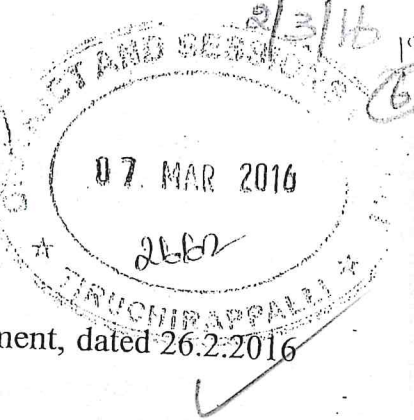
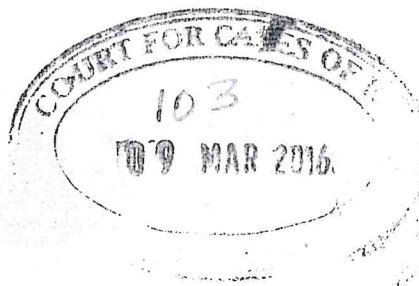



Roc. No.1163/2003/G2



Copy of G.O.(Ms)No.241, Home (Cts.V) Department, dated 26.2.2016 is communicated for necessary action and information.

High Court, Madras,
Dated: 2.3.2016.


Registrar General.

To

1. The Registrar (Admn), Madurai Bench of Madras High Court, Madurai.
2. The Member Secretary, Tamil Nadu State Legal Services Authority, Chennai-104.
3. The Principal Judge, City Civil Court, Chennai-104.
(with a request to communicate the copy of G.O.,
all the Courts in your unit).
4. All Principal District Judges.
(with a request to communicate the copy of G.O.,
all the Courts in your unit).
5. The DJ-cum-CJM, Nilgiris at Uthagamandalam.
(with a request to communicate the copy of G.O.,
all the Courts in your unit).
6. The Chief Metropolitan Magistrate, Egmore, Chennai.
(with a request to communicate the copy of G.O.,
all the Courts in your unit).
7. All Chief Judicial Magistrates.
(with a request to communicate the copy of G.O.,
all the Courts in your unit).
8. The Section Officer, Accounts/Bills/Budget/Estt.,/Legal Cell/Lok Adalat Section,
High Court, Madras/Madurai Bench of Madras High Court, Madurai.
9. The Record Keeper, A.D. Records, High Court, Madras.
10. The Chief Accounts Officer, High Court, Madras.

Copy to:-

1. The Accountant General, Chennai-18.
2. The Pay and Accounts Officer, High Court, Chennai-104/Madurai.
3. The Sub Pay & Accounts Officer, Madurai Bench of Madras High Court, Madurai
4. All Treasury Officer.

Enclt-R.No. 2662, dt. 7.3.2016

Copy Communicated to all the Courts in respect
of Tiruchirappalli District for information and necessary action

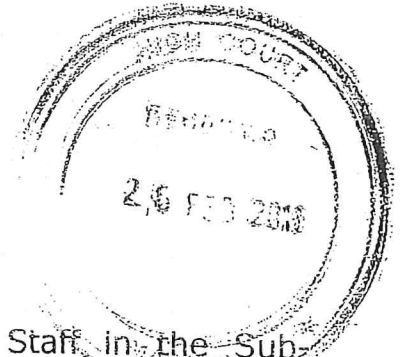
District Court,
Tiruchirappalli
Dt. 8.3.2016

D. No. 2016

PRINCIPAL DISTRICT JUDGE
TRICHIRAPPALLI.

9.3.2016


5.3.16



ABSTRACT

Improvement of Service Conditions of Non-Judicial Staff in the Sub-ordinate Courts - Implementation of Justice Shetty Commission Recommendations - Sanction of Compensatory Allowance to the Court staff deputed to the Lok Adalats on holidays at the rate of 5% of their basic pay with effect from 12.12.2015 - Orders - Issued.

