

¹THE JUDICIAL OFFICERS (ALLOWANCES, AMENITIES AND ADVANCES) RULES, 2004

(As amended upto 27/07/2013)

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 1st 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. Electricity and Water Charge

50% of charges of electricity and water consumed by the Judicial Officer in his residential accommodation shall be reimbursed by the State Government subject to a maximum limit of Rs. 500/- and any amount in excess of the maximum limit shall be borne by the concerned Judicial Officer. The payment by reimbursement shall be made to the Judicial Officers on quarterly basis by the controlling authority, upon production of the receipts for having paid the bills.

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

5. Newspaper /magazine

The Judicial Officers shall be entitled to News Paper/magazine at the following scales:-

| Level of Officer | Entitlement Newspaper | Magazine |
|--------------------------------------|-------------------------------|-----------------|
| Civil Judge-cum- Judicial Magistrate | One National and One Regional | One |
| Chief Judicial Magistrate | -do- | -do- |
| District Judge and equivalent | -do- | -do- |

The Judicial Officer shall get the Newspaper-Magazine as per the above entitlement through his local hawker upon payment in the first instance and the Judicial Officer could claim reimbursement from the office after producing the original bill.

6. City Compensatory Allowance (CCA):-

The City Compensatory Allowance (CCA) not being applicable to the State Government employees, the City Compensatory Allowance as and when adopted by the State Government shall be made applicable to a Judicial Officer at the same rate as will be payable to the State Government officials.

7. Robe Allowances:-

A lumpsum amount of ¹ Rs. 6000/- shall be paid to every Judicial Officer once in ¹ three years as robe Allowance.

8. Conveyance Allowance:-

The Judicial Officers ² shall be provided with Government Conveyance ² and shall be entitled to 100 (hundred) liters of petrol/diesel per month.

³ Provided that the Judicial Officer who own personal conveyance and/or opts not to use or avail of Government Vehicle shall be entitled to Conveyance Allowance at the same rate as is payable to the State Government Officials. But in any case, the allowance shall not be less than an amount equivalent to 100 ltrs of Pol/Hsd.

9. Hill Allowance:-

SBCA (Sikkim Border Compensatory Allowance) being the corresponding allowance for the Hill Allowance in the State, SBCA shall be payable to Judicial Officers in lieu of Hill Allowance at the same rate as is applicable to a State Government official.

10. Medical Facilities:-

The Judicial Officers ² both serving and retired shall be entitled to Medical benefits as are provided to be the Members of the State Legislatures subject to the following modifications:-

1. Substituted vide Notification No. 256/GEN/DOP, dated 22.06.2010 (Gazette No. 291 of 2010)
2&3. Inserted vide Notification No. 39/GEN/DOP, dated 11.10.2006 (Gazette No. 367 of 2006)

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| (1) | The State Government shall notify ¹ the list of Hospitals, Dispensaries, Government and Private, in each City/District Headquarters and places for medical treatment of Judicial Officers ² <i>both serving and retired</i> and members of their family. |
| (2) | The Judicial Officers ² <i>both serving and retired</i> shall be entitled to claim expenses incurred by them for the medical attendance and the treatment obtained by them and their family members in such notified Hospital/Dispensaries. The expenses shall be inclusive of the charges for accommodation in the place where such treatment is taken. |
| (3) | The Judicial Officers ² <i>both serving and retired</i> shall be entitled to reimbursement of the expenses incurred by them or for their family members for the medical attendance and treatment obtained by them in any place other than in a hospital or dispensary maintained by the State Government and other than the hospitals or dispensaries notified by the Government, to the same extent as they are entitled to under the rules for reimbursement of expenses incurred by them for medical attendance and treatment obtained in the notified Hospital or Dispensary. Expenses shall be inclusive of charges for accommodation. |
| (4) | There shall be no restriction on reimbursement except to the extent of in-patient room entitlement. Further, there shall be no any ceiling on reimbursement of expenditure on expensive treatment like kidney transplant, open heart surgery etc. |
| (5) | The District Judge shall be the competent authority for passing the bill for reimbursement of medical attendance and expenses of Judicial Officers ² <i>both serving and retired</i> under him and in case of District Judges, the High Court shall be the sanctioning authority. |
| (6) | All claims for reimbursement of the expenses incurred by Judicial Officers ² <i>both serving and retired</i> for themselves or for their family members shall be accompanied by an “Essentiality Certificate” issued by the authorised Medical Attendant with the bills for reimbursement supported by the prescription and vouchers or cash memos. |
| (7) | Judicial Officers ² <i>both serving and retired</i> shall be entitled to advances to meet the medical expenses for treatment upto 80% of the estimate and the balance shall be paid on due approval when it is produced. |
| (8) | All Judicial Officers, both serving and retired, shall be paid ³ Rs. 1000/- per month as Medical Allowance on and above the facilities provided herein above. |

