

# **<sup>1</sup>THE JUDICIAL OFFICERS (ALLOWANCES, AMENITIES AND ADVANCES) RULES, 2004**

(As amended upto 28/02/2024)

WHEREAS the First National Judicial Pay Commission have recommended certain Allowances, Amenities and Advances payable to Judicial Officers and the Hon'ble Supreme Court of India having 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;

NOW, THEREFORE, in exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Sikkim in consultation with the High Court of Sikkim, hereby makes the following rules, namely:-

**1. Short title and commencement:-**

- (1) These rules may be called the Judicial Officers (Allowances, Amenities and Advances) Rules, 2004;
- (2) They shall be deemed to have come into force on the 1<sup>st</sup> day of November, 1999.

**2. Extent of application:-**

These rules shall be applicable to the members of Sikkim Superior Judicial Service and the Sikkim Judicial Service.

**3. Dearness Allowances:-**

The same Dearness Allowance formula as being implemented to the Central Government employees from time to time shall apply to the Judicial Officers of the State.

**4. <sup>2</sup>Electricity and Water Charges:-**

(1) 50% of the electricity charge and water charge consumed at the residence shall be reimbursed.

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

Sl. No.	Designation	Electricity Units	Water Quantity
1.	District Judges	8000 units per annum	420 Kls per annum
2.	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. The ceiling of units shall be strictly counted on yearly basis.

(4) This allowance shall be available at the enhanced rates w.e.f. 01.01.2020.]

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1. Notified vide Notification No. 36/GEN/DOP, dated 11/08/2004 (Gazette No. 304 of 2004)

2. Substituted vide Notification No. 50/GEN/DOP, dated 28/02/2024 (Gazette No. )

5. <sup>1</sup> **[Newspaper and Magazine Allowances:-**

(1) Ceiling limit of Reimbursement for newspaper and magazines shall be Rs. 1000/- p.m. for District Judges (two newspapers and two magazines) and Rs. 700/- p.m. for Civil Judges (two newspapers and one magazine).

(2) The reimbursement shall be on half yearly basis from January to June and July to December, on the basis of self certification.

(3) The allowance at the above mentioned rates shall be available from 01.01.2020.]

6. <sup>2</sup> **(Omitted)**

7. <sup>3</sup> **[Robe Allowance:-**

Judicial Officer shall be entitled for Robe allowance of Rs. 12,000 once in three years with effect from 01.01.2016.]

8. <sup>4</sup> **[Conveyance Transport Allowance (TP):-**

(1) Official Vehicle,-

(a) The following Judicial Officers are eligible for official vehicles, namely,-

(i) In the cadre of Principal District Judge;

(ii) Director, State Judicial Academy;

(iii) Chief Judicial Magistrate;

(iv) Member Secretary, State Legal Services Authority.

(b) The quantum of petrol/diesel for official cars would be raised to the actual consumption for official purposes as certified by the concerned official and supported by a log book, which would be maintained. The judicial officers using official cars may be permitted to use them for private purposes to the extent of 300 kms per month;

(2) Own Vehicle,-

The transport allowance at the rate of Rs. 10,000 per month w.e.f 01.01.2016 be given to those Judicial Officers, who own the car so as to cover the cost of maintenance and driver's salary and this 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, where there is a existing practice of allocating a driver knowing office attendant/peon to the officer;

(3) In addition to the transport allowance, there should be a reimbursement of the cost of,-

Four wheeler	100 liters of petrol/diesel in District Headquarters and 75 liters of petrol/diesel in other areas
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Explanation.- Own Vehicle means vehicle registered in the name of the Judicial Officer or his/her spouse.

(4) The Judicial Officers shall be permitted to exhibit a sticker at their option on the lower left side of the windscreen with inscription 'Judge' printed in moderately sized letters; and

(5) Soft loan facilities to the extent of Rs. 10,00,000 (ten) lakhs at nominal interest for the purchase of car shall be extended to the judicial officers.]

