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Separate paging is given to this part in order that it may be filed as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE AND
PARLIAMENTARY AFFAIRS, SRINAGAR/JAMMU.

Notification

Srinagar, the 9th October, 2024.

SO-498.—Whereas, the First National Judicial Pay Commission have recommended certain allowances, amenities and advances payable to Judicial Officers ;

Whereas, the Hon'ble Supreme Court of India had accepted most of the recommendations with some modifications vide its judgment/

order passed in All India Judges Association versus Union of India reported in (2002) 4 SCC 247 ;

Whereas, said recommendations were implemented through Notification SRO-53 of 2007 dated 01.03.2007 titled the Jammu and Kashmir Judicial Officers (Allowances, Amenities and Advances) Rules, 2007, which were amended from time to time ;

Whereas, the Second National Judicial Pay Commission have recommended certain modifications in such Allowances, Amenities and Advances as well as grant of certain new allowances, amenities and advances payable to Judicial Officers ;

Whereas, the Hon'ble Supreme Court of India had accepted most of the recommendations with some modifications vide its judgment/order dated 04.01.2024 passed in WP(C) No. 643/2015 titled All India Judges Association v/s UOI & Ors. ;

Whereas, the Department of Justice, Ministry of Law and Justice, Government of India vide it's letter No. L-19018/01/2017-Jus-I dated 24-09-2024 conveyed the sanction of the Competent Authority for implementation of the aforesaid Order dated 04-01-2024 passed by Hon'ble Supreme Court of India, regarding payment of allowances to the Judicial Officers of the Union Territories ;

Whereas, the Finance Department also conveyed its concurrence vide UO No. (96044) FD-Code-481-2021-02 dated 29-09-2024.

Now, therefore, in exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Lieutenant Governor of Jammu and Kashmir, in consultation with the High Court of Jammu and Kashmir and Ladakh and in supersession of all rules, notifications or orders on the subject, is pleased to make the following rules, namely :—

1. Short title, application and commencement.—(1) These rules may be called the Jammu and Kashmir Judicial Officers (Allowances, Amenities and Advances) Rules, 2024.

(2) These rules shall be applicable to the members of the Jammu and Kashmir Higher Judicial Service and the Jammu and Kashmir Civil

Services (Judicial) including Judicial Officers posted on deputation with the Government.

2. Definition.—In these rules, unless the context otherwise provides,—

- a) “Government” means the Government of the Union Territory of Jammu and Kashmir ;
- b) “High Court” means the High Court of Jammu and Kashmir and Ladakh ;
- c) “Judicial Services” mean the services under Jammu and Kashmir Higher Judicial Service Rules, 2009 and the Jammu and Kashmir Civil Service (Judicial) Rules, 1967.
- d) “Judicial Officer” means the Member of the Jammu and Kashmir Judicial Services as defined in rule 3 (b) of the Jammu and Kashmir Subordinate Judicial (Revised) Pay Rules, 2023 notified vide Notification SO-499 of 2023 dated 26-09-2023.

3. Children Education Allowance.—The Judicial Officers shall be entitled to Children Education Allowance at the following rates :—

- (i) Rs 2,250 (Rupees Two Thousand Two Hundred and Fifty) per month as Children Education Allowance and Rs 6,750 (Rupees Six Thousand Seven Hundred and Fifty) per month as hostel subsidy for two children up to Class 12 ;
- (ii) For children with special needs, the reimbursement would be at double the rate as provided in (i); and
- (iii) When the rate of Dearness Allowance increases by 500%, the allowances and subsidy shall increase by 25% :

Provided that the procedure and reimbursement of Children Education Allowance shall be determined at aforesaid rates in accordance with Government Order No.473-F of 2019 dated 28-11-2019 issued by Finance Department which is applicable for other Government employees of Union Territory of Jammu and Kashmir :

Provided further that this allowance shall be admissible with effect from academic year 2019-20.

4. City Compensatory Allowance.—The Judicial Officers shall not be entitled to City Compensatory Allowance from the date of coming into force of these rules.