Home (Courts-V) Department

G.O. (Ms) No.241

Dated: 26.02.2016

Read:

1. From the Member Secretary, First National Judicial Pay Commission, Bangalore Letter No.FNJPC/STF/3/98, dated 05.05.2003.
2. Direction of the Hon'ble Supreme Court of India, dated 11.02.2009 in IA Nos.71A, 135-136, 137-138 & 142 in W.P.Civil.No.1022/A 89.
3. G.O. (Ms) No.730, Home (Cts V) Department, Dated.18.08.2006.
4. G.O. (Ms) No.40, Home (Cts V) Department, Dated.11.01.2008.
5. G.O. (Ms) No.761, Home (Cts V) Department, Dated.10.07.2008.
6. G.O. (Ms) No.329, Home (Cts V) Department, Dated.23.04.2009.
7. G.O. (Ms) No.672, Home (Cts V) Department, Dated.27.07.2010.
8. G.O. (Ms) No.1011, Home (Cts V) Department, Dated.07.12.2010.
9. G.O. (Ms) No.351, Home (Cts V) Department, Dated.30.06.2011.
10. G.O. (Ms) No.450, Home (Cts V) Department, Dated.11.08.2011.
11. G.O. (Ms) No.854, Home (Courts-V) Department, Dated 24.11.2014
12. G.O.(Ms).No.855, Home (Courts-V) Department, dated 24.11.2014
13. G.O.(Ms).No.856, Home (Courts-V) Department, dated 24.11.2014
14. G.O.(Ms).No.857, Home (Courts-V) Department, dated 24.11.2014
15. G.O.(Ms).No.858, Home (Courts-V) Department, dated 24.11.2014
16. G.O.(Ms).No.859, Home (Courts-V) Department, dated 24.11.2014

610
15645

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15645

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17. G.O.(Ms).No.703, Home (Courts-V) Department, dated 08.10.2015
18. G.O.(Ms).No.704, Home (Courts-V) Department, dated 08.10.2015
19. G.O.(Ms).No.705, Home (Courts-V) Department, dated 08.10.2015
20. G.O.(Ms).No.706, Home (Courts-V) Department, dated 08.10.2015
21. G.O.(Ms).No.707, Home (Courts-V) Department, dated 08.10.2015
21. G.O.(Ms).No.708, Home (Courts-V) Department, dated 08.10.2015
22. G.O.(Ms).No.709, Home (Courts-V) Department, dated 08.10.2015
23. G.O. (Ms) No.710, Home (Cts V) Department, Dated 08.10.2015.

Read Also:-

24. Orders of the High Court of Madras in W.P. No.24603 of 2010, Dated 20.11.2015, 11.12.2015 and 08.01.2016.

ORDER:

Based on the direction of the Supreme Court of India, the Member Secretary, First National Judicial Pay Commission, Bangalore has forwarded the report of the First National Judicial Pay Commission (Justice Shetty Commission) on improvement of Service Conditions of Non-Judicial Staff of Subordinate Courts to the States. The said commission submitted its report on 25.04.2003. Based on the recommendations of Justice Shetty Commission the Government have issued various orders implementing its recommendation in the G.O.s third to tenth read above. However, one S.P. Rajendran, General Secretary, Tamil Nadu Judicial Ministerial Service Officers Association, Chidambaram filed a W.P.No.24603 of 2010 before the High Court with a prayer to implement the recommendations in its entirety. Following the directions of the High Court of Madras on the various other recommendations the Government have issued orders in G.Os eleventh to twenty third read above.

2. However the petitioner insisted on one of the recommendations pertaining to remuneration / Compensation for deputation of court staff to Lok Adalats which reads as follows:-

" We recommend that until separate staff are provided to the Establishment of Legal Services Authority in each State and UT., the Court staff who are deputed to attend Lok Adalat work should be paid compensatory allowance at the rate of 5% of their basic pay and if the officials are deputed during general holidays, they may be granted compensatory leave for the holidays forgone".

In respect of the above recommendation the Government in G.O. (Ms) No.40, Home (Cts V) Department, Dated.11.01.2008, among others have ordered as follows:-

"Already Legal Services Authority with separate staff is in existence in this State. Hence, there is no need to pay compensation allowance to the Court Staff".

3. The High Court which is periodically monitoring the implementation of Justice Shetty Commission recommendation heard the case on 20.11.2015. The High Court referring to the above order issued by Government in this regard has directed as follows:-

"This suggestion, ex facie, is erroneous, as Lok Adalats are conducted on specific dates and as an endeavour to reduce the litigation which is a corroborative effort of the administration and the judiciary. Thus, we have no doubt that this allowance is liable to be granted for attending duties for such Adalats on holidays and necessary G.O. be issued in this behalf."

4. Pursuant to the above direction the proposal relating to sanction of compensatory allowance to the court staff deputed to the Lok Adalats on holidays at the rate of 5% of their basic pay was called for from the Registrar General, High Court of Madras. However the Hon'ble Court in its hearing in the said case on 11.12.2015 has further observed:-

"Learned Government Pleader states that the Secretary concerned is at present engaged in the rehabilitation measures.

