

THE GAUHATI HIGH COURT

(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

NOTIFICATION NO.60

Dated Guwahati the 11th September, 2024

In compliance of the directions contained in paragraph 86 of the judgment of the Hon'ble Supreme Court passed in ***All India Judges' Association v. Union of India*** in **W.P (C) 643 of 2015**, the Hon'ble Committee for Service Conditions of the District Judiciary for the State of Assam is pleased to formulate the annexed Standard Operating Procedure (SOP) to ensure uniformity in preparation of bills.

Sd/-
Sunil Kumar Poddar
REGISTRAR GENERAL

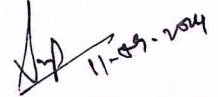
Memo No. HC. III-10/2024/3743-3763/G

Dated: 11.09.2024

Copy for information to:

1. The L.R. & Secretary to the Govt. of Assam, Judicial Department, Dispur, Guwahati.
2. The Principal Accountant General (A&E), Assam, Maidamgaon, Beltola, Guwahati-29.
3. The District and Sessions Judge_____.
4. The Registrar-cum-Principal Secretary to Hon'ble the Chief Justice, Gauhati High Court, Guwahati.
5. The Principal Judge, Family Court, No. I, II & III, Kamrup, Guwahati/ Cachar, Silchar/ Barpeta/ Dhubri/ Nalbari.
6. The Presiding Officer, Industrial Tribunal, Guwahati/ Dibrugarh/Silchar.
7. The Presiding Officer, Labour Court, Guwahati/ Dibrugarh.
8. The Presiding Officer, STAT & Member, MACT, No.1, Kamrup (M), Guwahati.
9. The Special Judge, Assam, Guwahati.
10. The Special Judge, CBI & NIA, Assam, Guwahati.
11. Member-Secretary, Assam State Legal Services Authority, Guwahati.
12. The Member, MACT, No.2 & 3, Kamrup (M), Guwahati/Dhubri/ Nagaon/ Nalbari/ Barpeta/ Silchar/ Sonitpur, Tezpur/Goalpara/Kamrup, Amingaon.
13. The Special Judge, Addl. CBI Court, No. I, II & III, Assam, Chandmari, Guwahati.
14. The Joint Registrar (_____), Gauhati High Court, Guwahati.

15. The Chief Judicial Magistrate_____.
16. The P.S. to Hon'ble Mr. Justice Manash Ranjan Pathak, Judge, Gauhati High Court, Guwahati.
17. The P.S. to Hon'ble Mr. Justice Parthivjyoti Saikia, Judge, Gauhati High Court, Guwahati.
18. The Project Manager, Gauhati High Court, Guwahati. **He is requested to upload this Notification in the website of the Gauhati High Court.**
19. The C.A. to Registrar General/ Registrar (Admn.)/ Registrar (Vigilance)/ Registrar (Judicial), Gauhati High Court, Guwahati.

 11-04-2024

REGISTRAR GENERAL

STANDARD OPERATING PROCEDURE


PREAMBLE

The Hon'ble Supreme Court vide judgment dated 04.01.2024, in the case of ***All India Judges' Association v. Union of India*** in **W.P (C) 643 of 2015** (*hereinafter referred to as the 'judgment'*) accepted the recommendations of the Second National Judicial Pay Commission (*hereinafter referred to as 'SNJPC'*) and directed the respective State Governments to effect compliance thereof.

Subsequent thereto, vide Notification No. eCF No.226991/2041 dated 12.08.2024(*hereinafter referred to as the 'Notification'*), the State of Assam has complied with the directions of the Hon'ble Supreme Court.

Meanwhile, the Secretary to the Government of Assam, Finance Department; vide letter No. eCF 226991/2290 dated 24.08.2024 has accepted certain proposals sent by the Hon'ble Gauhati High Court.

Accordingly, in view of paragraph 86 of the judgment of the Hon'ble Supreme Court, the Hon'ble Committee for Service Conditions of the District Judiciary (*hereinafter referred to as 'CSCDJ'*) for the State of Assam is pleased to formulate this Standard Operating Procedure (SOP) to ensure uniformity in preparation of bills.


