



प्रधान महालेखाकार (ले व ह) केरल का कार्यालय, तिरुवनन्तपुरम-695 001
OFFICE OF THE PRINCIPAL ACCOUNTANT GENERAL (A&E)
KERALA, THIRUVANANTHAPURAM-695 001



P19/IV/DRSSA/124578/68

748/749

02.09.2024

To,

✓ All District/Sub Treasury Officer/Banks

Sir,

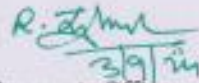
Sub: Chhattisgarh Lower and Higher Judicial Service (Pay Revision, Pension and Other Retirement Benefits) Rules, 2023 -reg.

Ref: 1. SSA No. P.A/Chhattisgarh Relief Order/Special Seal Authority Letter/337 dated 21.08.2024 received from the Principal Accountant General (A&E), Chhattisgarh, Raipur.
2. Notification No.10105/1917/XXI-B/C.G/23 dated 18.08.2023 Govt. of Chhattisgarh, Law & Legislative Affairs Department, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar.

I am to enclose herewith the copy of Special Seal Authorisation received from the office of the Principal Accountant General (A&E), Chhattisgarh regarding the Lower and Higher Judicial Service (Pay Revision, Pension and Other Retirement Benefits) Rules, 2023. The same is being placed on the official website of this office, www.cag.gov.in/ae/kerala/en, under pension - download under the link "Treasury Endorsement of Orders for other state Pensioners". A copy of this letter may be exhibited on the notice board of the treasuries.


Encl.: As stated above.

Yours faithfully


Senior Accounts Officer

Copy to:-

1. The Director of Treasuries
Thiruvananthapuram
2. The Office of the Principal Accountant General (A&E)
Chhattisgarh, Raipur-492005 -For Information


Senior Accounts Officer

कार्यालय प्रधान महालेखाकार (लेखा एवं हक.) छत्तीसगढ़

जीरो पॉइंट, बलौदा बाजार रोड, रायपुर - 492005

दूरभाष क्रमांक :- 0771-2285955

फैक्स क्रमांक :- 0771-2282607

क्रमांक: पी.ए./छ.ग. राहत आदेश/वि.मु.प्रा.पत्र/ 337

प्रति,

वरिष्ठ लेखा अधिकारी/पेंशन,

कार्यालय महालेखाकार(लेखा एवं हक.),

केरल का कार्यालय, तिरुवनन्तपुरम-695001

दिनांक:- 21.08.2024

P19/04/DRSSA/68

30/08/2024

विषय:- Chhattisgarh Lower and Higher Judicial Service (Pay Revision, Pension and Other Retirement Benefits) Rules, 2023.

संदर्भ:- आपके कार्यालय के पत्र क्रमांक:- P19/IV/DRSSA/87936/49/450 दिनांक 18.07.2024.

महोदय,

उपरोक्त विषयान्तर्गत संदर्भित पत्र के तारतम्य में यह लेख है कि Chhattisgarh Lower and Higher Judicial Service (Pay Revision, Pension and Other Retirement Benefits) Rules, 2023 के आदेश की पूर्ण प्रति(सभी पन्नों सहित) सुलभ सन्दर्भ हेतु पुनः आपकी ओर प्रेषित है। इस संबंध में निर्देशों का पालन करने एवं संबन्धित सभी कोषालयों एवं बैंकों को अपने स्तर से सूचित करने का कष्ट करें। संबन्धित आदेश वित्त विभाग की वेबसाइट law.cgstate.gov.in से भी डाउनलोड किये जा सकते हैं।

संलग्न: यथोक्त।

भवदीय

वरिष्ठ लेखा अधिकारी/पी.ए.

GOVERNMENT OF CHHATTISGARH
LAW & LEGISLATIVE AFFAIRS DEPARTMENT
MAHANADI BHAWAN, NAVA RAIPUR, ATAL NAGAR,
MANTRALAYA (C.G.) 492002

Phone No. 0771-2221346 Fax No. 0771-2510346

Email-lawdept.cg@gov.in

Raipur, Dated /08/2023

18 AUG 2023

CHHATTISGARH LOWER AND HIGHER JUDICIAL SERVICE
(PAY REVISION, PENSION AND OTHER RETIREMENT BENEFITS) RULES, 2023

NOTIFICATION

No. 10105 /1917/XXI-B /C.G./23.- In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and also in due compliance with the directions given by the Hon'ble Supreme Court of India in its Judgment dated 19th May, 2023 delivered in W.P. (C) No. 643/2015 All India Judges Association vs. Union of India & Ors., in respect of the Second National Judicial Pay Commission (SNJP), the Governor of Chhattisgarh, hereby, makes the following rules in respect of revision of pay, pension and other retirement benefits of the members of the Chhattisgarh Lower and Higher Judicial Services, namely:-

RULES

1. **Short title, commencement and application.** - (1) These rules shall be called the Chhattisgarh Lower and Higher Judicial Service (Pay Revision, Pension and Other Retirement Benefits) Rules, 2023.
(2) They shall be deemed to have come into force on the 1st day of January, 2016.
(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 1-1-2016;

Explanation:-Where increment in the existing scale of pay is payable on 1st January, 2016, it shall be treated as part of basic pay.

