

Deputy Registrar(M)

May kindly see below placed office note dated 27.10.2015 of O.S.D(Judicial)(Litigation) on Civil Misc. Writ Petition No. 1628(S/B) of 2015 Lovely Jaiswal Vs. State of U.P. & Others, vide which parawise narrative along with relevant facts & material has been sought for the preparation of draft counter affidavit on behalf of Hon'ble High Court, Allahabad.

In this reference it may be recalled in precise that Smt. Lovely Jaiswal appeared into U.P.Judicial Services Exam, 2006 and after being declared successful in same vide Government/Appointment Notification No. 1539/II-04-32(1)/2008 dated 22.04.2009, she entered into U.P.Judicial Services as Additional Civil Judge(Junior Division), Gonda on 17.12.2009.

In this context, it is submitted that vide letter dated 19.11.2009 & further letter dated 30.11.2010, Smt. Lovely Jaiswal requested this Court to include said qualification of LL.M in her service records. Thereafter, in accordance with Government Memorandum No. 590/II-4-12-26/2(5)/2011 dated 22.05.2012(**Annexure 1**) said degree of LL.M was included in her service-record vide Court's letter No. 14871/IV-3813/Admin(A) dated 24.09.2012(**Annexure 2**).

With reference to grant of three advance increments to all concerned Judicial Officers in accordance with **G.O No. 1363/II-4-2009-45(12)/91TC dated 13.05.2009 read with G.O. No. 1705/II-4-2011-45(12)/91TC dated 03.01.2012**, Court's Circular letter No. 7419/IV-Admin(A) dated 25.05.2013 was issued to All District Judges/Principal Judges, Family Court, Subordinate to High Court, Allahabad requesting therein to provide list of all the officers of U.P.J.S/UPHJS(Direct Recruits) who have been selected on or after 21.03.2002 having two years degree of LL.M from a recognized University.

In response to aforesaid Circular letter, vide letter dated 07.06.2013 the District Judge, Deoria provided name of two officers from Deoria Judgeship i.e Sushil Kumar-IV, Civil Judge(JD), Deoria and Smt. Lovely Jaiswal, Additional Civil Judge(JD), Deoria along with relevant documents(i.e two years degree certificate of LL.M along with mark-sheets) for further necessary action in instant matter.

Thereafter, in accordance with <sup>above mentioned G.O. dated: 03.01.2012 and</sup> guidelines approved vide order dated 13.08.2013(**Annexure 3**) of Hon'ble the Chief Justice and after reviewing eligibility of Smt. Lovely Jaiswal for three advance increments, Court's letter No. 12271/IV-3813/Admin(A) dated 03.09.2013(**Annexure 4**) was issued intimating thereby that financial benefit of three advance increments is granted only to those Judicial Officers who have been selected on or after 21.03.2002 having two years degree of LL.M from a recognized University and have mentioned this qualification in the application form of U.P.Nyayik

8  
2.11.15

S.O. (Admin A1) / DR (M)

In Compliance of approval of Lt.  
Sr. Registrar (B) dt 2.11.2015 a copy of  
narrative along with its enclosure  
is received to OSD (Judicial) on the  
same day. May consign the file?

faib  
2/11/15

OL  
3/1/15

 JMM  
2/10/15

Revert 95

Sewa and U.P.Higher Judicial Services, as the case may be. Also, it was informed that Smt. Lovely Jaiswal does not fulfill the required condition thus she is not eligible to avail benefit of three advance increments.

Thereafter, Smt. Lovely Jaiswal filed a writ bearing W.P. No. 1628(S/B) of 2015 Lovely Jaiswal Vs. State of U.P. & Others, in Lucknow Bench of this Court on which vide Court's order date 16.10.2015, the respondent has been granted four weeks time to file counter affidavit and in lieu of same office of this Court has been directed to provide parawise narrative.

In this context it is submitted that as per Government Order No. 1363/II-4-2009-45(12)/91TC dated 13.05.2009(Annexure 5) read with G.O. No. 1705/II-4-2011-45(12)/91TC dated 03.01.2012(Annexure 6) and Minutes of Hon'ble Committee meeting, approved by Hon'ble Chief Justice vide Order dated 29.04.2013(Annexure 7) read with Hon'ble the Chief Justice order dated 13.08.2013, benefit of three advance increments is granted to the Judicial Officers who entered into UPJS/UPHJS on or after 21.03.2002 and that concerned Judicial Officer should have been selected having degree of LL.M into U.P.Judicial Services or U.P.H.J.S(direct recruitment) and should have mentioned this fact in their application form, submitted at the time of direct recruitment to U.P.P.S.C or the High Court, as the case may be.

Since, Smt. Lovely Jaiswal, Additional Civil Judge(JD), Mathura applied for inclusion of degree of LL.M in her service records after issuance of appointment notification dated 22.04.2009/completion of selection process, Smt. Lovely Jaiswal does not meet eligibility criteria required for availing benefit of three advance increments.