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INTRODUCTION

1. The enumerated allowances and the arrears thereof can be drawn only after receipt of payslips:
 - a. Dearness Allowance.
 - b. Higher Qualification Allowance.
 - c. Hill Area/Tough Location Allowance.
 - d. House Rent Allowance.
 - e. Special Pay for Administrative Work.
2. The Hon'ble Gauhati High Court will co-ordinate with the Office of the Principal Accountant General, Assam to ensure that the process of issuance of payslips is expedited.
3. As far as the other allowances are concerned, the arrears thereof can be drawn immediately when the budget is made available under the respective head of account.
4. In the Notification, Principal District Judge means District & Sessions Judge of the concerned districts; District Judge means all Grade I Officers and Civil Judge means all Grade II and Grade III Officers, unless otherwise specified.


DETAILED DISCUSSION ON THE INDIVIDUAL ALLOWANCES

5. CHILDREN EDUCATION ALLOWANCE:-

- A. It is clarified that the children education allowance and hostel subsidy will be admissible from 01.04.2019 and the 25% increase in subsidy will be from 01.01.2024.


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- B. As per the judgment, this allowance is applicable from the academic year of 2019-2020. However, it will be difficult for Judicial Officers to procure certificates from the Head of the Educational Institutions from the academic year of 2019-2020 on account of transfers undergone by Judicial Officers since then. As such, the requirement of furnishing certificates from head of institutions is dispensed with for the previous academic years and is made mandatory only from the current academic year, *viz.* 01.04.2024. Accordingly, the arrears w.e.f 01.04.2019 to 31.03.2024 will be disbursed to the Judicial Officers on self-certification.
- C. The Children Education allowance has been approved in accordance with the Office Memorandum of the Union Government in the Department of Personnel and Training dated 16.08.2017. This notification does not require proof of actual expenditure; instead, it only requires a certificate from the Head of the Institution. Actual expenditure is required only in case of lodging and boarding in the residential complex. As such, the children education allowance of Rs. 2,250/- with 25% increase on account of increase of DA to 50% will be paid on production of certificate from Head of Educational Institution, irrespective of the actual expenditure incurred.
- D. As far as the hostel subsidy is concerned, the same will be paid on the basis of actual expenditure incurred on production of the certificate from the Head of the Educational Institution or Rs. 6750/- +25% subsidy from 01.01.2024, whichever is less.

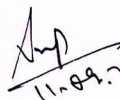

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6. CONCURRENT CHARGE ALLOWANCE:-

- A. The matter pertaining to payment of concurrent charge allowance and arrears thereof is under consideration by the Hon'ble Gauhati High Court and will be notified in due course of time.
- B. However, it is provided that even if a Judicial Officer is holding additional charge of more than one judicial/administrative post, concurrent charge allowance will be admissible only for the charge of one additional post held.

7. CONVEYANCE/ TRANSPORT ALLOWANCE (TP):-

- A. Point No. 5(b) of the Notification makes it discernible that those Judicial Officers who are provided with official car/pool car cannot draw this allowance.
- B. Judicial Officers posted at Kamrup (M) will be entitled to 100 litres of fuel every month and Judicial Officers posted in other districts will be entitled to 75 litres of fuel every month. The arrear accrued on account of the increase in 25 litres will be admissible from 01.01.2016 on the basis of self-certification. The arrears will be admissible as per the existing rates of fuel for those months for which arrear is claimed.
- C. Judicial Officers having official car will continue drawing 125 litres of fuel subject to the condition that the DDOs concerned will ensure non-duplicity with paragraph 5(e) of the Notification.
- D. The Conveyance/Transport Allowance will be admissible from 01.01.2016 or date of purchase/usage of car after joining service, whichever is applicable to the concerned Judicial Officer.


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E. Those Judicial Officers who are using electric vehicles, CNG vehicles etc. will be entitled to petrol allowance in the same manner as point 'B'.

8. EARNED LEAVE ENCASHMENT:

A. The Judicial Officers who have encashed earned leave after 01.01.2016 can claim the arrear admissible on account of the differential amount.

9. ELECTRICITY & WATER CHARGES:

A. Since the judgment has provided for payment to the Judicial Officers electricity and water charges at an enhanced rate w.e.f 01.01.2020, Judicial Officers can claim arrear on account of additional payment made, if any, in respect of electricity and water charges, subject to proof of payment of the billed amount.