(e) "Revised scale of Pay" means,-

- (i) corresponding scale of pay specified in column (4) against the existing scale of pay mentioned in column (3) of Schedule-I mentioned therein;
- (ii) corresponding scale of pay specified in column (4) against the existing scale of pay mentioned in column (3) of Schedule-II;

(f) "Pay Matrix" means pay matrix as mentioned in Schedule-III of these rules.

3. **Revised scale of pay.** – Revised scale of pay, from the date of commencement of these Rules means the revised scale of pay of the said post as shown in column (4) against the existing scale shown in column (3) of Schedule I or 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 of pay.

(2) The aforesaid option shall not be admissible to any person appointed to a post on or after 1st day of January, 2016 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 2016, 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 1-1-2016 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 1-1-2016 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), then he shall be deemed to have opted for the revised scale of pay, with effect from 1st January, 2016.
- (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, and 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 1-1-2016 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 1st January, 2016 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 IV 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 1-1-2016, 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, 2016.**- (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, 2016 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 1-1-2016 his pay from the later date in the revised scale of pay shall be fixed under Indian Administrative Service (Pay) Rules, 2016 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, 2016, but was not holding that post on 1st January, 2016 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, 2016 and had elected the revised scale of pay on that date.

9. Dearness Allowance.- Judicial Officers shall be entitled to the dearness allowances at the same rate as are admissible to the Central Government Officers and Employees.

10. Payment of arrears of pay. - Revised pay scale and balance of arrears shall be paid to the Judicial Officers in the following manner:-

(a) Salary shall be paid from November, 2022 due for October, 2022 as per the revised pay scale of Judicial Officer;

(b) Cash Payment of payable arrears of pay/emoluments in revised pay scale from 1st January, 2016 till 30.09.2022 shall be made after adjusting the amount paid under interim relief sanctioned by the Law and Legislative Affairs Departments Order no. 335/112/XXI-B/2018, dated 10.01.2018 in the following manner,-

(i) 25% of the amount of arrears shall be paid in cash within three months from the order dated 27.07.2022 of the Hon'ble Supreme Court.

(ii) Remaining 25% shall be paid in cash within next three months;

(iii) Remaining 50% shall be paid in cash before June, 2023 or till end of June, 2023.

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, not be so revised.

11. **Fixation of pay on promotion on or after 1st January, 2016** - For those Judicial Officers, who are promoted from the previous level to the next level, or granted financial up-gradation/ACP or Selection Grade or Super Time Scale, the procedure for fixing the pay in the new pay matrix on such promotion/financial up-gradation, will be as follows:

- (i) Identify the level and the basic pay in Table I on the date of promotion.
- (ii) Add one increment in that level itself in terms of FR-22.
- (iii) 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.

Example-I- An officer - Civil Judge (Sr. Div.) ACP I stage drawing pay @ Rs.1,42,240/- in Level J-4 (Table I) when promoted to the District Judge Cadre (Entry Level) Level J-5, the pay fixation will be:-

- Add one increment in Level J-4 i.e., the next stage from Rs.1,42,240/-, which is Rs.1,46,510/-.
- There is no identical figure to Rs.1,46,510/- in level J-5.
- The next higher figure closest to Rs.1,46,510/- in level 5 is Rs.1,49,190/-.
- Accordingly the pay of the officer shall be fixed at Rs.1,49,190/-.

Example-II. - An officer District Judge (Entry Level) drawing pay @ Rs.1,67,920/- in Level J5, granted Selection Grade (Level J-6). The pay fixation shall be as follows:-

- Add one increment in Level J-5 i.e., the next stage from Rs.1,67,920/- in J-5 itself which is Rs.1,72,960/- (Table-I).
- Find out if there is any identical figure in Level J-6.
- As there is no identical figure in Level J-6, the very next figure higher than Rs.1,72,960/- which is Rs.1,77,170/- shall be the pay on such promotion.

12. **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, 2016 shall not apply to the extent they are inconsistent with these Rules.

13. 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 judges of the High Court constituted by the Hon'ble Chief Justice of the High Court.