5. Concurrent Charges Allowance.—The Judicial Officers shall be entitled to Concurrent Charge Allowance when he is placed In-charge of another Court beyond a period of 10 working days at the rate not exceeding 10% of the minimum of the scale of the additional post subject to the condition that the High Court shall notify the criteria for admissibility of such allowance within the ceiling of 10% on the basis of the number of days worked, the quantum of judicial work turned out and the administrative work handled by Judicial Officer :

Provided that Concurrent Charge Allowance shall be admissible only for holding charge of one additional post even if the Judicial Officer holds additional charge of more than one post simultaneously :

Provided further that the Judicial Officers, whose claims of concurrent Charge allowance have been sanctioned as per pre-revised pay scales, shall also be entitled to differential amount on the basis of revised pay with effect from 01-01-2016 :

Provided also that concurrent charge allowance shall also be admissible to such officers who hold the additional charge of posts on deputation.

6. Conveyance/Transport Allowance.—(1) The pool car service for various Judicial Officers, as recommended by FNJPC, is dispensed with. However, if the officers wish, they can forgo the transport allowance and continue with the pool car service for a period of one year or so.

(2) The Transport Allowance at the rate of Rs 10,000/- per month with effect from 01-01-2016 shall be paid to those Judicial Officers who own the car so as to cover the cost of maintenance and driver's salary. This allowance will be increased to Rs 13,500/- from 01-01-2021. The Transport Allowance would be payable at a reduced rate of Rs 4,000/- per month if there is an existing practice of allocating a driving-knowing office attendant/peon to the officer.

(3) In addition to the Transport Allowance, there should be a reimbursement of the cost of 100 litres of petrol/diesel in cities and 75 litres of petrol/diesel in other areas.

(4) The following Judicial functionaries are eligible for official vehicles, namely, Principal District Judge, Chief Judicial Magistrate/ Director Judicial Academy, Principal Judge of the Family Courts and Secretary of the District Legal Services Authority. The High Court can prune down the list depending upon budget allocation by the Government.

(5) The Judicial Officers, in addition to the transport allowance, shall also be entitled to reimbursement of the cost of 100 litres of petrol/diesel in cities and 75 litres of petrol/diesel in other areas. The cost shall be reimbursed on actual consumption basis on self-certification bills by the Judicial Officer. The quantum of Petrol/Diesel for official cars shall be on basis of actual consumption for official purposes as certified by the concerned official and supported by duly maintained log book.

(6) The Judicial Officers using official cars shall be permitted to use such cars for private purposes to the extent of 300 Kms. per month.

(7) Soft loan facilities to the extent of rupees ten lakhs at nominal rate of interest for the purchase of car is extended to the Judicial Officers as per existing norms.

(8) The above said conveyance/increase of fuel allowance shall not be admissible to those judicial officers who have been allotted or using official vehicle.

9) The Judicial Officers are permitted to exhibit a sticker at their option on the lower left side of the windscreen with inscription 'Judge' printed in moderately sized letters.

7. Dearness Allowance.—The Judicial Officers shall be entitled to Dearness Allowances at the rates as may be prescribed by the Central Government from time to time.

8. Earned Leave Encashment.—(1) The Judicial Officers shall be entitled to encashment of 300 days earned leave at the time of retirement.

(2) The Judicial Officers shall also be entitled to encash :—

(a) 10 days earned leave while availing LTC subject to maximum of 60 days, viz. 10 days at a time upto six occasions during the entire service ; and

(b) 30 days available earned leave in a block of two years.

(3) The Judicial Officers whose claim of earned leave have been sanctioned as per pre-revised pay scales shall also be entitled to differential amount on the basis of revised pay with effect from 01-01-2016.

9. Reimbursement of Electricity and Water Charges.—

(1) The Judicial Officers shall be entitled to reimbursement of 50% of charges actually paid for electricity and water consumed in their residential accommodations subject to a ceiling specified in sub-rule (2) and any amount in excess of the maximum limit shall be wholly borne by the concerned Judicial Officer.

(2) The ceiling in terms of units of electricity and the quantity of water consumed shall be as follows :—

Designation	Electricity Units	Water Quantity
District Judges	8000 units per annum	420 Kls. per annum
Civil Judges	6000 units per annum	336 Kls. per annum

(3) Reimbursement of electricity and water charges shall be on the quarterly basis on production of proof of payment of the billed amount.

(4) Electricity and water charges reimbursement shall be payable at the aforesaid rates w.e.f. 01-01-2020.

10. Higher Qualification Allowance.—(1) The Judicial Officers shall be entitled to three advance increments for acquiring higher qualification that is Postgraduation in Law and one more advance increment if he acquires Doctorate in Law.