10. HIGHER QUALIFICATION ALLOWANCE:

A. This allowance and the arrears thereof will be admissible only after receipt of payslips by the concerned Judicial Officers. The Hon'ble Gauhati High Court will notify very soon the effective date from which the Judicial Officers will be entitled to draw the benefit of advance increments as per the judgment.

11. HILL AREA/TOUGH LOCATION ALLOWANCE

A. The districts mentioned in paragraph 10 of the Notification, *viz.* Dima Hasao, Karbi Anglong, West Karbi Anglong, South Salmara and Majuli, have been notified by the State Government after

deliberation with the CSCDJ. As such, no upgradation in the list of districts is proposed now.

- B. However, the Notification uses the phrase '*Judicial Officers posted in Courts...*'. It is hereby clarified that all Judicial Officers who are posted in the aforementioned districts will be entitled to this allowance.

12. HOME ORDERLY/DOMESTIC HELP ALLOWANCE:

- A. The Judgment at paragraph 48 had accepted the recommendations of the SNJPC. It may be mentioned that paragraph 47(2) of the judgment reads as under:

“Judicial officers getting higher allowance on this account by virtue of the orders issued by some States, they may continue to draw the same.”

- B. Also, the SNJPC at paragraph 12 of page 60 in Volume III has provided as under:

“The Judicial officers working in the States where they are already drawing Home orderly allowance, shall be allowed to exercise the option either to continue to receive the allowance as fixed by the State Government or to receive the allowance as recommended by this Commission.”


- C. As such, it is discernible that Judicial Officers who are getting higher allowance will continue drawing the same or may opt for Home Orderly/Domestic Help Allowance at the rates recommended by SNJPC and accepted by the Hon'ble Supreme Court.
- D. As a necessary corollary, Grade I Judicial Officers and other Judicial Officers who are already drawing allowance for bungalow

peon/home orderly and who do not opt out of the same, cannot draw Home Orderly/Domestic Help Allowance at the rates recommended by the SNJPC and accepted by the Hon'ble Supreme Court, irrespective of the fact as to whether the amount is remitted in the bank account of the Judicial Officer or the concerned domestic help/bungalow peon.

- E. Hitherto, the allowance for bungalow peon is remitted directly in the bank account of the concerned bungalow peon. As such, no arrears on account of differential amount can be claimed by the Judicial Officers.
- F. A conjoint reading of point no. 7(a) and 7(b) of paragraph 47 at page 26 of the judgment and point no. 6(a) of paragraph 11 of notification makes it vividly discernible that the 30% increase of the allowance is applicable only to pensioners and family pensioners and not to serving Judicial Officers.
- G. In the State of Assam, since home orderly allowance was not provided to Grade II and Grade III Judicial Officers, this allowance will be reckoned from 01.01.2020 and not from 01.01.2016.
- H. Those Grade II and Grade III Judicial Officers who are allotted full time attached peon for doing household chores will not be entitled to this allowance or the arrears thereof.

13. **HOUSE RENT ALLOWANCE: -**

- A. 'Y' category cities include Guwahati, Dibrugarh, Tinsukia, Diphu, Jorhat, Nagaon, Silchar and Tezpur.
- B. A letter has been received from the Office of the Principal Accountant General, Assam dated 26.08.2024 which is marked



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as **Annexure-'A'** and is self-explanatory. Judicial Officers are directed to send the requisite information, which includes the actual rent paid, as provided in **Annexure-'A1'** to the Office of the Principal Accountant General, Assam so as to enable the Office to issue pay slips.

- C. As far as the those Judicial Officers who were/are residing in their own house including house of parent and spouse after obtaining permission from Hon'ble Gauhati High Court, it is clarified that those Officers who are residing in their own houses including house of parent and spouse and were/are drawing House Rent Allowance in their payslips have been so residing after obtaining necessary approval of the High Court. As such the Office of the Accountant General, Assam may issue the requisite pay slips.
- D. Arrears will be admissible as per paragraph 49(b)(ii) at pages 27-28 of the judgment only after receipt of payslips.
- E. The High Court, if the need arises, after consultation with the State Government, may undertake an exercise in the future, for upgradation and addition of cities in different classes as per paragraph 49(b)(iv) at page 28-29 of the judgment.

