

Government of West Bengal**Judicial Department****Writer's Buildings, Kolkata – 1**

G O. No. 3129-J/JD/V/2A-03/2020

Dated: Kolkata the 28th October, 2022

The Hon'ble Supreme Court by order dated 09.05.2017 in Writ Petition (Civil) No. 643/2015 in the case of All India Judges Association-vs-Union of India and Others, appointed the Second National Judicial Pay Commission (SNJPC in short), with Mr. Justice P. Venkatarama Reddy, former Judge of the Hon'ble Supreme Court as its Chairman and Mr. Justice R. Basant, former Judge of the Hon'ble Kerala High Court as its member.

Some of the terms of reference of the Commission were as follows:

- (i) to evolve the principles which should govern the structure of pay and other emoluments of Judicial Officers.
- (ii) to examine the existing structure of emoluments and conditions of service and to make recommendations including post retirement benefits.
- (iii) to examine the work methods and work environment as also the variety of allowances and benefits and to suggest rationalization.

In January 2020, the SNJPC submitted its Report in five volumes, namely Volume I, IA, II, III and IV before the Hon'ble Supreme Court of India recommending New Pay Structure which shall be as per the pay matrix pattern on the model of 7th Central Pay Commission and other allowances, pensionary and retirement benefits for the judicial officers.

Hon'ble Supreme Court has observed that though the recommendations of SNJPC covers various aspects, however the order passed by the Hon'ble Court dated 27.07.2022 in Writ Petition (Civil) No. 643/2015, only deals with the revision of the pay structure of Judicial Officers. It has been also observed in the said order that after the implementation of the recommendations of Justice E. Padmanabhan Committee, with effect from 01.01.2006, a period of 16 years have passed without any revision of the pay structure of the Judicial Officers, although, the 7th Central Pay Commission has already been implemented with effect from 01.01.2016. Hon'ble Supreme Court further identifying the imperative need to revise the pay structure of the Judicial Officers immediately, has accepted the revision of pay structure as recommended by SNJPC, and issued directions upon all State Governments/Union Territories in order to implement the recommendation of Second National Judicial Pay Commission (SNJPC).

It was further directed by the Hon'ble Supreme Court vide order dated 27.07.2022, that the arrears of revision of the pay structure as per pay matrix should be computed with effect from 01.01.2016 and after adjusting the interim relief already paid, the balance amount shall be paid in stages in the following manner:

- a. 25% in cash within a period of 3 months;
- b. Another 25% to be paid in cash within 3 months thereafter; and
- c. the balance 50% has to be paid on or before the end of June, 2023.

The State Governments/Union Territories were also directed to file affidavits of compliance of the order dated 27.07.2022 after each stage as indicated above, with the first compliance affidavit to be filed within a period of three months from 27.07.2022.

After careful consideration of the directions of the Hon'ble Supreme Court of India, the Hon'ble Governor is hereby pleased to accord sanction to the implementation of the recommendation of the Second National Judicial Pay Commission in regard to the revised pay structure of the Judicial Officers of West Bengal Judicial Service and make the following orders:-

(a) Revised Pay Structure:

- (i) Revised Pay Structure as per pay matrix as shown in Annexure – I.
- (ii) Hon'ble Supreme Court by order dated 27.07.2022 in Writ Petition (Civil) No. 643/2015 only deals with the revision of the pay structure of Judicial Officers though the recommendations of SNJPC covers various aspects.

(b) Fitment in the Revised Pay Structure as per pay matrix and date of next increment.

- i) The Pay of the Judicial Officer, who was in service as on 01.01.2016, shall be fixed in the revised pay structure as per pay matrix as under:
The existing pay of the Judicial Officer in the pre-revised scale as on 01.01.2016 shall be revised and fixed in the revised pay structure as per pay matrix as shown in Column Nos. 2, 3, 4, 5, 6, 7 and 8 in the Annexure - I without granting any increment or additional weightage while fixing the pay as above in the revised pay structure as per pay matrix.
- ii) The next increment of a Judicial Officer, whose pay in the revised pay structure as per pay matrix is fixed with effect from 01.01.2016 as above, shall be on the date on which he would have drawn his increment had he continued in the existing scale of pay.
- iii) The procedure to be followed regarding migration fitment of the serving judicial officers on 01.01.2016 shall be as follows:
The pay on 01.01.2016 shall be determined with the assistance of guidance table of fitment by following steps:-
 - a. Multiply the existing pay as on 31.12.2015 by the factor of 2.81.
 - b. The figure so arrived at to be located in table of fitment in relation to the Level applicable to the Officer (i.e., J1, J2 etc.)
 - c. Where there is an identical figure available in Annexure - I at the corresponding stage of the relevant level, the new revised pay shall be fixed at that stage.
 - d. Where there is no identical figure available, the new revised pay has to be fixed at the very next higher stage in that level in Annexure - I.
- iv) Where in allowing the benefit of next increment as above, if it is found that the pay of the senior is lower than the pay of his Junior, the pay of the senior shall be stepped up to the same stage as that of the Junior.