14. Retirement Benefits.- (1) The Judicial Officers, who have ceased to be in service due to death or retirement on or after 1st January, 2016, shall get the retirement benefits on the norms, as specified below with effect from 1st January 2016, namely:-

(i) The age of superannuation of the Judicial Officers shall be sixty years; and

(ii) Qualifying service for earning full pension shall be 20 years:

Provided that in computation of the total period of service qualifying for pension and other benefits, a period of ten years or actual period of practice at Bar, whichever is less, shall be added to the service of a member recruited directly from the Bar, subject to the condition that the weightage of practice at the Bar shall be given only if the direct recruit actually works for minimum ten years in service before retiring;

(iii) The revised pension of the retired judicial officers shall be 50% of the last pay drawn of the post held by the Judicial officers at the time of retirement;

(iv) **for pension revision:-** (i) Multiplier factor of 2.81 to be applicable for pension;
or

(ii) Pensioners to be fitted appropriately in the fitment table, as mentioned in Schedule-IV, whichever is higher.

(v) Judicial officers who retired prior to 1st January, 2016 to be placed notionally at the corresponding stage.

(vi) The retiring judicial officers shall have the benefit of increment becoming due the next day following their retirement. That increment shall be for the purposes of pension only and shall be subject to vertical ceiling of Rs. 2,24,100/-.

(vii) there shall be no ceiling for maximum pension.

(viii) **Retirement cum death gratuity:-** (a) Retirement gratuity of officers, who have retired after 01.01.2016, shall be calculated as per Rule 50(1)(a) of CCS (Pension) Rules 1972. The maximum limit for retirement gratuity/death gratuity shall be Rs. 20 lakhs, which shall be increased by 25% whenever D.A. rises by 50%.

Note-Officers who have retired after 01.01.2016 and paid retirement gratuity as per pre-revised pay and the maximum limit at that time, the differential gratuity payable on account of revision of pay shall be paid subject to the revised maximum limit.

(b) The death gratuity shall be paid as per table mentioned below on the basis of length in service, -

LENGTH OF SERVICE	RATE OF DEATH GRATUITY
Less than one year	2 times of monthly emoluments
One year or more but less than 5 years	6 times of monthly emoluments
5 years or more but less than 20 years	12 times of monthly emoluments
20 years or more	Half month of emoluments for every completed six monthly period of qualifying service subject to a maximum of 33 times of emoluments.

(ix) **Family Pension-** (a) Family Pension @ 30% shall be paid to eligible family member(s) as given in Rule 54 CCS (Pension) Rules, 1972 at par with the spouse, after the death of the spouse;

(b) The quantum of family pension shall be worked out in the same manner as quantum of pension is worked out;

(c) Income limit, if any prescribed by State in relation to dependent family members (other than the spouse) for being eligible to get family pension shall be not less than Rs.30,000/- per month (rupees thirty thousand per month); and

(d) Where, a Judicial Officer dies, while in service, the benefit of family pension as per Rule 54(3) of CCS (Pension) Rules, 1972, as amended vide notification dated 19.09.2019, shall be extended to the family members. The other benefits such as one time lump sum grant, compassionate appointment, permission to stay in official quarters etc. already in force in the States shall continue to apply, in addition to death gratuity.

(2) The retired Judicial Officers/ Family Pensioners shall be eligible for the following additional quantum of pension pensioners/family pensioners w.e.f. 01.01.2016 on completion of age of and at the rates specified below, -

Age of Pensioner/ Family Pensioner	Additional Quantum of Pension/Family Pension
75-80 years	20%
80-85 years	30%
85-90 years	40%
90-95 years	60%
95-100 years	80%
On completion of 100 years	100%

Note.- The above percentages are in relation to basic pension/family pension, as revised. Further, to obviate any doubts, the expression 'years' shall mean completed years.

(3) Payment as per revised rate of pension/ family pension shall be made w.e.f 1st July, 2023 and arrears of pension/ family pension for the period from 1st January, 2016 to 30th June, 2023 shall be made 25% by 31st August, 2023 another 25% by 31st October, 2023 and remaining 50% by 31st December, 2023.

15.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.

16.Saving.- Save as herein above provided, any matter which is not covered under these rules shall be governed by the Chhattisgarh Judicial Service Pay Revision, Pension and Other Retirement Benefits Rules, 2003.

17.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.

This Sanction has been endorsed by the finance department vide Dispatch No. 503/2023/Finance/Rule/Four, Dated 16-08-2023.

By order and in the name of the
Governor of Chhattisgarh,

Sd/-

Rajnish Shrivastava
(Principal Secretary)
Law and Legislative Affairs
Department