

Officers and Employees of the Supreme Court of India

Chapter 12

General Issues

Introduction

12.1 The Seventh CPC has been mandated to examine, review and recommend changes in the principles that should govern the emoluments structure including pay, allowances and other related facilities/benefits in respect of officers and employees of the Supreme Court of India along with other categories of Central Government employees.

12.2 The Supreme Court is at the apex of the hierarchy of Courts in India, exercising original as well as appellate jurisdiction. Officers and employees of the Supreme Court are employees of the Supreme Court and are not Central Government employees. Article 146(2) of the Constitution of India provides that subject to the provision of any law made by the Parliament the conditions of service of officers and servants of the Supreme Court shall be such as may be prescribed by rules made by the Chief Justice of India or by some other Judge or Officer of the Court as authorised by him. The rules so far as they relate to salaries, allowances, leave or pensions require the approval of the President. Further, Article 146(3) provides that administrative expenses of the Supreme Court including all salaries, allowances and pensions payable to or in respect of officers and servants of the Court shall be charged upon the Consolidated Fund of India.

12.3 In case of VI CPC, the original terms of reference (ToR) of the Commission did not cover officers and employees of the Supreme Court of India, but the ToR was subsequently enlarged to include them. The ToR of the V CPC included the officers and employees of the Supreme Court of India and the Delhi High Court.

Pay Structure of Personnel of the Supreme Court

12.4 The method of recruitment and qualifications for appointment of employees of Supreme Court are governed by the provisions of the Supreme Court Officers and Servants (Conditions of Service and Conduct) Rules, 1961. As per the Recruitment Rules, the existing pay structure of the officers and employees in the Supreme Court is as detailed below:

Sl. No.	Pay Band and Grade Pay	Post
1.	Apex ₹80,000 (fixed)	Secretary General
2.	HAG (₹67,000-79,000)	Registrar
3.	SAG, GP 10000	Additional Registrar
4.	GP 8700	Deputy Registrar, Editor, Director
5.	GP 7600	Assistant Registrar, PPS to CJI, Assistant Registrar cum PS, Chief Librarian, Assistant Editor
6.	GP 6600	Court Master, Branch Officer, Librarian, PS to Registrar, Senior Assistant Librarian
7.	GP 4600	PS to Additional Registrar, Senior PA, Assistant Accounts Officer, Senior Court Assistant, Court Associate, Editor of Paper Books, Senior Translator, Assistant Librarian, Proof Reader, Building Supervisor
8.	GP 4200	Accountant, Cashier, Court Assistant, Junior Translator, PA
9.	GP 2800	Junior Court Assistant, Chauffeur, Special Process Server, Gestetnor Operator Grade I, Library Attendant Grade I, Restorer Grade I
10.	GP 2400	Restorer Grade II, Library Attendant Grade II, Gestetnor Operator Grade II, Senior Court Attendant, Usher, Jamadar
11.	GP 2,000	Junior Court Attendant, Chamber Attendant

Overall Personnel Position

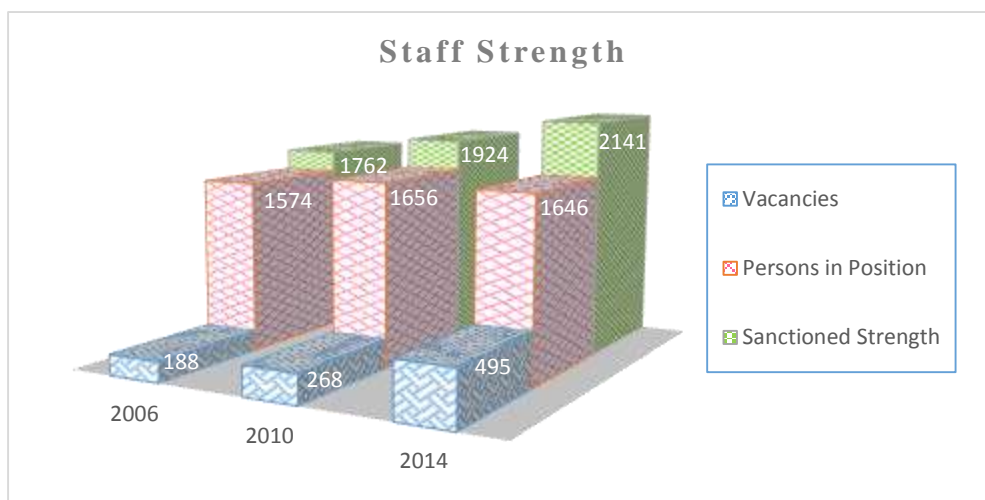
12.5 The number of sanctioned posts in various grades vis-à-vis persons in position (PIP) as on 01.01.2014, as reported by the Supreme Court of India, is as follows:

Group	Sanctioned Strength	Persons in Position	Vacancy	Vacancy as %age of Sanctioned Strength
A	274	226	48	18
B	569	409	160	28
C	1,298	1,011	287	22
Total	2,141	1,646	495	23

12.6 The above table shows that in overall terms 23 percent of total sanctioned strength of the Supreme Court of India is lying vacant as on 01.01.2014. Of the 1,646 persons in position (PIP), 1,095 are pre-2004 recruits and the remaining 551 have been recruited on or after 01.01.2004.