(2) Such advance increments once granted for Postgraduation Degree or Doctorate in Law shall not be again granted if, in future, the Judicial Officer acquires Postgraduate or Doctorate Degree in any other subject.

(3) Such advance increments shall be granted to the Judicial Officer who acquires the Postgraduation Degree or Doctorate either before recruitment or at any time subsequent thereto while in service.

(4) Advance increments shall be granted from the date of initial recruitment, if the officer has already acquired the Postgraduation Degree or Doctorate and from the date of acquiring the Postgraduation or Doctorate Degree, if acquired after joining the service.

(5) Advance increments shall be granted to the Judicial Officers if the higher qualification has been acquired through regular studies (full time or part time) or through duly recognized Distance Learning Programmes with due approval of Competent Authority.

(6) Advance increments shall also be granted in the District Judge Cadre from District Judge (Entry Level) to District Judge (Selection Grade) and from District Judge (Selection Grade) to District Judge (Super Time Scale).

(7) The benefit of advance increments shall also be extended at the ACP stage (ACP I or II). The advance increments shall be available when the officer is promoted from Civil Judge (Jr. Div.) to Civil Judge (Sr. Div.) and from Civil Judge (Sr. Div.) to District Judge cadre.

11. Hill Area/Tough Location Allowance.—(1) The Judicial Officers posted in hill areas/tough locations shall be entitled to Hill Area/Tough Location Allowance @ Rs.5000/- per month.

(2) High Court shall notify hill areas/touch locations for the purpose of grant of allowance under this rule.

(3) The Judicia/Officers shall be entitled to this allowance with effect from 01-01-2016.

12. Home Orderly/Domestic Help Allowance.—(1) The serving Judicial Officers shall be entitled to Home Orderly/Domestic Help Allowance at the following rates :—

(a) District Judges : Minimum wages notified by Government for one unskilled worker in the Jammu and Kashmir, subject to minimum @ Rs.10,000/- per month with effect from 01-01-2020 and with the enhancement of 30% with effect from 01-01-2021.

(b) Civil Judges : 60% of the minimum wages notified by Government for one unskilled worker in the Jammu and Kashmir, subject to minimum @ Rs.7,500/- per month with effect from 01-01-2020 and with the enhancement of 30% with effect from 01-01-2021 :

Provided that the Judicial Officers provided with any employee as an attendant/peon/office subordinate for residential duties may exercise their option either to continue with such attendant/peon/office subordinate and forgo this allowance or to claim the allowance instead of availing services of attendant/peon/office subordinate.

(2) Every retired Judicial Officer and family pensioner shall be entitled to Home Orderly/Domestic Help Allowance at the following rates :

(a) **Retired Judicial Officer** : Rs.9,000/- per month with effect from 01-01-2016 and at an enhanced rate of 30% with effect from 01-01-2021.

(b) **Family pensioners** : Rs.7,500/- per month with effect from 01-01-2016 and at an enhanced rate of 30% with effect from 01-01-2021 :

Provided that the retired Judicial Officers/Family pensioners provided with any employee as an attendant/peon/office subordinate for residential

duties may exercise their option either to continue with such attendant/peon/office subordinate and forgo this allowance or to claim the allowance instead of availing services of attendant/peon/office subordinate.

(3) The allowance shall be drawn on the self-certification of the Judicial Officer/Retired Judicial Officer/Family Pensioner.

13. House Rent Allowance.—(1) The Judicial Officers who are allotted Official quarters for residence shall not be entitled to House Rent Allowance.

(2) The Judicial Officers shall be entitled to such rates of House Rent Allowance as is sanctioned by Government of India (Expenditure Department) vide the Office Memorandum No. 2/5/2017-E II (B), dated 07-07-2017.

(3) The Judicial Officers residing in their own houses, including the house of a parent or spouse, shall also be entitled for the House Rent Allowance with effect from 01-01-2016 after obtaining permission from the High Court to reside in their own house.

(4) The Judicial Officers already residing in hired accommodation will be entitled to the House Rent Allowance with effect from 01-01-2020, subject to the actual rent paid within the ceiling prescribed under Office Memorandum No. 2/5/2017-E II (B), dated 07-07-2017.

(5) If the official government accommodation or requisitioned private accommodation is not made available to any Judicial Officer within one month of taking charge of the post, the Judicial Officer may secure private accommodation and shall be paid rent in accordance with procedure prescribed in sub- rule (6) to (8).