Submitted with regards for kind perusal and onwards transmission, with the approval of Learned Senior Registrar(Judicial)(Budget), for further necessary action.

Copy of all relevant Court's letters and other documents are enclosed as mentioned below:

- Annexure-1 Copy of Government Office Memorandum No. 590/II-4-12-26/2(5)/2011 dated 22.05.2012.
- Annexure-2 Copy of Court's letter No. 14871/IV-3813/Admin(A) dated 24.09.2012.
- Annexure-3 Copy of Hon'ble the Chief Justice order dated 13.08.2013.
- Annexure-4 Copy of Court's letter No. 12271/IV-3813/Admin(A) dated 03.09.2013.
- Annexure-5 Copy of Government Order No. 1363/II-4-2009-45(12)/91TC dated 13.05.2009.
- Annexure-6 Copy of Government Order No. 1705/II-4-2011-45(12)/91TC dated 03.01.2012.
- Annexure-7 Copy of Hon'ble the Chief Justice order 29.04.2013.

Photocopy  
recd.  
Dm  
02-11-15  
for SDG  
(Lit-1)

Sr. Registrar (JCB)

Submitted for kind perusal and approval.

'A' approved

Sr. Registrar (JCB)  
02/11/15

[Signature]  
31/10/15  
S.R.(M)

[Signature]  
31/10/2015

S.O. (Admin. A1)  
[Signature]

Neel R (M)  
02-11-15

Recd. on 28/10/15 at 12:45 PM

Revert-95

The Hon'ble Litigation Committee

L.C. No. 8741

Sent on 29-10-15  
Encl - (53) Page

May kindly have perusal of the placed below order dated 16.10.2015 passed by the Hon'ble Division Bench at Lucknow Bench in Civil Misc. Writ Petition No. 1628 (S/B) of 2015 Lovely Jaiswal Vs. State of U.P. & others, received through office note dated 26.10.2015 of the O.S.D. (Litigation), Lucknow Bench, Lucknow, whereby the Hon'ble Court has been pleased to grant 4 week's time to file counter affidavit in the matter. A copy of the writ petition is also being attached herewith for information and necessary action.

3/28/10-15

The petitioner is an officer of U.P. Nyayik Sewa and now posted as Additional Civil Judge (Junior Division), Mathura, who has filed the instant writ petition and prayed the Hon'ble Court to quash the impugned Government orders dated 03.01.2013 & 03.09.2013, so far as it deprives the petitioner from three advance increment as recommended by Justice K.J. Shetty Commission only because of the reason that she did not mention this qualification in the application form of U.P. Nyayik Sewa. She has further prayed the Hon'ble Court to direct the opposite parties to grant three advance increments to the petitioner on the basis of the Justice Shetty Commission.

May if approved, the Senior Registrar (Budget) be requested to direct the officer concerned to provide parawise narrative alongwith relevant facts & material in reply to the writ petition, positively by 31.10.2015, so that the same may be sent to the O.S.D. (Litigation), Lucknow Bench, for onward transmission to the learned Special Counsel, High Court, Lucknow Bench, Lucknow, for the preparation of draft counter affidavit on behalf of High Court, Allahabad?

(A)

A. Approved  
27.10.15

Register No.	16215
File No.	17/38/13
Social No.	40

29.10.15

O.S.D. (I) (Litigation)  
27.10.2015

3/30/10/15

30-10-15

DR(M)

Sr. Regd (B)  
28/10/15

Received on 29-10-15 at 3.50 PM.  
29/10/15

Pront. Sarita ji  
30/10/15  
1 PM.

URGENT  
S.O. Adm H/A

D.R. (M)  
29-10-15

Recd. on 27.10.15 at 12-30pm

Request-95

O.S.D.(J)(Litigation)

It is to bring to your kind notice that Writ Petition No.1628(S/B) of 2015-Lovely Jaiswal vs State of U.P. and others (notice of which was sent to High Court, Allahabad on 13.10.2015) was listed before the Hon'ble Court on 16.10.2015, as fresh and Hon'ble the Court, vide order dated 16.10.2015, has granted four weeks' time to file counter affidavit and further directed to list thereafter. An uncertified copy of Hon'ble the Court's order dated 16.10.2015 passed in the aforementioned writ petition is being annexed herewith, for ready reference.

In view of the above, if approved, this office note (in original) along with uncertified copy of Hon'ble the Court's order dated 16.10.2015 passed in the aforementioned writ petition may be sent to Sri Shesh Mani, HJS, O.S.D. (J)(Litigation), High Court, Allahabad with the request to provide parawise narrative of the Writ Petition No.1628(S/B) of 2015-Lovely Jaiswal vs State of U.P. and others to this Bench, immediately, so that same may be provided to Sri Upendra Nath Mishra, Advocate, Special Counsel of this Bench for preparation of draft counter affidavit in the matter.