1. Substituted vide Notification No. 50/GEN/DOP, dated 28.02.2024 (Gazette No. )

2.. Omitted vide Notification No. 50GEN/DOP, dated 28.02.2024 (Gazette No.)

3 & 4. Substituted vide Notification No. 50/GEN/DOP, dated 28.02.2024 (Gazette No. )

**9. <sup>1</sup> [Hill Area/Tough Location Allowance:-**

(1) Hill Area/Tough Location Allowance at the rate of Rs. 5000/- (five thousand) per month shall be paid to the Judicial Officers posted in hill areas/tough locations, as specified by the Hon'ble High Court.

(2) More beneficial provision, if any, already applicable to the officials of the State shall be extended to the Judicial Officers.

(3) In case of doubt, whether a particular area can be considered to be hilly or tough location area, decision of the High Court shall be followed in relation to the Judicial Officers.

(4) This allowance shall be available w.e.f. 01.01.2016.]

**10. <sup>2</sup> [Medical Allowance/Medical Facilities:-**

(1) Fixed medical allowances shall be payable at the rate of Rs.3,000/- (three thousand) p.m. to the serving Judicial Officers with effect from 01.01.2016

(2) Fixed medical allowance shall be payable at the rate of Rs.4,000/- (four thousand) to the pensioners and family pensioners with effect from 01.01.2016;

(3) Separate Orders/Memorandum shall be issued in respect of other medical facilities accepted by Hon'ble Supreme Court of India.]

**11. <sup>3</sup> [Leave Travel Concession (LTC)/Home Travel Concession (HTC):-**

(1) The Judicial Officers may be permitted to avail one Leave Travel Concession and one Home Travel Concession in a block of 3 years.

(2) The Judicial Officer can encash ten days Earned leave while availing Leave Travel Concession (not Home Travel Concession) subject to a maximum of sixty days. The same shall be in addition to encashment of 300 (three hundred) days at the time of retirement and 30 (thirty) days in a block of two years.

(3) As far as fresh recruits are concerned, the Home Travel Concession shall be allowed 2 (two) times in the first block of 3 (three) years. However, the block of 3 (three) years will commence on completion of the period prescribed for probation (not necessarily declared).

(4) The Judicial officers irrespective of their rank shall be allowed to travel by air 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, namely, Ashoka Travels, Balmer and Lawrie and IRCTC by the Central/State Government subject to further addition or deletion of the authorized agent by the Central/State Government.

(5) The other details such as class of travel, carry over, advance, and other related matter shall be governed by the respective rules or orders of the State; related matter shall be governed by the respective rules or orders of the State;

(6) The Judicial Officers may be allowed to carry forward Leave Travel Concession anywhere in India beyond retirement for a period of one year.

(7) The Judicial Officers shall not be required to avail of earned leave only, for Leave Travel Concession/Home Travel Concession purpose and they may be permitted to avail of casual leave as a prefix and suffix to the extent of two days.

(8) Block period of three years shall w.e.f. 01.01.2024.]

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1, 2, & 3 Substituted vide Notification No. 50/GEN/DOP, dated 28.02.2024 (Gazette No. )

**12. <sup>1</sup> [Special Pay for Administrative Work:-**

- (1) Special Pay for Judicial Officers doing administrative work shall be payable to,-
- (a) Principal District and Sessions Judges: Rs.7000/- (seven thousand) per month;
  - (b) Other District Judges entrusted with administrative work who have to generally spend time beyond Court working hours: Rs. 3500/- per month;
  - (c) District Judges presiding over Special Courts and Tribunals having independent administrative responsibilities: Rs. 3500/- per month.
  - (d) Chief Judicial Magistrate and Principal Senior, Junior Civil Judges and other Judicial Officers having administrative responsibilities being in charge of independent Courts with filing powers: Rs. 2000/- per month;
- (2) The Special Pay shall be available w.e.f. 01.01.2019.]

**13. <sup>2</sup> [Concurrent Charges Allowance:-**

Concurrent Charge Allowance is payable to officers, who are required to hold full charge of the duties of equal or higher responsibilities in addition to the duties of their own post.

