

Pay scales, allowances and service conditions of employees and Court Officers of the Supreme Court

- Introduction* 9.1.1 The original Terms of Reference of the Commission did not cover Supreme Court employees. Through a subsequent Resolution No.5/2/2006-E.III.(A) dated 8th August, 2007, the terms of reference were enlarged to include the officers and employees of the Supreme Court.
- Status of Supreme Court employees* 9.1.2 Supreme Court employees are not Central Government employees. They are employees of the Supreme Court. Article 146 of the Constitution confers power on the Chief Justice of India not only in the matter of appointments but also in prescribing the conditions of service of officers and servants of the Court. This Article provides that conditions of service of officers and servants of the Supreme Court shall be as prescribed under the rules made by the Chief Justice of India or any other Judge/Officer authorized by him. The rules are, however, subject to the provisions of any law made by the Parliament. The rules relating to salaries, allowances, leave and pension also need to be approved by the President.
- Fourth Central Pay Commission & Subsequent Developments* 9.1.3 The Terms of Reference of Fourth & Fifth Central Pay Commissions also included the employees of the Supreme Court of India. Fourth Central Pay Commission had recommended pay scales for Supreme Court employees that were lower than those granted by the Supreme Court vide their interim order dated 25/7/1986 in W.P. No.801/86. The Supreme Court vide their subsequent judgment dated 24/7/1989 directed that higher pay scales given in the interim order should be maintained and a Committee of Judges be constituted to look into this issue. The Committee of Judges was subsequently constituted under the Chairmanship of Hon'ble Justice S. Ratnavel Pandian. It submitted the Report on 25/8/1993 wherein the view was taken that pay scales of Supreme Court employees were independent of pay scales of the employees of High Courts or the Central Government. They recommended higher pay scales for Supreme Court employees.

Fifth Central Pay Commission & Subsequent Developments

9.1.4 The Fifth CPC refrained from making any recommendations on the issue of pay scales for officers and employees of the Supreme Court of India and instead observed that this issue had to be decided in the manner laid down in Constitution of India as interpreted by various judgments of the Supreme Court. They, however, noted that in case higher pay scales were extended to the Supreme Court employees, then the Court could, if it so desired, consider modifying their designations so as to avoid any confusion in the future. Subsequently, vide Office Order No. 33/2007 dated 2/2/2007, the designations of various posts of Supreme Court employees were modified and presently these are totally distinct from the designations prevailing in the Central Government.

Extant Position

9.1.5 The present position is that Supreme Court Registry has posts of Branch Officer in pay scale of Rs.10000-15200; Personal Secretary in pay scale Rs.7450-11500; etc. Generally, the pay scales for different posts of employees of the Supreme Court are on the Central Government pattern. However, apart from the pay scales, a one to one parity cannot be established between the posts in the Supreme Court and those in the Central Government. **The posts in Supreme Court, therefore, need to be treated as a separate category with which no relativity for posts existing in the Central Government can be established.**

Demands

9.1.6 In the memorandum from the various associations of Supreme Court employees, the following main demands were projected:-

- A general increase of 3.5 times in the existing pay scales.
- Two additional increments for all the posts in Supreme Court.
- Longer pay scales to alleviate the problem of stagnation.
- Upgradations for various posts in the Librarian cadre in the Supreme Court Judges Library. Cadre review of Librarians.
- Higher pay scale for the posts of Jr. Court Assistant and Court Assistant.
- Grant of the scale of Rs.8000-13500 on completion of 4 years of service to all posts like Sr. Judicial Assistants, Sr. Personal Assistants, Readers, Senior Judicial Translators

and Court Officers which are presently in the pay scale of Rs.6500-10500. This demand is made on the ground that the Delhi High Court has already granted this benefit to its employees.

Analysis & Proposals

9.1.7 As stated earlier, all the posts in Supreme Court presently carry distinct designations. Their nature of work and duties are also different. **Hence, no relativity can be established between these posts vis-à-vis those existing in the Central Government.** The present pay scales for these posts are, therefore, appropriate and only the corresponding pay bands and grade pay may need to be provided. **The same scheme of running pay bands and grade pay as being recommended for Central Government employees is recommended for Supreme Court employees.** This will also meet the demand for pay scales with a longer span and will alleviate stagnation. The Commission is not undertaking any individual cadre reviews. This policy will also need to be persisted with in case of Supreme Court employees. However, wherever the hierarchy has feeder and promotion posts in the respective scales of Rs.5000-8000, Rs.5500-9000 and Rs.6500-10500, the promotion posts in the scale of Rs.6500-10500 will need to be upgraded to Rs.7450-11500. The post in the scales of Rs.5000-8000 and Rs.5500-9000 may need to be merged. **It is, accordingly, recommended that all posts in the Supreme Court that are presently in the scale of Rs.6500-10500 and constitute promotion posts for feeder cadre in the scale of Rs.5500-9000 should be upgraded and placed in the scale of Rs.7450-11500 corresponding to the revised pay band PB-2 of Rs.8700-34800 along with grade pay of Rs.4600. The posts in the pre-revised scales of Rs.5000-8000 and Rs.5500-9000 may be merged and placed in the revised pay band PB-2 of Rs.8700-34800 along with grade pay of Rs.4200.**

