

Implementation of the
recommendations of First National
Judicial Pay Commission for Non-
Judicial staff of the Subordinate Court
of the State.

GOVERNMENT OF GUJARAT
Legal Department
Sachivalaya,
Gandhinagar,
Resolution No. SLP/102012/682/D
Date : 29th October, 2015.

Read:

1. The Government of Gujarat, Legal Department, Resolution No. PGR/102010/14/Part-III/D, Dt. 02/09/2011.
2. The Judgment and Order Dt. 16/03/2015 passed by the Hon'ble Supreme Court of India in I.A. No. 297 of 2012 in I.A. No.71-A in W.P. © No.1022 of 1989 with Civil Appeal No. 2943 of 2015 (@ SLP (C) No.737 of 2012 with I.A. No.329 of 2014 in W.P. (C) No.1022 of 1989.
3. The Judgment and Order Dt. 19/06/2015 passed by the Hon'ble High Court of Gujarat in Special Civil Application No. 6890 of 2014 directing the State to implement the Order Dt. 16/03/2015 passed by the Hon'ble Apex Court on or before 31/08/2015.
4. The Order Dt. 26/08/2015 passed by the Hon'ble Supreme Court of India in Review Petition © No.2504-2505/2015 in I.A. No. 297/2012 in I.A. No.71-A and I.A. No.329/2014 in W.P. © No.1022/1989.

Preamble

Whereas the Government of Gujarat, Legal Department, issued Resolution No. PGR/102010/14/Part-III/D, Dt. 02/09/2011 in order to implement the recommendations made by the Shetty Pay Commission in respect of Non-Judicial Staff of the subordinate Courts of the State;

Whereas the Hon'ble High Court has passed the Judgment and Order Dt. 07/09/2011 in Special Civil Application No.7813 of 2010, inter-alia, holding that the State has implemented the directions given by the Hon'ble Apex Court in letter and spirit by issuing Government Resolution, Dated 02/09/2011.

Diary No. 29/10/15

Whereas the Hon'ble Supreme Court of India has set aside the judgment of the Gujarat High Court Dt. 07/09/2011 passed in S.C.A. No.7813 of 2010 by its judgment Dt. 16/03/2015 and made it clear that wherever in the Shetty Commission recommendation, a higher scale of pay came to be recommended in the pre-existing scale that existed prior to 6th Pay Commission recommendation and on such higher pay scale the corresponding revised scale of pay in the 6th Pay Commission recommendation as applicable from 01/01/2006, should have been continued and it was not permissible for the states to revert back to the earlier scale of pay that existed under the 5th Pay Commission which was directed to be improved in the Shetty Commission recommendation.

Whereas the Hon'ble Supreme Court of India passed an Order Dt.26/08/2015 in Review Petition (C) No.2504-2505/2015 in I.A. No. 297/2012 in I.A. No.71-A and I.A. No.329/2014 in W.P. (C) No.1022/1989 dismissing the Review Petition preferred by the State.

CORRIGENDUM :-

Now, therefore, the Government of Gujarat hereby amends the Resolution No.PGR/102010/14/Part-III/D, Dt. 02/09/2011 as under:-

The contents contained under Para Nos. 1 to 6 of Resolution Dated 02/09/2011 are hereby deleted and the same are hereby substituted by the following:-

1. Pay Revision as per the recommendations of Shetty Pay Commission shall be given from 01/04/2003 to 31/12/2005 and the benefit of the 6th Pay Commission under the Gujarat State Civil Service (Revision of Pay) Rules, 2009 shall be given on the basis of higher scale of pay recommended by the Shetty Pay Commission as on 31/12/2005.
2. The Employees who retired from service or whose services have been terminated or who has died during the period from 01/04/2003 till date shall be entitled to the pensionary benefits as per Pay fixed under this Resolution.
3. The benefits in respect of Special Allowance, Medical Allowance, Travelling Allowance/Compensatory Allowance/Special allowance etc. granted under Government Resolution, Dt. 02/09/2011 shall be continued w.e.f. 01/04/2003 and even after the coming into effect of the 6th Pay Commission recommendation from 01/01/2006 till any modification or revision is made with reference to such allowances in future Pay Commission recommendation of the State.

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4. The amount of arrears for the period (i) From 01/04/2003 to 31/12/2005, if not claimed; and (ii) From 01/01/2006 till date shall be paid in cash before 31/12/2015.

This issues with the concurrence Dt.11/09/2015 and 27/10/2015 of the Finance Department, on this Department's file of even number.

By order and in the name of the Governor of Gujarat,

Divyesh Shah
29/11/15

(Divyesh V. Shah)
Deputy Secretary to the Government of Gujarat,
Legal Department.

To

1. Secretary to Hon'ble Chief Minister, Sachivalaya, Gandhinagar
2. Personal Secretary to Hon'ble Minister for Law, Sachivalaya, Gandhinagar.
3. Personal Secretary to Hon'ble Minister ((Finance), Sachivalaya, Gandhinagar.
4. Private Secretary to Secretary & R.L.A, Legal Department, Sachivalaya, Gandhinagar.
5. P.S. to A.C.S., Finance Department, Sachivalaya, Gandhinagar.
6. The Registrar General, High Court of Gujarat, Ahmedabad.
7. Accountant General, Rajkot / Ahmedabad
8. All Principal District and Sessions Judges.
9. The Principal Judge City Civil & Sessions Court, Ahmedabad
10. The Chief Judge, Small Cause Court, Ahmedabad
11. The Principal Judges, Family Court, Ahmedabad, Vadodara, Rajkot, Surat, Godhra, Junagadh, Anand, Bhavnagar, Jamnagar, Bharuch.
12. The Chief Metropolitan Magistrate, Ahmedabad
13. All Treasury Officers.
14. The Pay & Accounts Officer, Ahmedabad/Gandhinagar.
15. All Sub Treasury Officers.
16. The Section Officers, F and G Branch Legal Department.
17. The System Officer, Legal Department with a request to upload the Resolution in question on the official website of the Legal Department.
18. Select file.