(1) The concurrent charge allowance to be available maximum at the rate of 10% of the minimum of the scale of the additional post held beyond a period of ten working days.

(2) No upward revision in the percentage of the Concurrent Charge Allowance.

(3) Hon'ble High Court to decide the Concurrent Charge allowance to be available to the Officer 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.

(4) There shall not be any insistence on the performance of 'appreciable judicial work' of the Court concerned.]

**14. <sup>3</sup> [Earned Leave Encashment:-**

(1) Judicial Officers, shall be entitled to a maximum limit of 300 days leave encashment at the time of retirement w.e.f. 01.01.2024.

(2) A Judicial Officer shall be entitled to encash:

- (a) 10 days earned leave while availing Leave Travel Concession subject to maximum 60 days – 10 at a time up to six occasions during the entire service.
- (b) 30 days in a block year of two years.

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1,2, & 3 Substituted vide Notification No. 50/GEN/DOP, dated 28.02.2024 (Gazette No. )

(c) clause (a) and (b) shall be in addition to the right of the Judicial Officers to encash upto 300 days Earned Leave at the time of retirement.

(3) In case of officers, who have retired and while granting leave encashment at the time of retirement, the leave encashment availed during service stand adjusted, shall be paid the amount of the so adjusted earned leave, at the time of retirement as explained in the example below,-

Example :

Leave encashed during service	120 days
Leave to the credit of the officer on the date of retirement	300 days
Maximum Leave to be encashed at the time of retirement	300 days
Eligible to get encashment of leave 300 days Leave encashment granted at the time of retirement (120 days leave deducted on account of encashment during service)	300 – 120 = 180 days instead of 300 days
That 120 days leave encashment is required to be given to the officer now.	

(4) Judicial Officer shall not be insisted for availing leave.

(5) For encashment of leave the block period of 2 years shall start from 01.01.2023.]

#### 15. <sup>1</sup> [Transfer Grant:-

(1) On transfer, the composite transfer grant shall be equivalent to one month's basic pay.

(2) If the transfer is to a place 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 1/3rd of the basic pay.

(3) For the transportation of personal effects, the Office memorandum dated 13.07.2017 issued by the Department of Expenditure; Government of India pursuant to the recommendation of VII CPC shall be applicable.

(4) 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 DA increases by 50%.

(5) The Officers who have undergone transfer(s) after 01.01.2016 and their claims for transfer grant paid as per pre-revised pay scales, shall be paid the differential amount on the basis of revised pay w.e.f. 01.01.2016.]

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1. Substituted vide Notification No. 50/GEN/DOP, dated 28.02.2024 (Gazette No. )

**16. <sup>1</sup>[House Rent Allowances and Residential Quarters:-**

The allowance under this head has the following components:-

**(1) RESIDENTIAL QUARTERS:**

(a) The Judicial Officer is to be provided government accommodation or requisitioned private accommodation within one month of taking charge of the post.

(b) If the Judicial Officer is not provided with the government accommodation or requisitioned private accommodation within one month, then the Judicial Officer may secure private accommodation and should be paid rent in the following terms:

(i) If the rent of the private accommodation is within the admissible house rent allowance mentioned below [ sub-clause (b)], no fixation of the rent is required. But the concerned Judicial Officer has to certify the actual rent being paid;

(ii) If the rent of the private accommodation is more than permissible house rent allowance, the rent shall be assessed by Principal District Judge with the assistance of PWD officials:

(iii) If the difference between the permissible house rent allowance and the rent assessed is more than 15% and Principal District Judge may seek approval of High Court for payment of the said amount unless the officer is ready to pay the differential cost.

(c) The minimum plinth area for the residential accommodation shall be 2500 sq.ft. for District Judge and 2000 sq. ft. for Civil Judge. However, The High Court administration have the discretion to sanction the design with higher plinth area.