1. Notification No. 116/GEN/DOP dated 16/20/2008 (Gazette No. 552 of 2008) (Annexure A at Page 9)

2. Inserted vide Notification No. 39/GEN/DOP dated 11.10.2006 (Gazette No. 367 of 2006)

3. Substituted vide Notification No. 256/GEN/DOP, dated 22.06.2010 (Gazette No. 291 of 2010)

11. Leave Travel Concession (LTC)/Home Travel Concession (HTC).

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| (1) | The Leave Travel Concession shall be provided to all Judicial Officers once in a block of four years to any part of India. |
| (2) | In order to claim Leave Travel Concession, one must have put in not less than 5 (five) years of continuous service. <i>¹The Judicial Officers may be permitted to avail LTC on completion of two years of continuous service and after successful completion of the period of probation , while retaining the block period of four years as eligible period.</i> |
| (3) | All Judicial Officers shall be provided Home Travel Concession once in two years. |
| (4) | The entitlement for the journey would be according to the Rules as may be framed by the State Government. |
| (5) | No cash payment in lieu of Leave Travel Concession shall be allowed. Carry forward of Leave Travel Concession is also not allowed beyond retirement. |
| (6) | This entitlement shall not be allowed to a Judicial Officer within one year before retirement. |
| ² (7) | <i>A Judicial Officer who is in the last year of service and has not been able to avail LTC due to reason beyond control such Judicial officer shall also be eligible to avail the benefit of LTC in the last year of their service.</i> |
| ² (8) | <i>In case where a Judicial Officer is subjected to two or more transfers in the same cadre from one end of the State to other, for administrative reasons, he may be allowed to avail an additional Home Travel Concession in addition to the HTC for which he is eligible.</i> |

12. Special Pay:-

The Judicial Official shall be entitled to such special pay for administrative works outside the Court as may be determined by the High Court.

13. Concurrent Charge Allowance:-

The Concurrent Charge Allowance as may be determined by the High Court, shall be paid to the Judicial Officer when he is placed in charge of another Court continuously beyond the period of ten working days and if he performs appreciable judicial work of that Court. The Charge Allowance shall be paid to such Judicial Officer at 10% of the minimum of the time scale of the additional post held.

1. Substituted vide Notification No. 256/GEN/DOP, dated 22/06/2010 (Gazette No. 291 of 2010)

2. Inserted vide Notification No. 256/GEN/DOP, dated 22/06/2010 (Gazette No. 291 of 2010)

14. Encashment of leave and leave salary:-

- (i) The benefit of availing encashment of leave shall be extended to all Judicial Officers in the State without insisting on the availment of leave simultaneously.
- (ii) The Judicial Officers shall be allowed to encash leave not exceeding one month in a block of two years.
- (iii) The encashment of leave shall be ¹*subject to applicable taxes*.

15. Transfer Grant/Disturbance Allowance:-

The Judicial Officers shall be entitled for payment of Transfer Grant in accordance with the Government of India Rules for payment of Transfer Grants.

16. Housing, House Rent Allowance:

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| (1) | All Judicial Officers, irrespective of their cadre, shall be provided with ² <i>rent free</i> Government quarters according to their entitlement, if adequate Government quarters are not available at a time, the Government shall requisition the proper houses and make available to the Judicial Officers. |
| (2) | ³ (Omitted) |
| (3) | All Judicial Officers are entitled to House Rent Allowance at the rate provided to the State Government servants in the State ⁴ <i>irrespective of whether the Judicial Officer is provided with Government Quarters or hired accommodation</i> . |
| (4) | Judicial Officers who occupy their own houses with the permission of the High Court are also entitled to House Rent Allowance at the same rate as provided to the State Government employees. |
| (5) | The Government quarters/requisitioned house provided to Judicial Officer shall have separate space for 'Home Library' and the necessary books and the furniture of the Home Library shall be at the cost of the High Court which shall be administered and managed by the District Judge of the District. |
| (6) | The Drawing Room of each such quarters/house shall be reasonably furnished with a sofa set, carpet, teapoy and one or two side tables and chairs at the cost of the State which shall be administered and managed by the District Judge of the District. |
| (7) | ⁵ <i>A certain percentage of sites/house shall be earmarked for allocation/allotment by private sale to Judicial Officer (Serving or Retired) by Housing (P.W.D.)/Board/City Improvement/Development Authority, as the case may be.</i> |
| (8) | A certain percentage of sites/house, wherever they are available for allocation/allotment by the Housing Board/City Improvement/Development Authority shall be ear-marked for allotment to Judicial Officers. |