Submitted for kind perusal and necessary orders.

*[Signature]*  
R.O. (Litg)  
26/10/15

*[Signature]*  
26/10/2015  
DR

Approved as at

*[Signature]*  
26/10/15

S.O. (Litigation)  
*[Signature]*  
27-10-2015

Court No. - 3

Case :- SERVICE BENCH No. - 1628 of 2015

Regout-95

**Petitioner :-** Lovely Jaiswal

**Respondent :-** State Of U.P. Through Prin. Secy. Appointment Lko. & Ors.

**Counsel for Petitioner :-** Avinash Chandra

**Counsel for Respondent :-** C.S.C.,U.N.Mishra

**Hon'ble Shri Narayan Shukla,J.**

**Hon'ble Ashok Pal Singh,J.**

Notice on behalf of opposite party no. 1 has been accepted by learned Chief Standing Counsel and for opposite party nos. 2 and 3, Mr. Upendra Nath Mishra, learned Advocate has accepted notices.

The petitioner has assailed the Government Order dated 03.01.2013 as also the order dated 03.09.2013, whereby the State Government has imposed a rider that three advance increments shall be granted only to those candidates, who had mentioned in his/her application their qualification of LL.M. degree. Since the petitioner did not mention her qualification of LL.M. in the application at the time of recruitment, she has been denied from giving any such benefit.

Learned counsel for the petitioner has submitted that the petitioner was appointed on the post of Additional Civil Judge (Junior Division) in 2009 and at that time the Government Order dated 03.01.2009 was applicable, which did not provide any such requirement, therefore, the petitioner is entitled to get the benefit of increments as was provided in the Government Order.

The matter requires examination.

Four weeks' time as prayed by learned counsel for the respondents is allowed to file counter affidavit.

List thereafter:

**Order Date :-** 16.10.2015

Anupam S/-

(Ashok Pal Singh,J.) (Shri Narayan Shukla,J.)

Recd. on 14.10.15 at 11-35 am

From,

R.K. Tiwari, HJS  
O.S.D.(J) (Litigation),  
High Court, Lucknow Bench,  
Lucknow.

Requert-95

To,

Sri Shesh Mani, HJS  
O.S.D.(J)(Litigation)  
High Court of judicature at  
Allahabad.

No. 19081 /Lit/2015

Dated 13-10-15

**Sub:- Writ Petition No.NIL(S/B) of 2015:- Lovely Jaiswal vs State of U.P. and others.**

Sir,

I am sending herewith a copy of aforementioned writ petition, received today i.e. 13.10.2015, from the clerk of Sri Upendra Nath Misra, Advocate, for information and necessary action.

The dates, events and prayers of the said writ petition is being sent to your goodself through Fax.

I am, therefore, to request you to kindly send parawise narrative/instructions of the aforementioned writ petition to this Bench, immediately, so that the same may be provided to the Learned Counsel for the preparation of argument before the Hon'ble Court.

Encl: As above.

Yours faithfully,

*ME* 13.10.2015  
Officer on Special Duty  
(J) (Litigation)

S.O (Litigation)  
*Sam*  
14/10/2015

Sri Upendra N. Misra  
Adv  
14/10/15

IN THE HON'BLE HIGH COURT OF JUDICATURE AT  
ALLAHABAD, LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NO.

(S/B) OF 2015

Request-35

13/10/15  
fact below  
at 1:30 PM  
13/10/15

Lovely Jaiswal

Petitioner

Versus

State of Uttar Pradesh & another...

Opposite Parties

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Place: Lucknow  
Dated: Oct. 1, 2015

[Avinash Chandra]  
Advocate  
Counsel for the Petitioner

Requert-95 (A)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT  
ALLAHABAD, LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NO. (S/B) OF 2015

Lovely Jaiswal ... .. Petitioner

Versus

State of Uttar Pradesh & another... .. Opposite Parties

DATES AND EVENTS

DATES	EVENTS
	Petitioner is Judicial Officer presently posted as Additional Civil Judge (Junior Division), Mathura (U.P.).
October 2006	U.P. Public Service Commission notified vacancies for recruitment on the post of Civil Judge (Junior Division) in pursuance thereto petitioner applied for same.
	At the time of submitting application form petitioner had degree of LLB and was pursuing her LLM degree course therefore she mentioned her qualification as LLB.
23.12.2009	Petitioner got selection and joined service as Civil Judge (Junior Division), Gonda. At the time of her appointment in Judicial Service, the petitioner possessed the degree of Master of Laws (LLM) from University of Lucknow.
03.02.2010	The University of Lucknow issued the degree of Master of Laws to the petitioner of having passed the requisite examination in the year 2008.
22.05.2012	The Appointment Section – 4; Government of Uttar Pradesh, Lucknow through its Office Memorandum provided its approval to keep the degree of LLM in the service records of the petitioner. The said academic qualification of the petitioner possessing the degree of LLM is also mentioned in the service records of the