13-A Furniture and Air Conditioner Allowance:-

- A. Clarifications pertaining to reimbursement, retention and buy-back of furniture, electrical appliances and air-conditioner will be provided very shortly. As such, the Judicial Officers are directed not to claim reimbursement till necessary clarifications are provided.


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14. MEDICAL ALLOWANCE/MEDICAL FACILITIES

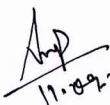
- A. The process for upgradation/update of list of empanelled hospitals by the State Government has already been initiated.
- B. The CSCDJ will co-ordinate with the Health and Family Welfare Department, Government of Assam to ensure that all the directions of the Hon'ble Supreme Court vide judgment dated 04.01.2024 are complied with.
- C. Till then, the existing system will continue.

15. NEWSPAPER ALLOWANCE:

- A. Newspaper allowance is a reimbursement and will be provided to the Judicial Officers on production of requisite bills.
- B. Judicial Officers can claim arrear on account of additional payment made in respect of newspaper reimbursement, if any, w.e.f 01.01.2020, subject to proof of payment of the billed amount.

16. RISK ALLOWANCE:

- A. Without prejudice to the claims canvassed by the Assam Judicial Service Association vide representation dated 05.09.2024, the matter pertaining to risk allowance admissible to Judicial Officers of Assam is under active consideration by the CSCDJ in compliance of order dated 27.08.2024 of the Hon'ble Supreme Court. As such, it is clarified that, as of now, 10% (Ten percent) of basic pay will be admissible as risk allowance to the Judicial Officers w.e.f 01.01.2020 till clarification is made by CSCDJ.


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17. ROBE ALLOWANCE:-

A. Judicial officers can claim the differential amount of Rs. 7,000/- or the unclaimed amount of Rs. 12,000/- as arrears for robe allowance for each of the block period/(s) which have already elapsed since 01.01.2016.

18. SPECIAL PAY FOR ADMINISTRATIVE WORK: -

A. Special Pay for administrative work is admissible to the Judicial Officers holding the enumerated substantive posts:

Sl. No.	List of Judicial Officers	Rate at which the allowance is payable (Per month)
1.	District and Sessions Judges	Rs. 7000/-
2.	Member, MACT ➤ Special Judge, CBI & NIA ➤ Special Judge, CBI ➤ Presiding Officer, Industrial Tribunal ➤ Presiding Officer, Labour Court ➤ Principal Judge, Family Court ➤ Special Judge, Assam ➤ Presiding Officer, STAT & Member, MACT ➤ Special Judge, NDPS ➤ Special Judge, TADA	Rs. 3500/-
3.	Additional District and Sessions Judges	Rs. 3500/-
4.	➤ Chief Judicial Magistrates ➤ Civil Judge (Sr. Div.) No. 1 (where there are more than 1 Civil Judges Senior Division) ➤ Sub-Divisional Judicial Magistrates (M) having power of DDO ➤ Civil Judge (Jr. Div.) No. 1 (where there are more than 1 Civil Judges Senior Division) ➤ Civil Judge (Jr. Div.) of sub-divisions	Rs. 2000/-

B. Special pay for administrative work is payable only for the substantive post that the Judicial Officer holds. If a Judicial Officer is holding charge of an additional post, this allowance is not admissible for the additional post held.

19. TELEPHONE FACILITY:-

(19-A) Mobile Handset

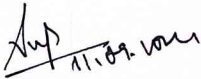
- A. Clarifications pertaining to reimbursement, retention and buy-back of mobile handset will be provided very shortly. As such, the Judicial Officers are directed not to claim reimbursement till necessary clarifications are provided.
- B. The reimbursement for internet facility for mobile handset will be paid along with salary and not as reimbursement for actual expenses incurred and the arrears will be paid w.e.f 01.01.2016.
- C. Since all Judicial Officers are already provided with Airtel Dongle, there shall be no broadband facility provided to the Judicial Officers. However, if the Judicial Officers wish to avail the broadband facility as per Point 20(1)(a) and (b) of the Notification, he/she will have to return the Airtel Dongle to the High Court.