**(2) HOUSE RENT ALLOWANCE:**

(a) Judicial Officers who are allotted official quarters for residence shall not be entitled to HRA;

(b) Judicial Officers residing in their own houses, including the house of a parent or spouse, shall also be entitled for the recommended HRA with effect from 01.01.2016 after obtaining permission from the High Court to reside in their own house and Judicial Officers already residing in hired accommodation will be entitled to the recommended HRA with effect from 01.01.2020, subject to the actual rent paid within the said ceiling;

(c) The Office of the Principal District Judge or equivalent shall pay rent directly to the landlord, in which case, the officer is not eligible to draw HRA; and

(d) The SNJPC rates of HRA should be applicable to all Judicial Officers as per the notification dated 07.07.2017 which was issued after the VIIth Central Pay Commission (CPC) by the Central Government:

Classification of Cities	Rates of HRA/pm as % of basic pay
X	24%
Y	16%
Z	8%

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1. Substituted vide Notification No. 50/GEN/DOP, dated 28.02.2024 (Gazette No. )

However, the minimum rates prescribed are 5400/- ,3600/ – and 1800/- respectively. And the rate will be changed in accordance with the change in Dearness Allowance in the following terms:

Classification of Cities	Rates of HRA/pm as % of Basic Pay	When DA Crosses
X	27%	25%
	30%	50%
Y	18%	25%
	20%	50%
Z	9%	25%
	10%	50%

(e) Z category is unclassified at present and the High Court is at liberty to upgrade and add the cities in different classes;

(f) In case Husband/wife both are Judicial Officers posted in the same station residing in their own accommodation shall not be entitled for HRA separately.

### **(3) FURNITURE AND AIR CONDITIONER ALLOWANCE:**

(1) Furniture grant of Rs. 1.25 lakhs every five years shall be provided w.e.f. 01.10.2020 to the Judicial Officer subject to production of proof of purchase by the Judicial officer. Household electrical appliances can also be purchased by availing of the said grant. The Officers having not less than two years of service will also be eligible for this allowance. The option to purchase the furniture being used by the Officer at the depreciated rate shall be available at the time of fresh grant or retirement.

(2) Apart from the furniture grant, one air-conditioner of capacity of maximum 2 Ton shall be provided at the residence of every Judicial Officer once in every five years.

(3) All the aforementioned articles shall be purchased by the Judicial Officer himself/herself and utilization certificate along with the bill/receipt thereof shall be submitted by him/her to the Principal District Judge/Head of the Department which shall be kept with the service record of the concerned Judicial Officer and on transfer the Judicial Officer shall carry with himself/herself the said articles.

(4) Judicial Officer who has ceased to be in service due to retirement or resignation, article purchased shall be retained by him/her subject to deposit of proportionate price of the articles for the remaining period of five years at the rate of 20% per year i.e. if at the time of retirement or resignation of Judicial Officer period of 3 years remain out of five year then the Officer has to deposit at the rate of 20% of the total amount multiplies by 3. If at the time of retirement the period of six months or more remains it shall be considered one year for the purpose of computation. This rule shall be applicable for furniture provided earlier to the Judicial Officer.

(5) In case of Death of any Judicial Officer before completion of five years no amount shall be recovered from his/her family members.

(6) After completing of every five year articles purchased by the Judicial Officer being depreciated shall be given to him/her permanently, if he wants to retain the same voluntarily on deposit of 20% of value of the article otherwise said articles shall be auctioned by the Principal District Judge/ Head of the Department and the auction money shall be deposited in the treasury. This rule shall also be applicable for furniture provided earlier to the Judicial Officers. City Compensatory Allowance (CCA) shall be discontinued prospectively and no recovery shall be affected on the amount already paid on account of the allowances.

(7) An amount of Rs. 10,00,000 (ten lakhs) shall be made available to each Principal District Judge on the basis of a proposal sent by the Registry of the High Court for the proper maintenance of the residential quarters. The Government shall sanction the amount proposed within two months from the date of the receipt of the proposal.]