The affidavit of the secretary be filed within two (2) weeks.

The aforesaid excuse is also being given on the non-issuance of G.O in terms of para 3 of our last order dated 20.11.2015. We make it clear that since the National Lok Adalat is being organized tomorrow, the benefit of that G.O would equally be available for tomorrow."

5. The High Court in its subsequent hearing on 08.01.2016 in the above case has once again directed as follows:-

"The other aspect stated in para 5 pertains to the sanction of compensatory allowance for the Court staff deputed to attend Lok Adalat, for which also it is stated that the proposal is awaited. We are of the view that there is no question of proposal being awaited in this behalf as calculation is based on 5% of the basic pay as and when they attend the duty for such Adalats on holidays. In fact, we had directed the G.O to be issued in this behalf to ensure that the benefit goes to the staff qua the last Lok Adalat on 12.12.2015. Our direction has been clearly violated. Before we proceed further, we give one more opportunity to the Government to issue the G.O. in this behalf,

which should be in terms of para 8 of our order dated 11.12.2015 within one (1) week from today."

6. The Government have examined the recommendation in the light of the orders of the High Court in W.P.No.24603 of 2010 dated 11.12.2015 and 08.01.2016 and have decided to sanction compensatory allowance to the Court staff deputed to the Lok Adalats on holidays at the rate of 5% of their basic pay with effect from 12.12.2015, subject to the condition that Adalats are conducted on holidays in a respective month and if Lok Adalats are not conducted on holidays then the compensatory allowance shall not be claimed.

7. The Government accordingly sanction compensatory allowance to the Court staff deputed to the Lok Adalats on holidays at the rate of 5% of their basic pay with effect from 12.12.2015. The payment of the compensatory allowance is subject to the condition that Adalats are conducted on holidays in a respective month and if Lok Adalats are not conducted on holidays then the compensatory allowance shall not be claimed.

8. The expenditure sanctioned in para-7 above shall be debited to the following Head of Account:-

- (i) 2014- 00-Administration of Justice -105-Civil and Session Courts- I Non Plan AA-City Civil Court- 01 Salaries - 04 Other Allowances. (DPC 2014-00-105-AA-0142)
- (ii) 2014-00- Administration of Justice -105-Civil and Sessions Courts- I Non Plan - AB - Mofussil, Civil and Sessions Courts - Regular Establishments - 01 Salaries - 04 Other Allowances. (DPC 2014-00-105-AB-0140)

9. The expenditure sanctioned in para 7 above shall constitute an item of "New Instrument of Service" and the approval of Legislature shall be obtained in due course of time by an inclusion in the Supplementary Estimates. Pending approval of the Legislature, the expenditure may be initially met by drawal of an advance from the Contingency Fund. The Registrar General, High Court of Madras is requested to calculate the actual amount required for the period upto next Supplementary Estimates and apply for sanction of the same as advance from the Contingency Fund to Finance (BG-I) Department directly in Form "A" appended to the Contingency Fund Rules, 1963 along with a copy of this order. Orders for sanction of an advance from the Contingency Fund will be issued from Finance (BG.I) Department. The Registrar General, High Court of Madras shall also send necessary draft explanatory notes for inclusion of this expenditure in the Supplementary Estimates for the year 2016-2017, without fail.

10. This order issues with the concurrence of Finance Department vide its U.O. No.13066/Home-II/2016, dated 26.02.2016 and ASL No.2491 (Two thousand four hundred and ninety one.).

(BY ORDER OF THE GOVERNOR)

**APURVA VARMA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Registrar General, High Court of Madras, Chennai-104.
The Principal Accountant General, Chennai-18.
The Pay and Accounts Officer, Chennai-104.
The Pay and Accounts Officer, Madurai.
The Pay and Accounts Officer, Chennai North, Chennai.
All Treasury Officers.

Copy to:

The Personnel and Administrative Reforms Department, Chennai-9.
The Finance (Pay Cell/BG-I/BG-II/Home-II) Department, Chennai-9.
The Office of the Hon'ble Chief Minister, Chennai-9
The PA to Minister (MA, RD, Law, Courts & Prisons), Chennai-9.
The Private Secretary to the Principal Secretary to Government,
Home, Prohibition & Excise Department, Chennai-9.
Stock File / Spare Copy

//FORWARDED / BY ORDER//

P. P. Jagannathan
SECTION OFFICER

26/2/2016