1. Substituted vide Notification No. 198/GEN/DOP, dated 26/07/2013 (Gazette No. 470 of 2013)
2 & 4. Inserted vide Notification No. 39/GEN/DOP, dated 11/10/2006 (Gazette No 367 of 2006)
3. Omitted vide Notification No. 39/GEN/DOP, dated 11/10/2006 (Gazette No 367 of 2006)
5. Substituted vide Notification No. 115/GEN/DOP, dated 16/10/2008 (Gazette No. 551 of 2008)

17. Telephone Facilities:-

(1) Every Court shall be provided with a telephone with STD facilities.

(2) Every Judicial Officer shall be provided with a telephone at his residence with STD facilities except Civil Judge-cum-Chief Judicial Magistrate and Civil Judge-cum-Judicial Magistrate.

(3) The ceiling fixed by the State Govt. or the following, whichever is higher, shall be the limits of free calls to the different categories of officers:-

| Sl. No. | Name of the Category | Admissible free calls for two month | |
|---------|---|-------------------------------------|-----------|
| | | Office | Residence |
| (i) | District Judge/Sessions Judge (with STD facility both in office & residence) | 2,000/- | 3000/- |
| (ii) | Civil Judge-cum-Chief Judicial Magistrate (STD facility both in Office and residence) | 2,000/- | 1000/- |
| (iii) | Civil Judge-cum-Judicial Magistrate (without STD facility). | 1,500/- | 1000/- |

(4) The office shall bear the expenses of the installation and bi-monthly payment of the telephone bills upto the aforesaid ceiling. The excess calls, if any, shall be borne by the concerned Judicial Officer.

18. Advances:

(1) All the Judicial Officers shall be entitled for construction of house/purchase of house at the limits prescribed by the Central Government for giving advances.

(2) A rebate of ½% in the interest on House Building Allowance as admissible in the case of Central Government employees for undergoing sterilization operation shall be allowed to the Judicial Officers.

(3) A liberal soft loan upto Rs. 2.5 Lakhs for Judicial Officers for purchase of Motor Vehicles on nominal interest and with easy installment for repayment shall be provided.

(4) Advance for purchase of Personal Computer by the Judicial Officers shall be given on the same scale and terms and conditions as allowed to Officers of Government of India.

(5) Other advances, if any, to the Judicial Officers in regard to matters not specifically covered herein shall be provided on the similar terms and conditions admissible to Central Government Officers.

¹Notwithstanding anything contained herein above, a Judicial Officer shall be entitled to House Loan as per First National Judicial Pay Commission Report in proportion to sixty months pay, with usual interest at par with State Government Employees.

1. Inserted vide Notification No. 256/GEN/DOP, dated 22/06/2010 (Gazette No. 291 of 2010)

19. **Sumptuary Allowance:-**

(1) All the Judicial Officers shall be allowed to draw the sumptuary allowance at the following rate:-

| Category of Judicial Officer | Rs. Per month |
|--|---------------|
| (i) District Judge & equivalent | * 3100/- |
| (ii) Civil Judge-cum-Chief Judicial Magistrate | * 2300/- |
| (iii) Civil Judge-cum-Judicial Magistrate | * 1500/- |

(2) The Sumptuary Allowances shall be tax free.

¹ 20. **Domestic Help Allowance:-**

Every retired Judicial Officer shall be paid a cash payment of
²Rs. 2500.00 per month as “Domestic Help Allowance”.(***)

³ [21. (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.

22. **Family Pensions:**

The Family pension shall be payable @ 30% of the Last Pay Drawn.

Provided that the pensioner shall be given the benefit of full neutralization of the cost of living in the same scale as is being extended to serving Judicial Officers.]