(c) Fixation of Pay on promotion on or after 1st day of January, 2016.

- i) For those who are promoted from the previous level to the next level, or granted financial upgradation/ACP or Selection Grade or Super Time Scale, the procedure for fixing the pay in the new pay matrix on such promotion/financial upgradation, will be as follows:
 - a. Identify the level and the basic pay in Annexure I on the date of promotion.
 - b. Add one increment in that level itself
 - c. The figure so arrived at or the next closest figure in the level to which s(he) is promoted will be the new pay on promotion.

The benefit of fixation of pay available at the time of normal promotion from one post to another higher post shall be allowed in the case of non-functional movement to higher pay matrix including Selection Grade Scale, Super Time Scale and the pay matrix under A.C.P Scheme as shown in Annexure - I.
- ii) The next date of increment in the revised pay structure as per pay matrix in such case of promotion shall be the 1st day of month in which it becomes due after completion of 12 months period from the date of such promotion.

(d) Payment of dearness allowance:

An officer of the West Bengal Judicial Service shall be allowed to draw dearness allowance at the rates applicable to the Central Government employees drawing 7th Central Pay Commission pay scales from time to time w.e.f. 01.01.2016. This has reference to Memorandum no. 13847-F dated 22.12.2003 issued by the Finance Department, Audit Branch, Government of West Bengal.

Rates of Dearness Allowances applicable to Central Government employees drawing 7th Central Pay Commission is shown in Annexure – II.

(e) Date of effect

The revised pay structure as per pay matrix shall come into force with effect from 01.01.2016.

District Judges, Chief Judge, Small Causes Court, Calcutta; Chief Judge, City Civil Court, Calcutta; Chief Judge, City Sessions Court, Calcutta; are hereby authorized to make provisional fixation of pay in the revised pay structure as per pay matrix and to draw and disburse salary after obtaining necessary particulars from the concerned Judicial Officers posted in the judgeship of the respective districts along with the Judicial Officers posted as the Juvenile Justice Board, Principal Magistrate and Judge, Commercial Court of that Particular District.

Registrar General, Hon'ble High Court Calcutta is authorized to make provisional fixation of pay in the revised pay structure as per pay matrix and to draw and disburse salary after obtaining necessary particulars from the concerned Judicial Officers posted in the Hon'ble High Court at Calcutta.

Director, West Bengal Judicial Academy is authorized to make provisional fixation of pay in the revised pay scales and to draw and disburse salary after obtaining necessary particulars from the concerned Judicial Officers posted in the West Bengal Judicial Academy.

Member Secretary, State Legal Services Authority, West Bengal is authorized to make provisional fixation of pay in the revised pay structure as per pay matrix and to draw and disburse salary after obtaining necessary particulars from the Judicial Officers posted as Secretaries of different District Legal Services Authority in the State of West Bengal.

Principal Judge, Family Court, Calcutta is authorized to make provisional fixation of pay in the revised pay structure as per pay matrix and to draw and disburse salary after obtaining necessary particulars from the Judicial Officers posted as Additional Principal Judge, Family Court and Registrar, Family Court.

A copy of such provisional fixation statement shall invariably be sent to the Government in the Judicial Department for approval and on receipt of such approval, the arrears shall only be drawn and disbursed.

A separate Statement for Initial Pay Fixation (duly filled in) as on 01.01.2016 or any day thereafter (in case of new recruits) as per Annexure – III, for the purpose of updating in HRMS System, shall be prepared by the concerned pay fixation authority and a copy of the same shall be sent to the Government of West Bengal in the Judicial Department.

Fixation of pay of Registrar General, High Court Calcutta, District Judges, Chief Judge, Small Causes Court, Calcutta; Chief Judge, City Civil Court, Calcutta; Chief Judge, City Sessions Court, Calcutta; Director, West Bengal Judicial Academy, Member Secretary, State Legal Services Authority, West Bengal, Principal Judge, Family Court, Calcutta and other Judicial Officers posted on deputation and those Judicial Officers who have already retired, expired or elevated to the Hon'ble High Court, on or after 01.01.2016, shall be made by the Judicial Department, Government of West Bengal after obtaining necessary particulars from such Judicial Officers.

