The grant of ACP has nothing to do with the benefit of additional increment on acquiring the additional qualification like LL.M. Even otherwise, the issue is squarely covered by the decision of this Court in *Bharat Kumar Shantilal Thakkar Vs. State of Gujarat & Anr.* (2014) 15 SCC 305. In view of the above, there is no substance in the present Special Leave Petition and the same deserves to be dismissed and is accordingly dismissed."

43. There is no justification for denying the benefit of advance increments at the ACP stage. The object and purpose of ACP is to prevent stagnation. On the other hand, the object and purpose of advance increments for acquiring higher qualifications is to improve judicial performance. Hence, the restrictive condition imposed by the SNJPC in regard to non-extension of advance increments at the ACP stage is not accepted. The advance increments for acquiring higher qualifications shall also be made available to officers who have acquired their degrees through distance learning programmes."

6. It can thus be seen that in the case of State of Maharashtra v Tejwant Singh Sandhu and Others 2022 SCC OnLine SC 2286, it was sought to be argued on behalf of the State of Maharashtra that once the concerned judicial officer is getting the benefit of ACP, he is not entitled to annual increment on acquiring the additional qualification of LL.M. The said contention was specifically rejected by this Court.

7. It was observed by this Court that the grant of ACP has nothing to do with the benefit of additional increment on acquiring the additional qualification like LL.M. This Court has further observed in the aforesaid order that there is no justification for denying the benefit of advance increment at the ACP stage. It has been observed that the object and purpose of ACP is to prevent stagnation, whereas the object and purpose of advance increment for

acquiring higher qualification is to improve judicial performance. This Court, therefore, specifically rejected the recommendation by the SNJPC with regard to non extension of advance increments at the ACP stage. This Court further observed that the advance increment for acquiring higher qualification shall also be made available to the officers who have acquired their degree from distance learning programmes.

8. In that view of the matter, we find that no clarification is necessary in this regard.

9. It is submitted by the learned counsel for the State of Nagaland and the State of Manipur that if a judicial officer is permitted to avail additional increment at every stage of ACP it will result in unjust enrichment. It is further submitted that if the judicial officer gets higher pay scale on account of promotion/ACP Scheme he will be entitled to get benefits on multiple occasions. We find that the contention in that regard is without substance.

10. The SNJPC has recommended an increment @ 3% of the basic cumulative pay. For example, if a judicial officer acquires a higher qualification of LL.M. at the level of J.M.F.C. and his cumulative pay is Rs.10,000/-, he will be entitled to get 9% on account of higher qualification i.e. Rs.900/-. However, when on account of ACP, his cumulative pay becomes Rs.15,000/-, in that eventuality on acquiring LL.M. he will be entitled to get 9% of the cumulative pay of Rs. 15,000/- i.e. Rs.1,350/-.

11. In that view of the matter, we find that the contention that once judicial officer gets a higher pay scale on account of ACP, he

would not be entitled to get the additional increments for acquiring higher qualification, is without substance and as such is rejected.

12. These applications are, accordingly, disposed of.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)