(6) If the rent of the private accommodation hired by the Judicial Officer is within the admissible House Rent Allowance, no fixation of rent is required ; however, the Judicial officer concerned shall certify the actual rent being paid.

(7) If the rent of the private accommodation is more than the permissible House Rent Allowance, the District Judge, with the prior

approval of Hon'ble High Court, shall make rent assessment for which he may seek the assistance of officials of PWD(R&B) Department for this purpose.

(8) The Office of the Principal District Judge or other competent authority shall pay rent directly to the landlord in which case, the Judicial Officer is not eligible to draw House Rent Allowance.

14. Furniture Grant.—(1) The Judicial Officers shall be entitled to furniture grant which shall include grant of purchase of household electrical appliances to the tune of Rs.1.25 lakhs every five years and the same shall be provided to the Judicial Officer subject to production of proof of purchase by the Judicial Officer.

(2) The Judicial Officers having more than two years of service will also be eligible for this allowance.

(3) The option to purchase the furniture being used by the officer at the depreciated rate to be specified by the High Court shall be available at the time of fresh grant or retirement.

(4) The Judicial Officers shall also be entitled to grant of one air-conditioner which shall be provided at the residence of every Judicial Officer once in every five years, subject to production of proof of purchase by the Judicial Officer.

15. Leave Travel Concession (LTC)/Home Travel Concession (HTC).—The Judicial Officers shall be entitled to Leave Travel Concession (LTC)/Home Travel Concession (HTC) in accordance with Notification SRO-334 of 2015, dated 23-09-2015 issued by Department of Law, Justice and Parliamentary Affairs with following modifications :—

- (i) Judicial Officers shall be permitted to avail one LTC and one HTC in a block of 3 years ;
- (ii) Probationary Judicial Officers shall be allowed HTC 2 times in the first block of 3 years. However, the block of 3 years will commence on completion of the period prescribed for probation ;
- (iii) The Judicial Officers shall be entitled to travel by air by economic class and the reimbursement shall be made subject

to the condition that the tickets have been purchased either directly from the Airlines or from the agents authorized by the Government ;

- (iv) The Judicial Officers shall be allowed to carry forward LTC of the last block anywhere in India beyond retirement for a period of one year ;
- (v) The Judicial officers shall not be required to avail earned leave only for LTC/HTC purpose and they shall be also entitled to avail casual leave as a prefix and suffix to the extent of two days.

16. Fixed Medical Allowance.—(1) The Judicial Officers shall be entitled to the fixed Medical Allowance at the rate of Rs.3,000/- per month with effect from 01-01-2016.

(2) The retired Judicial Officers and the family pensioners shall be entitled to fixed medical allowance at the rate of Rs.4,000/- per month with effect from 01-01-2016.

(3) Separate Orders may be issued in respect of other medical facilities as accepted by the Hon'ble Supreme Court.

17. Advances to the Judicial Officers.—(1) The Judicial Officers shall be entitled to House Building Advance in terms of House Building Advance Rules, 2017 read with Ministry of Housing and Urban Affairs, Government of India, Office Memorandum dated 9th November, 2017 :

Provided that purchase from private individual shall be allowed in accordance with rules that may be notified by the Government in consultation with High Court.

(2) The Judicial Officers shall also be entitled to soft loan facility to the extent of Rs.10.00 lacs at nominal interest for purchase of car.

(3) For grant of House Building Advance and Car loan, Government shall formulate a scheme which may include agreement with Jammu and Kashmir Bank Limited to grant such advances in a systematic manner.

18. Reimbursement for Newspaper and Magazine.—(1) The Judicial Officers shall be entitled to reimbursement for newspaper and magazines upto Rs. 1000/- for District Judges (two newspapers and two magazines) and Rs.700/- for Civil Judges (two newspapers and one magazine) :

Provided that the reimbursement shall be on half yearly basis from January to June and July to December, on the basis of self-certification of bills.

(2) The Judicial Officers shall be entitled to the aforementioned reimbursement with effect from 01-01-2020.

19. Risk Allowance.—The Judicial Officers, with effect from 01-01-2020, shall be entitled to risk allowance at the same rate as is admissible to civilian Government employees in the Union Territory of Jammu and Kashmir.

20. Robe Allowance.—The serving Judicial Officers shall be entitled to robe allowance of Rs.12,000/- once in three years with effect from 01-01-2016.