(f) Payment of arrears:

The arrears to be drawn only on basic pay and not on any other allowances (except admissible dearness allowance) until further orders of Hon'ble Supreme Court in this regard is passed and necessary concurrence of the Finance Department, Government of West Bengal is made.

The arrears of revision of the pay structure shall be computed with effect from 01.01.2016 and after adjusting the interim relief already paid, the balance amount shall be paid in stages in the following manner

- a. 25% in cash within a period of 3 months
- b. Another 25% to be paid in cash within 3 months thereafter; and
- c. the balance 50% has to be paid on or before the end of June, 2023.

(g) Payment of allowances:

Though SNJPC recommended revision of other allowances in addition to the pay of Judicial Officers, Hon'ble Supreme Court vide order dated 27.07.2022, had only allowed revision of pay structure.

Accordingly, Government of West Bengal in the Finance Department vide U.O. No. Group P1/2022-2023/0295 dated 21.10.2022, while accepting the pay structure as recommended by the Hon'ble Apex Court vide order dated 27.07.2022 [in Writ Petition (Civil) No. 643/2015 in the case of All India Judges Association-vs-Union of India and Others], observed *inter alia* as follows:-

“We may in principle agree to accept the pay structure as recommended by Hon'ble Apex Court vide order dated 27.07.2022 in respect of the Judicial Officers of this State subject to the following conditions:

i) For extending allowances/perquisites which are not specifically mentioned in the summary of recommendations and/or are not considered to be the part of the pay structure proposed by the SNJPC as contained under the order dated 27.07.2022 of the Hon'ble Apex Court, proposals need be sent afresh to Finance Department with supporting documents. “

Thus, as per the observation of the Finance Department as quoted above, officers of West Bengal Judicial Service, shall continue to receive the other allowances admissible to them, in the same rate as being drawn presently (except Dearness Allowance), as per Judicial Department, Government of West Bengal G.O. No. 440/JD/L/2S-70/09 dated 08.07.2010 (subject to final adjustment, if any), as they stood on 01.10.2022, or, in case of promotion after 01.10.2022, as per the admissible rate in accordance with Judicial Department, Government of West Bengal G.O. No. 440/JD/L/2S-70/09 dated 08.07.2010, until the issue of other allowances is finally decided by the Hon'ble Supreme Court of India followed by concurrence of the Finance Department, Government of West Bengal.

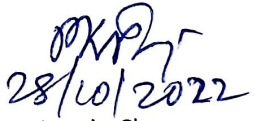
h) Assured Career Progression Scheme

- a) The benefit of the Assured Career Progression Scheme, the Selection Grade Scale and the Super Time Scale already allowed to the Member of the West Bengal Judicial Service as sanctioned by the First National Judicial Pay Commission and implemented by the State Government by making Judicial Service (Revision of Pay and Allowances Rules), 2003 and also by issuance of Notifications from time to time as per recommendation of the High Court, Calcutta till the date of the Order of the Hon'ble Supreme Court of India i.e. 27.07.2022 shall remain unaltered.
- b) With effect from 27.07.2022, an officer of the West Bengal Judicial Service other than District Judges may be allowed A.C.P. Scales as shown in Annexure -1 subject to the conferment of the benefit allowed on the recommendation of the Hon'ble High Court, Calcutta after appraisal of their work and performance
- c) With effect from 27.07.2022, an officer of the West Bengal Judicial Service in the cadre of District Judges may be allowed Selection Grade and Super Time Scale as shown in Annexure -1 subject to the conferment of the benefit allowed on the recommendation of the High Court, Calcutta after appraisal of their work and performance

(i) Relaxation of Rules:

Where the Hon'ble Governor is satisfied that if the operation of all or any of the provisions contained hereinabove causes undue hardship in any particular case or class of cases, his Excellency may, by an order, dispense with or relax the requirement of all or any of these rules to such extent and subject to conditions as he may consider necessary for dealing with class or class of cases in a just and equitable manner.

This order issues with the concurrence of the Finance Department vide their U.O. No. Group P1/2022-2023/0295 dated 21/10/22.