#### **17. <sup>1</sup> [Telephone Facility;**

The Judicial Officers shall be provided with the following telephone facilities,-

##### **(1) Residential Telephone (Landline) :**

(a) The landline telephone and broadband facility (by the same or different service providers) shall be provided at the residence of the Judicial Officers with the permitted user as follows:

District Judges: Rs. 1500/- per month

Civil Judges: Rs. 1000/- per month inclusive of rent and calls (local and STD both)

(b) At places where broadband facility is not available, the permissible user shall be:

District Judges: Rs. 1000/- per month

Civil Judges: Rs. 750/- per month inclusive of rent and calls (local and STD both)

##### **(2) Mobile Phone**

(a) The provision of mobile phone (handset) with internet shall be as follows:

District Judges: Rs. 30,000/-

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

And the permissible user 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 option to retain the old mobile phone handset at a price to be determined as per the guidelines prescribed by the Registry of High Court.

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1. Substituted vide Notification No. 50/GEN/DOP, dated 28.02.2024 (Gazette No. )



### (3) Office Telephone

Judicial Officers shall be provided telephone with STD and fiber network internet facility. In addition to free call charges, the installation charges and monthly rental charges shall be borne by the State Government Limits of Bimonthly Free Call Charges

District Judge (Principal District Judge/Super-time Scale/Selection Grade)	Rs. 3000 p.m.
District Judge (Entry Level) Rs. 2000 p.m. Senior Civil Judge	Rs. 2000 p.m.
Civil Judge	Rs. 1500 p.m.]

### 18. <sup>1</sup> [House Building Advance (HBA):-

- (1) House Building Allowance shall be made available to Judicial Officers in terms of the House Building Advance Rules, 2017; and
- (2) House Building Allowance shall be available to Judicial Officers also for the purchase of a ready built house from private individual subject to such safeguards as may be prescribed by the State Government in consultation with the Hon'ble High Court.]

### 19. <sup>2</sup> [Sumptuary Allowance:-

- (1) The sumptuary allowance shall be available to Judicial Officers at the following rates;
  - District Judges Rs. 7,800/- per month
  - Civil Judges (Sr. Div) Rs. 5,800/- per month
  - Civil Judges (Jr. Div) Rs. 3,800/- per month
- (2) The allowance shall be available w.e.f. 01.01.2016.
- (3) The following categories of Judicial Officers shall get Rs. 1,000/- (One thousand) more by virtue of their status or the additional responsibilities they shoulder;-
  - (a) Principal District Judge in-charge of administration in the Districts/Cities.
  - (b) District Judges in selection grade and super time-scale.
  - (c) Director of State Judicial Academy/Member Secretary, State Legal Services Authority.
  - (d) Chief Judicial Magistrate.
- (4) No sumptuary allowance shall be payable to retired Judicial Officers.]

### 20. <sup>3</sup> [Home Orderly/Domestic Help Allowance:-

- (1) The Home-cum-Office Orderly allowance shall be available to the serving Judicial Officers at the following rates:
  - (i) District Judges: minimum wages for one unskilled worker subject to minimum of Rs. 10,000/- per month.
  - (ii) Civil Judges: 60% of the minimum wages for one unskilled worker subject to minimum of Rs. 7,500/- per month.

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1,2, & 3 Substituted vide Notification No. 50/GEN/DOP, dated 28.02.2024 (Gazette No. )

(2) The allowance at the aforesaid rates shall be available to Judicial Officers w.e.f. 01.01.2020.

(3) The Judicial Officers provided with Class-IV employees as an Attender/Peon/office subordinate for residential duties may exercise their option,-

he may either to continue with the present system and forego the allowance;

or

he may opt for the allowances instead of availing the services of the official Attender/Peon.

(4) The payment of home orderly allowance should not result in discontinuance of practice, of any, of deputing the Office Peons/Attenders or other Class-IV employee during nights at the residences of,-

(a) Magistrates who are called upon to attend the Judicial work at times during night times;

(b) The Office Peon/Attender or such other Class-IV employee deputed for night duty at the residence of Judicial Officer living in the areas generally considered to be disturbed or security risk areas or outsourced security guards to be deployed in such areas;

(c) Such personnel can also be deputed to the residence of Principal District Judge or equivalent rank officer having administrative responsibilities; and

(d) The deployment of Peons/Attenders for such residential duties shall be subject to the availability of Class IV personnel and without detriment to Court related duties.