Additional Registrar and Joint Registrar

9.1.8 The posts of Additional Registrar and Joint Registrar presently are in an identical pay scale of Rs.18400-22400. A higher pay scale for the post of Additional Registrar may not be feasible as the post of Registrar is in the next higher pay scale of Rs.22400-24500. Even otherwise, functions attached to these posts are similar. Therefore, **the posts of Additional Registrar and Joint Registrar may be merged in the scale of Rs.18400-22400 corresponding to the revised pay band PB-4 of Rs.39200-67000 along with grade pay of Rs.9000.**

Principal Private Secretary (PPS)

9.1.9 The posts of PPS to the Hon'ble Chief Justice, Chief Librarian and Assistant Editor are in an intermediate pay scale of Rs.11000-16040. This pay scale does not exist in the Central Government. **It may, therefore, be appropriate to merge these posts with those of Senior PPS in the pay scale of Rs.12000-16500 corresponding to the revised pay band PB-3 of Rs.15600-39100**

along with grade pay of Rs.6600. This will ensure that all pay scales in the Supreme Court Registry correspond to the regular pay scales in the Central Government.

Scale of Rs.8000-13500 on completion of 4 years service

9.1.10 The demand for grant of the scale of Rs.8000-13500 on completion of 4 years of service to all posts like Senior Judicial Assistants, Senior Personal Assistants, Readers, Senior Judicial Translators and Court Officers which are presently in the pay scale of Rs.6500-10500 has been made on the ground that the Delhi High Court has already granted this benefit to its employees. The employees of the Supreme Court have to be given at least a similar dispensation. **The Commission recommends that the posts of Senior Judicial Assistants, Senior Personal Assistants, Readers, Senior Judicial Translators, Court Officers and other analogous posts which are presently in the pay scale of Rs.6500-10500 may be extended the scale of Rs.8000-13500 corresponding to the revised pay band PB-2 of Rs.8700-34800 along with grade pay of Rs.5400 on completion of four years service in the scale of Rs.6500-10500. After the implementation of the recommendations made by this Commission, the grade pay of Rs.5400 may be extended only on completion of four years service carrying the grade pay of Rs.4600.** This is because after the implementation of recommendations of the Commission, all the posts in the scale of Rs.6500-10500 corresponding to the revised pay band PB-2 of Rs.8700-34800 along with grade pay of Rs.4200 shall come to be placed in the scale of Rs.7450-11500 corresponding to the revised pay band PB-2 of Rs.8700-34800 along with grade pay of Rs.4600.

Librarians

9.1.11 Librarians working in the Supreme Court have demanded higher pay scale on the ground that their post deserves to be in a higher scale as per recommendations of the Chattopadhyaya Committee. This Committee was appointed by the Central Government for a comprehensive study of the various matters concerning Libraries and Librarians in the Central Government. As a separate Committee has not been constituted for Supreme Court and the Supreme Court Library, the recommendations made in the Report of the Chattopadhyaya Committee should apply for Supreme Court library as well. This demand is, therefore, justified. It is also observed that classification of the Supreme Court library in consonance with recommendations of Chattopadhyaya Committee has already been carried out. As per this classification, the post of Library Chief would need to be placed in the scale of Rs.18400-22400. However, as per the recommendations of Chattopadhyaya Committee, upgradation by one grade can only be given with a review being conducted after three years. **The post of Library Chief (Director) that is presently in the scale of Rs.12000-16500 may, therefore, be upgraded by one grade and**

placed in the scale of Rs.14300-18300 corresponding to the revised pay band PB-3 of Rs.15600-39100 along with grade pay of Rs.7600. In consonance with the recommendations of the Chattopadhyaya Committee, the position may be reviewed after three years. To maintain the existing parity, a similar higher pay scale may need to be extended to the post of Editor (Supreme Court Reports) which also presently exists in the scale of Rs.12000-16500. Other posts of Librarians may also be extended the pay scales in consonance with the recommendations of the Chattopadhyaya Committee.

*Analysis of
Canteen Staff*

9.1.12 Presently, canteen staff in the Departmental Canteen of Supreme Court is in the same pay scales as existing for canteen staff in the Departmental Canteens of the Central Government. In Central Government, upgradation of all Group D posts has been proposed with the existing Group D employees being upgraded and placed in the lowest Group C pay scale subsequent to their retraining and multiskilling. The need for better skilled employees holds equally valid in respect of canteen staff in Supreme Court as well. **A similar dispensation may, therefore, be extended for Group D employees in the Departmental Canteen of Supreme Court.**

Allowances

9.1.13 Presently, Supreme Court employees are given allowances on par with those existing in the Central Government. **The extant position in respect of various allowances may be retained.**