21. Special Pay for Administrative Work.—(1) The Judicial Officers who have been assigned administrative work by High Court shall be entitled to Special Pay as follows :—

- (i) For Principal District and Sessions Judges and District and Sessions Judges (Super Time Scale), holding charge of Special Courts/Tribunals : Rs.7000/- per month and Other District Judges including Additional District Judges entrusted with administrative work: Rs. 3500/- per month.
- (ii) District Judges presiding over Special Courts and Tribunals having assigned independent administrative responsibilities: Rs.3500/- per month.
- (iii) CJMs and Senior/Junior Civil Judges and other Judicial Officers having assigned administrative responsibilities being in charge of independent Courts with filing powers : Rs.2000/- per month.

(2) The Judicial Officer shall be entitled to Special Pay with effect from 01-01-2019.

22. Sumptuary Allowance.—(1) The Judicial Officers shall be entitled to the sumptuary allowance at the following rates :—

- a) District Judges : Rs. 7,800/- per month.
- b) Civil Judges (Sr. Div.) : Rs. 5,800/- per month.
- c) Civil Judges (Jr. Div.) : Rs. 3,800/- per month.

(2) The Judicial Officer shall be entitled to Sumptuary Allowance with effect from 01-01-2016.

(3) The following categories of Judicial Officers shall get Rs. 1,000/- (One thousand) by virtue of their status or additional responsibilities they shoulder :—

- (i) Principal District Judges' in-charge of administration in the Districts.
- (ii) District Judges in selection grade and super time scale.
- (iii) Director, J&K Judicial Academy.
- (iv) Member Secretary, Jammu and Kashmir Legal Services Authority.
- (v) Chief Judicial Magistrates.

23. Telephone Facility.—(1) The Judicial Officers shall be entitled to avail the following telephone facilities :—

(I) Residential Telephone (Landline) :

- (a) The Judicial Officers shall be provided with landline telephone with broadband facility at their residence with the following permissible maximum ceiling of payment for such use :

District Judges : Rs.1500/- per month.

Civil Judges : Rs.1000/- per month.

This shall include the rent, calls (local and STD both) and internet use.

- (b) At places where broadband facility is not available, there shall be following maximum ceiling of payment for such use :

District Judges : Rs.1000/- per month

Civil Judges : Rs.750/- per month

This shall include the rent and calls (local and STD both).

(II) Mobile Phone :

- (a) The Judicial Officer shall be entitled to the facility of procuring mobile phone (handset) with internet subject to the following ceiling :

District Judge : Rs. 30,000/-

Civil Judges (Jr. & Sr. Divisions) : Rs. 20, 000/-

And the maximum ceiling for use of such mobile phone shall be :

District Judges : Rs. 2000/- per month.

Civil Judges : Rs.1500/- per month inclusive of internet data package.

- (b) At the request of the Judicial Officers, the mobile phone handset shall be replaced once in three years.
- (c) The Judicial Officers shall be given an option to retain the old mobile phone handset at a price to be determined as per guidelines prescribed by the Registry of High Court.

24. Transfer Grant.—(1) The Judicial Officers on transfer shall be entitled to the composite transfer grant which shall be equivalent to one month basic pay :

Provided that if the Judicial Officer has been transferred to a place which is at a distance of 20 kilometers or less or within the same city

(if it involves actual change of residence), the transfer grant shall be 1/3 rd of the basic pay.

(2) The Judicial Officers shall be entitled to the transportation of personal effects in accordance with the O.M. dated 13-07-2017 issued by the Department of Expenditure ; Government of India.

(3) In case of transportation by road, the admissible amount shall be Rs.50/- per km. inclusive of labour charges for loading and unloading or the actual whichever is lower. The said amount shall be raised by 25% when the rate of Dearness Allowance increases by 50%.

(4) The aforesaid grant shall be effective from 01-01-2016 :

Provided that the Judicial Officers who have undergone transfer(s) after 01-01-2016 and their claims for transfer grant have been paid as per pre-revised pay scales, they shall be entitled to the differential amount on the basis of revised pay w. e. f. 01-01-2016.

25. **Repeal.**—The Jammu and Kashmir Judicial Officers (Allowances, Amenities and Advances) Rules, 2007 and any other orders issued under such rules shall stand repealed.

By order of the Government of Jammu and Kashmir.

Sd/-

ACHAL SETHI,
Secretary to Government.