(5) Domestic Help Allowance to the pensioners and family pensioners shall be available at the following rates from 01.01.2016,-

(a) Pensioner: Rs. 9,000/- per month

(b) Family Pensioners: Rs. 7,500/- per month

(c) This allowance shall stand increased by 30% on completion of five years from 01.01.2016 that is, w.e.f. 01.01.2021.

(6) The allowance shall be drawn on the self certification of the Judicial Officer or Pensioner or Family Pensioner.]

## 21. <sup>1</sup> [(i) **Home Library:-**

The accommodation to be allotted to a Judicial Officer shall have a separate room for “Home Library” which shall be furnished by the State Government. The required Library books shall be provided by the High Court from the annual budget earmarked for the purpose.

## (ii) **Drawing Room:-**

The Drawing rooms of the Government Quarters allotted to a Judicial Officer shall be furnished with a carpet, side tables, teapoy, chairs, in addition to the Government norms.]

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1. Inserted vide Notification No. 115/GEN/DOP, dated 16.10.2008 (Gazette No. 551 of 2008)

## 22. <sup>1</sup> [Children Education Allowance (CEA):-

- (1) Judicial Officers shall be entitled for Children Education Allowance with effect from the academic year 2019-2020;
- (2) They shall be entitled for Rs. 2,250 per month as Children Education Allowance and Rs 6,750 per month as hostel subsidy for two children up to class 12;
- (3) For children with special needs, the reimbursement would be at double the rate stated in sub-clause (2);
- (4) When the Dearness Allowance increases by 50%, the allowances and subsidy shall increase by 25%;
- (5) Further, reimbursement will be done just once every year, after completion of the financial year. For reimbursement of Children Education Allowance, a certificate from the head of institution, where the ward of Judicial Officer studies, will be sufficient for this purpose. The certificate should confirm that the child studied in the school during the previous academic year. For Hostel Subsidy, a similar certificate from the head of institution will suffice, with the additional requirement that the certificate should mention the amount of expenditure incurred by the Judicial Officer towards lodging and boarding in the residential complex. The amount of expenditure mentioned, or the ceiling as mentioned above, whichever is lower, shall be paid to the Judicial Officer.
- (6) The rights of Officers who are already receiving this benefits shall not be adversely affected by the recommendation.]

## 23. <sup>1</sup> [Higher Qualification Allowance

- (1) The Judicial Officers shall be granted three advance increments for acquiring higher qualification i.e. post-graduation in law and one more advance increment, if he acquires Doctorate in law.
- (2) The advance increments once granted for post-graduation degree or Doctorate in law shall not be again granted in future, the officer acquires post graduate or Doctorate degree in any other subject.
- (3) The advance increments shall be available to the officer who has acquired the post-graduation degree or Doctorate either before recruitment or at any time subsequent thereto while in service.
- (4) The advance increments shall be granted from the date of initial recruitment, if the officer has already acquired the post graduation degree or Doctorate and from the date of acquiring the post-graduation or Doctorate degree, if acquired after joining the service.
- (5) The benefit of advance increments shall be granted at the ACP Stage.
- (6) The advance increments shall be granted at the stage of promotion form Civil Judge (Junior Division) to Civil Judge (Senior Division) and from Civil Judge (Senior Division) to District Judge Cadre.
- (7) The advance increments shall be made available to the Judicial Officers if the higher qualification has been acquired either through regular studies (full time or part time) or through distance learning programmes.

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1. Substituted vide Notification No. 50/GEN/DOP, dated 28.02.2024 (Gazette No. )

(8) The advance increments shall be available 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).

(9) The advance increments for all practical purposes shall be part of salary and Dearness Allowance shall be available on the same.]

**24. <sup>1</sup> [Risk Allowance:-**

Risk allowance shall be effect from 1.1.2020.]

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1. Inserted vide Notification NO. 50/GEN/DOP, dated 28.02.2024 (Gazette No.)