28/10/2022
Secretary-in-Charge
Government of West
Bengal
Judicial Department

Annexure-I

Sr. No.	Civil Judge (Jr. Div.) Entry Level	Civil Judge (Jr. Div.) I stage ACP	Civil Judge (Jr. Div.) II stage ACP/ Civil Judge (Sr. Div.) Entry Level	Civil Judge (Sr. Div.) I stage ACP	Civil Judge (Sr. Div.) II stage ACP/ District Judges (Entry Level)	District Judges (Selection Grade)	District Judges (Super Time scale)
<u>Existing pay scale</u>	27700-44770	33090-45850	39530-54010	43690-56470	51550-63070	57700-70290	70290-76450
<u>Existing Entry pay</u>	27700	33090	39530	43690	51550	57700	70290
<u>Level</u>	<u>J-1</u>	<u>J-2</u>	<u>J-3</u>	<u>J-4</u>	<u>J-5</u>	<u>J-6</u>	<u>J-7</u>
Year 1	77840	92960	111000	122700	144840	163030	199100
Year 2	80180	95750	114330	126380	149190	167920	205070
Year 3	82590	98620	117760	130170	153670	172960	211220
Year 4	85070	101580	121290	134080	158280	178150	217560
Year 5	87620	104630	124930	138100	163030	183490	224100
Year 6	90250	107770	128680	142240	167920	188990	
Year 7	92960	111000	132540	146510	172960	194660	
Year 8	95750	114330	136520	150910	178150	200500	
Year 9	98620	117760	140620	155440	183490	206510	
Year 10	101580	121290	144840	160100	188990	212710	
Year 11	104630	124930	149190	164900	194660	219090	
Year 12	107770	128680	153670	169850			
Year 13	111000	132540	158280	174950			
Year 14	114330	136520	163030	180200			
Year 15	117760						
Year 16	121290						
Year 17	124930						
Year 18	128680						
Year 19	132540						
Year 20	136520						

Annexure – II

DATE OF EFFECT	Rate of dearness allowance admissible	Government of India, Ministry of Finance, Department of Expenditure Office Memorandum No.
01.01.2016	0 %	-
01.07.2016	2 %	No. 1/2/2016-E-II (B) dated 04.11.2016
01.01.2017	4 %	No. 1/3/2017-E-II (B) dated 30.03.2017
01.07.2017	5 %	No. 1/9/2017-E-II (B) dated 20.09.2017
01.01.2018	7 %	No. 1/1/2018-E-II (B) dated 15.03.2018
01.07.2018	9%	No. 1/2/2018-E-II (B) dated 07.09.2018
01.01.2019	12 %	No. 1/1/2019-E-II (B) dated 27.02.2019
01.07.2019	17 %	No. 1/3/2019-E-II (B) dated 14.10.2019
01.01.2020	17 %	-
01.07.2020	17 %	-
01.01.2021	17 %	-
01.07.2021	31 %	No. 1/4/2021-E-II (B) dated 25.10.2021 *superseding No. 1/1/2020-E- II(B) dated 20.07.2021
01.01.2022	34 %	No. 1/2/2022-E-II (B) dated 31.03.2022
01.07.2022	38 %	No. 1/3/2022-E-II (B) dated 03.10.2022

Annexure III

Statement for Initial Pay Fixation as on 01.01.2016 or the actual date of joining for new recruits

(H.R.M.S. purpose)

1.	Name of the Judicial Officer	
2.	Name of the Head of Office/Court (Designation only)	
3.	Post held by the Judicial Officer with HRMS ID	
4.	Existing Scale of Pay as on 31.12.2015 [In case of Judicial Officers who joined on or after 2016, the date of Joining (FN/AN)]	
5.	Corresponding Level in the Pay Matrix of pay of the present post (For example J1, J2 etc.)	
6.	Entry Level post and its corresponding Level in pay Matrix	
7.	Existing Basic Pay as on 31.12.2015 (Pay drawn by the concerned Officer) Or Any day thereafter for new recruits mentioning FN/AN	
8.	Pay fixed in the revised pay structure by Multiplying the existing Basic Pay (Sl. No.7) by a factor of 2.81 and rounded off to the nearest rupee	
9.	The Pay Cell in the appropriate level in which the amount arrived at Sl. No. 8 is exactly fitted and if no such cell exact to the amount is available then the Cell immediately above to that Level Or If the amount so arrived if less than the First cell in the level then the pay is fitted at the first Cell of the Level (Cell No. and the amount of pay be mentioned)	
10.	Date of next increment (s)	

N.B. If at any point of time in future, the above fixation is found to be erroneous, the overdrawn amount, if any, shall be recovered from the said officer or in case of retired judicial officer from his recoverable pensionary benefits.