* Substituted vide Notification No. 256/GEN/DOP, dated 22/06/2010 (Gazette No. 291 of 2010)

1. Renumbered as 20 vide Notification No. 115/GEN/DOP, dated 16/10/2008 (Gazette No. 551 of 2008)

2. Substituted vide Notification No. 256/GEN/DOP, dated 22/06/2010 (Gazette No. 291 of 2010)

*** Deleted vide Notification No. 256/GEN/DOP, dated 22/06/2010 (Gazette No. 291 of 2010)

3. Inserted vide Notification No. 115/GEN/DOP, dated 16/10/2008 (Gazette No. 551 of 2008)

- ¹ [23. (1) *The Revised Pension of the Retired Judicial Officer shall be 50% of the minimum pay of the post held at the time of retirement, as revised from time to time.*
- (2) *There should not be any ceiling limit on the maximum pension payable.*
- (3) *The Pensioner should be given the benefit of full neutralization of the cost of living in the same scale as is being extended to the serving Judicial Officers.*
- (4) *A retired Judicial Officer shall be entitled to monthly medical allowance of Rs. 1500/- per month and a family pensioner shall be entitled to a sum of Rs. 750/- per month as medical allowance.*
- (5) *All other medical facilities with regard to treatment and reimbursement as applicable to a serving Judicial Officer shall be applicable to a retired Judicial Officer.*

- (i) *A Judicial Officer shall be eligible for earning full pension on completion of 20 years of service. Relevant Rules/Notification if any, on computation shall be applicable.*
- (ii) *For slashing of qualifying years of service for full pension the pensioner will get the benefit of such slashing.*
- (iii) *With respect to additional quantum of pension and calculation thereof for retired officers the table furnished shall be followed:-*

*

| Age of Pensioner/ family pensioner | Additional quantum of pension |
|---|---|
| <i>From 80 years to less than 85 years</i> | <i>20% of revised basic pension/family pension</i> |
| <i>From 85 years to less than 90 years</i> | <i>30% of revised basic pension/family pension</i> |
| <i>From 90 years to less than 95 years</i> | <i>40% of revised basic pension/family pension</i> |
| <i>From 95 years to less than 100 years</i> | <i>50% of revised basic pension/family pension</i> |
| <i>100 years or more</i> | <i>100% of revised basic pension/family pension</i> |

(7) *The commutation of ² latest pay drawn for Judicial Officer shall be up to a maximum of 50% of the pension.*

(8) *The Gratuity/Death -cum- Retirement Gratuity shall be Rs. 10 Lakhs w.e.f 02.09.2008.*

(9) *Family pension shall be revised and refixed at 30% of the minimum pay of the pay scale of the post held by the pensioner at the time of retirement in the revised pay scale w.e.f. 01.01.2006.*

³ (10) *Family Pensioner shall be paid domestic help allowances at the rate of Rs. 1000/- per month.]*

1. Inserted vide Notification No. 256/GEN/DOP, dated 22.06.2010 (Gazette No. 291 of 2010)

* Substituted vide Notification No. 329GEN/DOP, dated 18.12.2010 (Gazette No. 698 of 2010)

2. Substituted vide Notification No. 329GEN/DOP, dated 18.12.2010 (Gazette No. 698 of 2010).

3. Inserted vide Notification No. 329GEN/DOP, dated 18.12.2010 (Gazette No. 698 of 2010)

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No.116/GEN/DOP

Dated:16.10.2008

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 10 of Judicial Officers' (Allowances, Amenities and Advances) Rules, 2004, the State Government hereby notifies that all Government or Private Hospitals, Dispensaries, Clinics, Nursing Homes or similar Treatment Centre for medical purposes in any part of the country where members of the State Legislature are provided medical treatment, care or related medical treatment matters shall be the approved Hospitals, Dispensaries or Clinics for all purposes of Medical Treatment etc. and for re-imbusement of medical expenses of treatment inclusive of charges of accommodation, medical attendant, etc. for Judicial Officers, both serving and retired, and members of their families as defined in the Sikkim Government Service Rules 1974.

2. Judicial Officers or their families treated outside the State or who are residing outside the State may at their option process their medical claim/bills for reimbursement through nearest Sikkim House, if available. Such bills if any when received by the Sikkim House shall be forwarded to the concerned authority for process and reimbursement.

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