20. RETIRED JUDICIAL OFFICERS:-

- A. Arrears to the retired Judicial Officers will be admissible from the last worked station.
- B. The concerned Drawing and Disbursing Officer (D.D.O) will ensure timely preparation of bills.

CONCLUSION

21. Any Judicial Officer, serving or retired, may ventilate his/her grievance in writing to the CSCDJ through the Nodal Officer and the same will be timely and routinely addressed upon by the CSCDJ.
22. All Judicial Officers of Assam are directed to ensure preparation of arrear bills and bills on account of future expenses in terms of the clarifications issued. Further clarification/(s), if any, will be provided by CSCDJ from time to time, if the need arises.
23. At the cost of repetition, it is mentioned that these clarifications are provided by the CSCDJ in view of paragraph 86 of the judgment dated 04.01.2024 of the Hon'ble Supreme Court in ***All India Judges' Association v. Union of India*** in **W.P (C) 643 of 2015** and all the clarifications issued are in compliance of the judgment and not in variance thereof.


11.09.2024

REGISTRAR GENERAL

OFFICE OF THE PRINCIPAL ACCOUNTANT GENERAL (A&E) ASSAM
MAIDAMGAON, BELTOLA, GUWAHATI-781029.

No. GE-6/Allowances/Judicial/2024-25/1518

dated 26-08-2024

To,

The Registrar General,
Gauhati High Court,
Guwahati -781001.

Sub:-Allowances to the Judicial officer of Subordinate Judiciary of the state of Assam –reg.

Sir,

With reference to the subject cited above, I am to state that Govt. of Assam, Finance (PRU) Department has issued a Notification No. 226991/2041 dated 12-08-2024 regarding allowances to Judicial Officer's.

In the above Notification No. in clause 12(b)(ii), it is clearly mentioned that revised HRA will be paid w.e.f. 01-01-2020, subject to the actual rent paid within the said ceiling mentioned in Para b(iv). But on scrutiny of the files of judicial officers, it was seen that many officers have not submitted their HR Annexure titled "Declaration of Drawl of Rent Allowance". This format contains the amount paid along with certification that officer is residing in rented accommodation. Hence, it is requested to direct those judicial officers, who have not submitted the rent paid for house along with declaration/certification, to submit /send their HR annexure (sample copy enclosed) w.e.f. 01-01-2020 station wise (on transfer) and duly verified (from records) by the competent authority.

In respect of the Judicial officers, who were residing in their own house including the house of parent and spouse, revised HRA will be payable w.e.f. 01-01-2016 as per 12 (b)(ii), after obtaining permission from the Hon'ble High Court to reside in their own house, same may be forwarded to this office for authorization of arrear of house rent allowances.

Hill area/tough location allowances are being authorized by this office w.e.f. 12-08-2024 i.e. date of notification. You are also requested to instruct the DDOs of Hill area/tough location, to pay arrear of Hill area/tough location allowances from their end w.e.f. 01-01-2016 to 11-08-2024.

Enclo:- As stated above.

Yours faithfully,

Man Bala
26/8/24
Sr. Deputy Accountant General,

No. GE-6/Allowances/Judicial/2024-25/1519

dated 26-08-2024

1. The LR & Secretary to the Govt. Of Assam,
Judicial Department, Dispur, Guwahati-781006.

sd/-
Sr. Accounts Officer,

Annexure

Declaration of drawl of house rent allowance

Form of certificate to be furnished by a Government Servant in his/her claim of house rent allowance.

Certified that I am residing in a rented house/own house/Govt. Quarter at..... which is situated in urban/rural area w.e.fand I am paying a house rent of Rs.....

I also certified that I am not a sub tenant of any other Govt. Servant and that the accommodation in respect of which the allowance is claimed has not been occupied by other who don't belong to my family.

Status of spouse

- i) Name of the spouse:-
- ii) Employment status of the spouse:-
- iii) Place of posting:-
- iv) My spouse is drawing/ not drawing house rent allowance from the Govt.:-

Declaration:

I would draw/ would not draw house rent.

Signature:.....

Name in full:.....

Designation:.....

Dated:

Place: