

Regd 95

By Regd. Post

From,

S.S.Gautam,
Deputy Registrar (M)
High Court of Judicature at,
Allahabad.

To,

District Judge
Saharanpur(U.P)

SI

No. 10970 /IV- 3599/Admin.(A)/Allahabad: Dated 20-08-2015

Sub: Grant of three advance increments to Sri Rajnesh Kumar, Civil Judge (Junior Division),Saharanpur

Sir,

With reference to your endorsement no. 777-I-15 dated 02-06-15 on the above subject, I am directed to say that three advance increments may be granted only to those Officers of U.P. Nyayik Sewa & U.P. Higher Judicial Service(Direct Recruits) who have been selected having qualification of LL.M Degree from a recognized University and have mentioned this fact in the application form submitted at the time of direct recruitment to U.P.P.S.C or the High Court, as the case may be. This fact has already been communicated to Shri Rajnesh Kumar vide this Court letter No. 11857/IV-3599/Admin.(A) dated 26.08.2013.

I am, therefore, to request you to again intimate the above mentioned facts and circumstances to Sri Rajnesh Kumar for acknowledging the same.

Yours faithfully

Ranjan
13.8.15

Deputy Registrar(M)

~~S.O. (Admin AD) DR (M)~~

may kindly see the letter
dt 02-08-15 of Sri Rajnesh
Kumar (placed below) &
may like to issue?

12-08-15

Ranjan
12/08/15

By Regd. Post

9.6.15
yatal (12) Pages 8.6.15

8920

8-5-15
487

From,

Rajnish Kumar,
Civil Judge, Junior Division,
(Hawali), Saharanpur.

IV 3599 47
06/07/15
15-7-15

To,

The Registrar General,
Hon'ble High Court of Judicature at
Allahabad.

Through,

The District Judge,
Saharanpur.

Subject: Grant of three advance increments to the selected candidates of judicial service in state of U.P. having post graduation-in-law.

1686
S.A. M.H.A.

Sir,

With reference to the letter no. 7419/IV Admin.(A) dated 25.05.13 of the hon'ble court and the Government Order no. -2/2015/355/Two-4-2015-45(12)/91T.C. dated: Lucknow: March 27, 2015 on the subject above-mentioned, it is respectfully submitted that vide Hon'ble High Court notification no. 267/AR(S)2009 Dated Allahabad: April 17, 2009, I joined the UP Judicial Service on April 20, 2009. At the date of appointment I had the degree of LLM but at the date of filling up of the form of UP Judicial Service, I had not completed my LLM. In compliance of the judgement of the Supreme Court dated April 1, 2014 passed in writ petition (c) no. 19 of 2012 Bharatkumar Shantilal Thakkar vs State of Gujrat Another, the government issued fresh G.O. On 27.03.15. The judgement of the Supreme Court dated April 1, 2014, the judgement of the Supreme Court dated

DRM
09-6-15

5
DRM
18.06.2015

Dr. Sudharaj
16/07/15

02/06/15

Request 95

21.03.02 (All India Judges Association & others vs Union of India and others (2002)4 SCC 247) that was considered in Bharatkumar's case and the G.O. Dated 27.03.15 show that a judicial officer having LLM Degree at the date of appointment may be given benefit of three advance increments.

It is, therefore, kindly requested to place my representation before the Hon'ble Court for kind consideration so that three advance increments might be given to me.


With regards.

Dated : June 02 , 2015

Your's faithfully,

प्रमाणित
कार्यालय विद्यालय, सहायपुर
संकां. 777-2-15 दिनांक. 22-6-15
अवकाशित

जि. न. न. न. न. न.
सहायपुर
02-6-15


02/06/15

(Rajnesh Kumar)
Civil Judge, Junior Division,
(Hawali), Saharanpur.
I.D. - UP 1581

Enclosures:-

1. Attested photocopy of Final Degree of LL.M. (Annex.1).
2. Attested photocopy of Marksheet of LL.M. 1st year (Annex.2).
3. Attested photocopy of Marksheet of LL.M. 2nd year (Annex.3).
4. Copy of G.O. Dated 27.03.15 (Annex.4).
5. Copy of judgement dated 01.04.14 (Annex.5).
6. Photocopy of letter dated 25.05.13 of Hon'ble court (Annex.6).

क्रमांक / Serial No.

501540

नामांकन सं. / Enrolment No.

M9210614

अनुक्रमांक / Roll No.

L0557609



प्रमाणित किया जाता है कि राजेश कुमार
 आत्मज/आत्मजा श्री प्रेमचंद एवं श्रीमती सुदेशना
 को इस विश्वविद्यालय से सन् 2006 की परीक्षा में विधि निष्णात की
 उपाधि दिले श्रेणी में प्रदत्त की गयी है।

MASTER OF LAWS

This is to certify that Rajesh Kumar
 son/daughter of shri Prem Chand and Smt. Sudeshna
 has been conferred the Degree of **MASTER OF LAWS** of this
 University in the Examination of 2007 and that he/she was
 placed in Second Division.

CHAUDHARY CHARAN SINGH UNIVERSITY, MEERUT

Dated 30.06.2008

S. S. Osha
 कुलपति
 Vice-Chancellor

Annex. 2

Sl. No. 0089881



CH. CHARAN SINGH UNIVERSITY, MEERUT

(Formerly Meerut University)
STATEMENT OF MARKS

Request 95

Examination / Year LL.M. (I) S.P. - 2005

Candidate's Name : RAJNEESH KUMAR

Roll No. : 00504088

Father's Name : PREM CHAND

Enrol No. : M 210614

Mother's Name : SUDESHNA

Institution's Name : MEERUT COLLEGE, MEERUT

NAME OF THE COURSE	CODE No.	MARKS		MARKS OBTAINED		TOTAL
		Max	Min	THEORY	PRACTICAL	
LEGAL HISTORY OF ENGLAND AND INDIA	101	100		47		
CONSTITUTIONAL LAW OF INDIA	102	100		50		
JURISPRUDENCE	201	100		56		
LEGISLATION PRINCIPLES METHODS & INTERPRETATION	202	100		49		
TOTAL		400	200	202		PASS

[Handwritten Signature]
A.G.J.M. - III
Ch. Charan Singh

In case of any discrepancy between the entries in the marksheet issued & in the University record, the University record shall be final.

Date : 13/08/07

[Handwritten Signature]
Registrar
Registrar

(See on back)

C.C.S. University, Meerut

Auxo. 3

Sl. No 2K8 432704

CH. CHARAN SINGH UNIVERSITY, MEERUT

STATEMENT OF MARKS

Request 25

Examination / Year LL.M. FINAL B.F. - 2007

Candidate's Name : RAJESH KUMAR

Roll No. : 10557609

Father's Name : PREM CHAND

Enrol No. : M 910714

Mother's Name : SUDESHNA

Institution's Name : MEERUT COLLEGE, MEERUT

NAME OF THE COURSE	CODE No.	MARKS		MARKS OBTAINED		TOTAL
		Max.	Min.	THEORY	PRACTICAL	
GENERAL PRINCIPLES OF CONTRACT	310	100		61		
SPECIFIC CONTRACTS	311	100		59		
COMPANY LAW AND PARTNER-SHIP	412	100		54		
NEGOTIABLE INSTRUMENTS CARRIAGE OF GOOD & INSUR.	413	100		51		

	MAX. MARKS	MIN. MARKS	MARKS OBT.	RESULT
TOTAL	400	200	225	
PREV. TOTAL	400	200	202	SECOND
GRAND TOTAL	800	400	427	

[Handwritten Signature]
A.C.S. - MEERUT
Registrar

In case of any discrepancy between the entries in the marksheet issued & in the University record, the University record shall be final.

CHECKED BY :	
1. Full Signature <i>[Signature]</i>	2. Full Signature <i>[Signature]</i>
Full Name.....	Full Name.....

Date :

18/03/09

[Handwritten Signature]
Registrar
C.C.S. University, Meerut

Annex 4/
Request 95

संख्या-2/2015/355/दो.4-2015-45(12)/91 टी.सी.

प्रेषक,

राजीव कुमार,
प्रमुख सचिव,
उत्तर प्रदेश शासन।

सेवा में,

महानिबन्धक,
उच्च न्यायालय,
इलाहाबाद।

नियुक्ति अनुभाग-4

लखनऊ : दिनांक : 27 मार्च, 2015

विषय:- प्रथम राष्ट्रीय न्यायिक वेतन आयोग (शेडटी कमीशन) द्वारा की गयी संस्तुतियों के क्रम में मा० उच्चतम न्यायालय के आदेश दिनांक 21-3-2002 के अनुपालन में उ० प्र० राज्य के स्नातकोत्तर उपाधिधारक न्यायिक सेवा के चयनित अभ्यर्थियों को तीन अग्रिम वेतनवृद्धियाँ प्रदान किये जाने के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक मा० शेडटी आयोग की संस्तुति एवं तत्क्रम में मा० उच्चतम न्यायालय के आदेश दिनांक 21-3-2002 के अनुपालन में उक्त संस्तुति को दिनांक 21-3-2002 से स्वीकार करते हुए उत्तर प्रदेश राज्य के न्यायिक सेवा में चयनित एवं चयन के समय ही विधि में स्नातकोत्तर उपाधिधारक अभ्यर्थियों को तीन अग्रिम वेतनवृद्धियाँ प्रदान किये जाने की स्वीकृति शासनादेश संख्या-1363/दो.4-2009-45(12)/91टी.सी., दिनांक 13 मई, 2009 सपठित शासनादेश संख्या-1705/दो.4-2011-45(12)/91टी.सी., दिनांक 03 जनवरी, 2012 द्वारा प्रदान की गयी है।

2- इस सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि प्रश्नगत प्रकरण में योजित रिट याचिका (सी० संख्या-19/2012, भरत कुमार शान्तिलाल ठक्कर बनाम् गुजरात राज्य व अन्य में मा० सर्वोच्च न्यायालय द्वारा पारित निर्णय दिनांक 01-04-2014 एवं तद्क्रम में महानिबन्धक, उच्च न्यायालय, इलाहाबाद के पत्र संख्या-16117 / IV f 82 (loose), दिनांक 15-11-2014 द्वारा उपलब्ध करायी गयी मा० उच्च न्यायालय, इलाहाबाद की संस्तुति के दृष्टिगत दिनांक 21-3-2002 के पूर्व चयनित एवं चयन के समय विधि की स्नातकोत्तर उपाधि (एलएल०एम०) धारित करने वाले उ० प्र० न्यायिक सेवा एवं उ० प्र० उच्चतर न्यायिक सेवा (सीधी भर्ती) के अधिकारियों को भी 03 अग्रिम वेतनवृद्धियों का लाभ प्रदान किये जाने की श्री राज्यपाल महोदय सहर्ष स्वीकृति प्रदान करते हैं।

3- यह आदेश वित्त विभाग के अशा० संख्या- वे० आ०-2-323/दस-2015, दिनांक 25-3-15 में प्राप्त उनकी सहमति से निर्गत किये जा रहे हैं।

भवदीय

राजीव कुमार
प्रमुख सचिव

....2

- 1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।
- 2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

Annex. 4/2
Request 95

संख्या-2/2015/355(1)/दो-4-2015-45(12)/91 टी.सी., तददिनांक ।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- महालेखाकार, लेखा एवं हकदारी, प्रथम एवं द्वितीय, 30 प्र0, इलाहाबाद।
- 2- महालेखाकार, आडिट, प्रथम एवं द्वितीय, 30 प्र0, इलाहाबाद।
- 3- प्रमुख सचिव, न्याय विभाग, 30 प्र0 शासन।
- 4- निदेशक, कोषागार निदेशालय, 30 प्र0, लखनऊ।
- 5- निदेशक, पेंशन निदेशालय, इन्दिरा भवन, 30 प्र0, लखनऊ।
- 6- निदेशक, वित्तीय प्रबन्ध प्रशिक्षण एवं शोध संस्थान, 24/3, इन्दिरा नगर, लखनऊ।
- 7- संयुक्त निदेशक, शिविर कार्यालय, कोषागार निदेशालय, नवीन कोषागार भवन, कचहरी रोड, इलाहाबाद।
- 8- समस्त अपर/ संयुक्त निदेशक, कोषागार एवं पेंशन, 30 प्र0 ।
- 9- समस्त कोषाधिकारी, उत्तर प्रदेश।
- 10- वित्त(सामान्य) अनुभाग-1, 2 एवं 3, 30 प्र0 सचिवालय।
- 11- वित्त(व्यय-नियन्त्रण)अनुभाग-5/ वित्त वेतन आयोग अनुभाग-2, 30 प्र0 सचिवालय।
- 12- इरला चेक अनुभाग/ इरला चेक (वेतन पर्ची) प्रकोष्ठ, 30 प्र0 सचिवालय।
- 13- समस्त जनपद न्यायाधीश, उत्तर प्रदेश।
- 14- गार्ड फाईल।

आज्ञा से,

(धीरेन्द्र कुमार उपाध्याय)

अनु सचिव

<http://shasanadesh.up.nic.in>

-
- 1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।
 - 2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

Annex. 5
Request 55

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 19 OF 2012

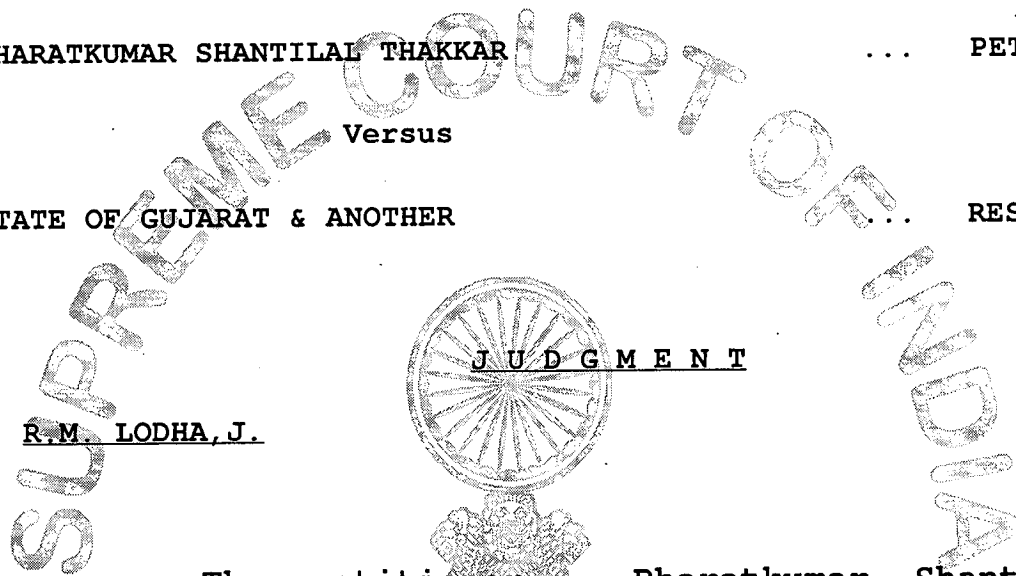
BHARATKUMAR SHANTILAL THAKKAR

... PETITIONER(s)

Versus

STATE OF GUJARAT & ANOTHER

... RESPONDENT(s)



J U D G M E N T

R.M. LODHA, J.

The petitioner - Bharatkumar Shantilal Thakkar joined judicial service in the State of Gujarat in 1995. Prior to his joining judicial service, the petitioner had done post-graduation in law. By this writ petition filed under Article 32 of the Constitution of India, inter alia, he has prayed that direction be issued to the respondents to implement para 8.48 of the recommendations of the 1st National Judicial Pay Commission (for short "Commission") which has been approved by this Court.

2. It appears that during the pendency of the writ petition, by Resolution dated 14.6.2012, additional benefit of three advance increments has been given to the Judicial Officers of the subordinate judiciary in the State of Gujarat pursuant to the recommendations made in the 1st Pay Commission particularly para 8.48 thereof. In that Resolution, however, the sanction of the benefit of three advance increments is conditional upon fulfillment of condition set-out in para 2 or para 4, as the case may be. The relevant part of Resolution dated 14.06.2012 reads:

JUDGMENT

1

2. The advance increments to be given to candidates who possessed higher qualifications in Law at the time of joining service on or after 1.11.1999. But, such increment shall be released upon successful completion of probation period.

3.....

4. The Judicial Officers joined

the services after 1.11.1999 and are having such higher qualifications at the time of selection, they shall be entitled to get such three advance increments.....

3. Mr. Sanjay Parikh, learned counsel for the petitioner submits that the above Resolution does not address the grievance of the petitioner as additional benefit of three advance increments has been made available to those who possessed higher qualification in law on or after 1.11.1999. He further submits that the cut-off date prescribed in the Resolution is wholly arbitrary and that has no nexus with the object sought to be achieved.

4. In para 8.48, the Commission made the following recommendation:

If selected candidates are having a higher qualification like Post-Graduation in Law, we recommend that three advance increments be given as it is allowed by the Delhi Administration. It is an acknowledged fact that Post Graduation in Law is a difficult course and it is better to reward appropriately such candidates.

5. In *All India Judges Association & Others vs. Union of India and others*¹, this Court accepted all the recommendations of the Commission except those which were modified in the judgment itself. This is apparent from para 37 of the judgment which reads as under:

"Subject to the various modifications in this judgment, all other recommendations of the Shetty Commission are accepted."

6. Having regard to the above, the Registrar General of the Gujarat High Court by his communication dated 2.4.2008 sent to the Secretary to the Government of Gujarat, Legal Department advised him to move the Government for insertion of Rule 7-A in the Gujarat State Judicial Services Rules, 2005 (for short "2005 Rules"). Rule 7-A of 2005 Rules, proposed by the High Court, reads as under:

¹ (2002) 4 SCC 247

A candidate selected for the post of Civil Judge who possesses higher qualification in law, such as LL.M., M.Phil in Law, Ph.D. in Law shall be entitled to get three additional increments, but such increments shall be released upon successful completion of the probation period.

7. Pertinently, in the proposed Rule 7-A, there is no cut-off date with regard to acquisition of higher qualification in law such as LL.M. in law, M.Phil in Law, Ph.D. in Law.

8. By subsequent communication dated 27.7.2009, the Registrar General advised the Secretary to the Government of Gujarat, Legal Department that insertion of Rule 7-A in 2005 Rules may not be necessary if the recommendation of granting three advance increments to the candidates having higher qualification in law w.e.f. 1.11.1999 is incorporated as an addendum to the Government Resolution No. Pay/102003/1233/D dated 16.3.2007

and given effect from 1.11.1999.

9. It appears that the sentence "if the present recommendation of granting three advance increments to the candidates having higher qualification in law w.e.f. 1.11.1999" in the letter dated 27.7.2009 has really created confusion which led to cut-off date (1.11.1999) being provided in the Resolution dated 14.6.2012.

The date 1.11.1999 in the above sentence is referable to implementation date for three advance increments and not as the cut-off date for acquiring the higher qualification in law.

This is also clear from the sentence preceding the controversial sentence which reads "...the Government in the Legal Department have issued Resolution No. Pay/102003/1233/D dated 16/03/2007 and given effect to the same from 01/11/1999.

(emphasis supplied). It is not in dispute that while recommending insertion of Rule 7-A in 2005

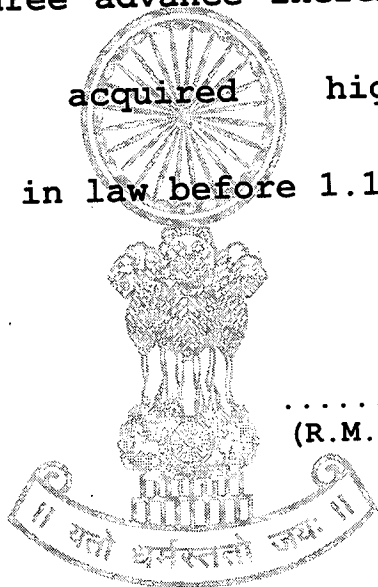
Rules, no cut-off date has been given. As a matter of fact, Mr. Jayesh Gaurav, learned counsel for the respondent No. 2 - High Court of Gujarat submits that by letter dated 27.7.2009, it was neither intended nor meant that three advance increments shall be available only to those judicial officers who have acquired higher qualification in law w.e.f. 1.11.1999. As it is we do not find any rational in providing that those candidates who possessed higher qualification in law on or after 1.11.1999 would be given advance increments. The criteria provided in para 2 is irrational.

JUDGMENT

10 We, accordingly, hold that the expression "on or after 1.11.1999" in para 2 of the Resolution dated 14.6.2012 shall be read as "on or before 1.11.1999".

11. Writ Petition is allowed as above with no order as to costs. All financial benefits as per

this order shall be paid to the petitioner as early as possible and in no case later than two months from the date of receipt of copy of this order. This order shall also be applicable to all Judicial Officers who have been denied benefit of three advance increments on the basis that they acquired higher educational qualification in law before 1.11.1999.



.....J.
(R.M. LODHA)

.....J.
(SHIVA KIRTI SINGH)

NEW DELHI;
APRIL 1, 2014.

JUDGMENT

692/XV Dialo - 31.05.2013

Annex. 6.

By Regd. Post

From,

Rajiv Lochan Mehrotra,
Registrar(Budget),
High Court of Judicature at,
Allahabad.

Request 95

To,

All District Judges/Principal Judges, Family Court
Subordinate to the High Court of Judicature at
Allahabad

No. 7419 / IV Admin (A),

dated: 25-05-2013

Subject: Grant of three advance increments to the selected candidates of Judicial
Service in state of U.P having Post Graduation in Law.

Sir,

I am directed to say that on consideration of G.O. No. 1363/II-4-2009-45(12)/91 TC dated 13.05.2009 and its subsequent clarification issued vide G.O. No. 1705/II-4-2011-45(12)/91 TC dated 03.01.2012, on the subject noted above, the Court has been pleased to order that three advance increments be given to those Officers of U.P Nyayik Sewa & U.P Higher Judicial Service (Direct Recruits) who had been selected on or after 21.03.2002 having qualification of two years LL.M. degree from a recognised University. This benefit will be made available to such officers w.e.f. the date of their entering into the Judicial Service.


I am, therefore to request you kindly provide the list of those Officers of U.P Nyayik Sewa & U.P Higher Judicial Service (Direct Recruits) who had been selected on or after 21.03.2002 having two years degree of LL.M. from a recognised University through fax or e-mail to this Court at an early date, so that three advance increments be given to them.

Yours faithfully,

Registrar(Budget)

ORDER

Secn. Circulate amongst
the Judicial Officers for
necessary action.


District Judge
Chandauli
31.05.2013