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Head of Office/Court

(Seal and date)

Some examples regarding fixation of pay

Example I

An officer holding the post of Civil Judge (Jr. Div.)/Judicial Magistrate (Entry Level) corresponding to level J-1 in the pay matrix (Annexure-I) drawing pay @ Rs.33,090/- as on 31.12.2015 in the pay scale of Rs.27,700-770-33,090-920-40,450-1080-44,770/-.

W.e.f. 01.01.2016, his pay is to be fixed in terms of the procedure prescribed in para (b)(iii)(a), in the following manner:

Step-I

Multiply the existing pay i.e. Rs.33090/- by 2.81

$33090 \times 2.81 = 92983/-$ (Say Rs.92980/-)

Step-II

Locate this figure of 92980/- in Annexure-I under the level J-1.

Step-III

As there is no identical figure in Annexure-I, and the next closest figure in level J-1 is Rs.95750/-. Accordingly the pay will be fixed at Rs.95750/- w.e.f. 01.01.2016, as reflected in Annexure-I under the level J-1.

Example II

An officer holding the post of Civil Judge (Sr. Div.)/ACJM/CJM(Entry Level) corresponding to level J-3 in the pay matrix (Annexure-I) drawing pay @Rs.40,450/- as on 31.12.2015 in the pay scale of Rs.39530-920-40450-1080-49090-1230-54010/-.

W.e.f. 01.01.2016, his pay is to be fixed in terms of the procedure prescribed in para (b)(iii)(a), in the following manner:

Step-I

Multiply the existing pay i.e. Rs.40450/- by 2.81

$40450 \times 2.81 = 1,13,664/-$ (Say Rs.1,13,665/-)

Step-II

Locate this figure of 1,13,665/- in Annexure-I under the level J-3.

Step-III

If there is no identical figure in Annexure-I under the level J-3, then the next closest figure is to be located and pay to be fixed at that stage in that level.

In the present example, there is no figure identical to Rs.1,13,665/- in Annexure-I under level J-3 and the next closest figure available is Rs.1,14,330/-. Accordingly the pay will be fixed at Rs.1,14,330/- w.e.f. 01.01.2016, as reflected in Annexure-I under the level J-3.

Example III

An officer holding the post of District Judge (Entry Level) corresponding to level J-5 in the pay matrix (Annexure-I) drawing pay @Rs.56,470/- as on 31.12.2015 in the pay scale of Rs. 51550-1230-58930-1380-63070/-

W.e.f. 01.01.2016, his pay is to be fixed in terms of the procedure prescribed in para(b)(iii)(a), in the following manner:

Step-I

Multiply the existing pay i.e. Rs. 56,470/- by 2.81

$56,470 \times 2.81 = 1,58,680/-$

Step-II

Locate this figure of 1,58,680/- in Annexure-I under the level J-5.

Step-III

If there is no identical figure in Annexure-I, then the next closest figure is to be located and pay fixed at that stage in that level.

In the present example, there is no figure identical to Rs.1,58,680/- in Annexure-I under level J-5 and the next closest figure available is Rs.1,63,030/-. Accordingly the pay will be fixed at Rs.1,63,030/- w.e.f. 01.01.2016, as reflected in Annexure-I under the level J-5.

Example IV

An officer holding the post of District Judge (Selection Grade) corresponding to level J-6 in the pay matrix (Annexure-I) drawing pay @Rs.67,210/- as on 31.12.2015 in the pay scale of Rs. 57,700-1230-58930-1380-67210-1540-70290/-.
W.e.f. 01.01.2016, his pay is to be fixed in terms of the procedure prescribed in para(b)(iii)(a), in the following manner:

Step-I

Multiply the existing pay i.e. Rs.67210/- by 2.81
 $67210 \times 2.81 = 1,88,860/-$

Step-II

Locate this figure of 1,88,860/- in Annexure-I under the level J-6.

Step-III

If there is no identical figure in Annexure-I, then the next closest figure is to be located and pay fixed at that stage in that level.
In the present example, there is no figure identical to Rs.1,88,860/- in Annexure-I under level J-6 and the next closest figure available is Rs.1,88,990/-. Accordingly the pay will be fixed at Rs.1,88,990/- w.e.f. 01.01.2016, as reflected in Annexure-I under level J-6.