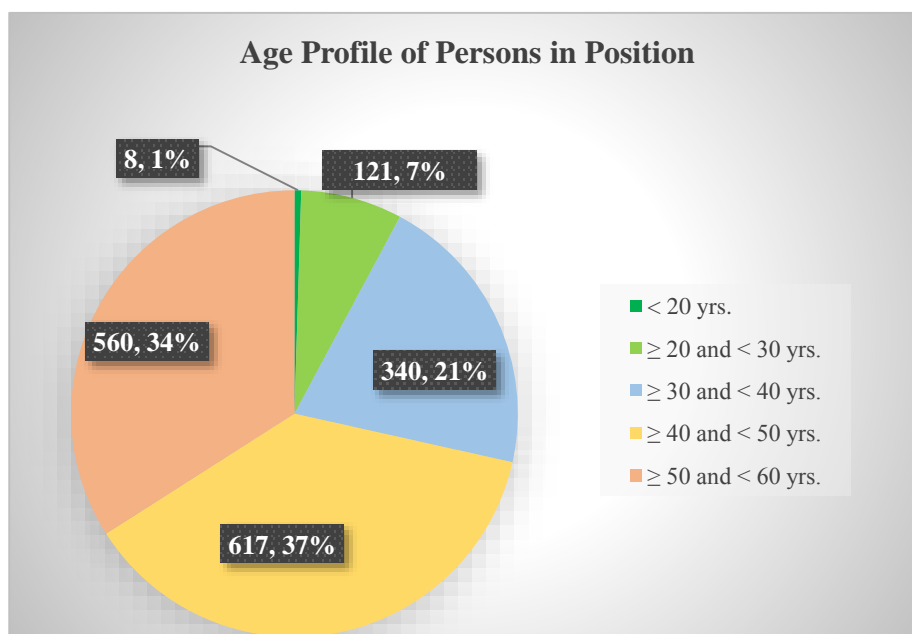
Inter Temporal Trend of Personnel

12.7 The following bar chart indicates the inter temporal position of personnel in the Supreme Court of India as on 01.01.2014 vis-à-vis 01.01.2006 and 01.01.2010.



Age Profile of the Persons in Position

12.8 The following pie chart brings out the age profile of the persons in position (PIP) in Supreme Court of India. It indicates that about 34 percent of the PIP shall be retiring within the next 10 years.



Expenditure on Personnel and Contractual Employees

12.9 The following table brings out the expenditure incurred by the Supreme Court of India, on salaries and allowances on the employees working in the SCI through the years 2010 to 2013.

(₹ in lakh)

Particulars	2010-11	2011-12	2012-13
Expenditure on Salaries and Allowances	7,950	8,739	9,473

Cadre Related Issues

12.10 The Supreme Court Employees Welfare Association has made a representation to the Commission in relation to salaries and allowances of personnel of the Supreme Court of India. On the pay structure they have favoured the old pay scale system, sought an increment of not less than 4 percent per annum and five hierarchical up- gradation for all employees in their career. The Association requested in their demands an upgradation of pay to one level higher than the existing level for a number of posts.

12.11 The Commission has also received from the Registrar, Supreme Court recommendations of the Committee of Officers as well as those of the Committee of Judges of the Supreme Court in relation to pay structure of (i) officers and employees of the Supreme Court and (ii) staff of the Supreme Court Departmental Canteen.

Officers and Employees of the Supreme Court

Upgradation of Pay in Selected Posts in Existing GP 2800

12.12 Upgradation of pay has been sought for the group of posts in the present pay scale with GP 2800 to GP 4200. These include Junior Court Assistant, Chauffer, Special Process Server, Restorer Gr. I/Library Attendant Gr. I/Gestetner Operator Gr. I.

Analysis and Recommendations

12.13 The Commission has noted the recommendations made by the Committee of Judges in this regard. The Committee of Judges after examination of demands made has pointed out that in view of basic qualification, nature of duties and degree of efficiency, integrity and confidentiality the post of Junior Court Assistant can be considered for an upgradation in pay.

12.14 The Commission further notes that the educational qualifications for direct recruitment to the post of Junior Court Assistant is a degree from a recognised University and knowledge of computer operations with a stipulated typing speed in computers. The information furnished to the Commission with respect to the Recruitment Rules of various posts also indicates that in all other posts carrying a GP 2800 the educational qualifications is lower than graduation and therefore equating Junior Court Assistants with these posts would not be correct. In view of the foregoing the Commission is in agreement with the views of the Committee of Judges.

Accordingly, the Commission recommends upgradation in the pay for the post of Junior Court Assistant to GP 4200 from the existing GP 2800.

Upgradation of Pay in Selected Posts in Existing GP 4200

12.15 For the group of posts covering Court Assistant, Personal Assistant, Accountant, Cashier, the Association requested pay parity with the holders of analogous/equivalent posts in the High Court of Delhi, who are drawing pay with GP 4600.

Analysis and Recommendations

12.16 The Commission has noted the recommendations made by the Committee of Judges in this regard. The Committee of Judges, after examination of demands made, agrees with the recommendation of upgradation in pay to conform to the pay of the holders of analogous posts in the High Court of Delhi.

12.17 The Commission recognises that the Supreme Court is at the apex of the hierarchy of Courts in India and hence its personnel should not be disadvantageously placed vis-à-vis the High Court of Delhi.

Accordingly, the Commission recommends upgradation for the post of Court Assistant, Personal Assistant, Accountant and Cashier to GP 4600 from the existing GP 4200.

Upgradation of Pay in Selected Posts in Existing GP 4600

12.18 Upgradation of pay has been sought for pay of the group of posts in the present GP 4600 to GP 4800. These include posts of Private Secretary to Additional Registrar, Sr. Personal Assistant, Senior Court Assistant, Court Associate, Editor of Paper books, Assistant Librarian, Proof Reader, Assistant Accounts Officer (Concurrent Audit) and Building Supervisor. The justification for upgradation is that the holders of analogous posts in the High Court of Delhi are in GP 4800.

Analysis and Recommendations

12.19 The Commission has been informed that the Committee of Judges, after examination of demands made, have endorsed the upgradation in pay to conform with the pay of the holders of analogous posts in the High Court of Delhi.

12.20 The Commission recognises that the Supreme Court is at the apex of the hierarchy of Courts in India and hence its personnel should not be disadvantageously placed vis-à-vis the High Court of Delhi. **Accordingly, the Commission recommends upgradation in the pay for the post of Private Secretary to Additional Registrar, Sr. Personal Assistant, Senior Court Assistant, Court Associate, Editor of Paper Books, Assistant Librarian, Proof Reader, Assistant Accounts Officer (Concurrent Audit) and Building Supervisor to GP 4800 from the existing GP 4600. However on completion of four years approved service further non-functional upgrade to GP 5400 (PB-2) is also recommended for these posts.**

Staff of the Supreme Court Departmental Canteen

12.21 The proposal in relation to pay structure of staff of the Supreme Court Departmental Canteen is for an upgradation of pay of one level higher than the existing level for the posts of

General Manager, Manager-cum-Accountant, Assistant Manger-cum-Storekeeper, Halwai-cum-Cook, Clerk, Assistant Halwai-cum-Cook and Canteen Attendant.

12.22 The Commission has also received from the Registrar, Supreme Court recommendations of the Committee of Officers and Committee of Judges of the Supreme Court in relation to pay structure of staff of the Supreme Court Departmental Canteen.

Analysis and Recommendations

12.23 The Commission has noted the orders dated 6 March, 1995 of the then Chief Justice of India in the context of parity in salary and allowance between Court servants and staff of the Supreme Court Departmental Canteen, which says: “. . . *The nomenclature of posts, salary and allowances etc. and conditions of service of the canteen employees shall be the same as applicable to the corresponding employees in the departmental canteens of the departments of the Central Government.*”

12.24 Canteen Staff have been classified in Chapter 55 of the V CPC report as those belonging to common categories. The VI CPC had, in Chapter 3.8, also specifically treated Canteen Staff as employees belonging to a common category. Further in Chapter 9.1 on ‘Pay scales, allowances and service conditions of employees and Court Officers of the Supreme Court’ the VI CPC has treated canteen staff in the departmental canteen of Supreme Court in the same pay scales as existing for canteen staff in the departmental canteens of the Central Government.

12.25 This Commission, is also of the view that staff of the Supreme Court Departmental Canteen, who carry out a function of a nature that is akin to staff canteens of other Central Government departments are common category personnel and cannot be treated as a distinct category as is the case with other officers and employees of the Supreme Court, whose duties are unique.

12.26 The Commission therefore recommends that the pay structure of staff of the Supreme Court Departmental Canteen should continue to be at par with staff of the Departmental canteens of the Central Government.