	petitioner as maintained by the Hon'ble High Court.
	In pursuance of the directions of the Hon'ble Supreme Court in All India Judges Association Case, the Government of India constituted the First National Judicial Pay Commission under the Chairmanship of Hon'ble Mr. Justice K. J. Shetty. The object of the said Commission was to examine and analysis the various aspects like method of recruitment, minimum qualification, age of recruitment and other principles governing the pay and other emoluments of Judicial Officers belonging to Subordinate Judiciary.
	In the said report under Chapter VII at 8.48 states is as follows:- <i>"If selected candidates are having a higher qualification like Post – Graduation in Law, we recommend that three advance increments be given as is allowed by the Delhi Administration. It is an acknowledged fact that the Post-Graduation in Law is difficult course and it is better to reward appropriately such candidates"</i> .
	Hon'ble Supreme Court in the Writ Petition (C) No. 1022 of 1989 decided on 21.03.2002, All India Judge Association and Others Vs. Union of India and Others reported in AIR 2002 SC 1752, has accepted the recommendations.
	State Government of Uttar Pradesh also accepted the recommendations of the Justice Shetty Commission but has added several conditions which otherwise are neither contemplated in the said recommendation nor has any reasonability attached to it.
	The State Government has illegally and arbitrarily denied the benefit of the three advance increments to those Judicial Officers who acquired after joining the service even to those who otherwise would have been covered but because of the fact that they did not mention it in their application form submitted to Public Service Commission or Hon'ble High Court.
	In the said report under Chapter VII at 8.48 states is as follows:- <i>"If selected candidates are having a higher qualification like Post – Graduation in Law, we recommend that three advance increments be given as is allowed by the Delhi Administration."</i>

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	service or who did not mention the LLM degree in their application form submitted to U.P. Public Service Commission or High Court, is absolutely illegal and arbitrary.
	Government Order dated 03.01.2013 is hit by the provision of Article 14 and 16 of the Constitution of India as the same has created an unreasonable classification among the Judicial Officers having similar academic qualification as well as nature of functions.
	Impugned Government order is illegal and arbitrary.
	Hence this WRIT PETITION.

Place: Lucknow  
Dated: Oct. 2015

[Avinash Chandra]  
Advocate  
Counsel for the Petitioner

Request-95

IN THE HON'BLE HIGH COURT OF JUDICATURE AT  
ALLAHABAD, LUCKNOW BENCH, LUCKNOW.

C. M. APPLICATION NO. OF 2015

IN RE:

WRIT PETITION NO. (S/B) OF 2015

Lovely Jaiswal, aged about 31 years, daughter of Sri Ramasarey Prasad Jaiswal, presently posted as Additional Civil Judge (Junior Division), District & Session Courts, Mathura (U.P.) presently residing at J-7, Judges Colony, Civil Lines, Mathura.

... .. Petitioner

Versus

1. State of Uttar Pradesh through Principal Secretary (Appointment), Civil Secretariat, Lucknow.
2. High Court of Judicature at Allahabad through Registrar General, Allahabad.
3. Deputy Registrar (M), Allahabad High Court, Allahabad

... .. Opposite Parties

**APPLICATION FOR INTERIM RELIEF**

For the facts, reasons and circumstances stated in the accompanying writ petition, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to stay the effect and operation of the impugned Clarification Order dated 03.01.2013 and Order dated 16.09.2013, as contained in Annexure no. 1 and 2 respectively to this writ petition during the pendency of the present writ petition.

It is further prayed that this Hon'ble Court may also be pleased to pass such other order(s), which this Hon'ble Court may deem just, fit and proper under the circumstances of the case so as to protect and safeguard the interest of the petitioner, in the interest of justice.

Place: Lucknow  
Dated: Oct. 1, 2015

**[Avinash Chandra]**  
Advocate  
Counsel for the Petitioner

IN THE HON'BLE HIGH COURT OF JUDICATURE AT  
ALLAHABAD, LUCKNOW BENCH, LUCKNOW.

Request-95 ①

WRIT PETITION NO. (S/B) OF 2015

Lovely Jaiswal, aged about 31 years, daughter of Sri Ramasarey Prasad Jaiswal, presently posted as Additional Civil Judge (Junior Division), District & Session Courts, Mathura (U.P.) presently residing at J-7, Judges Colony, Civil Lines, Mathura.

..... Petitioner

Versus

1. State of Uttar Pradesh through Principal Secretary (Appointment), Civil Secretariat, Lucknow.
  2. High Court of Judicature at Allahabad through Registrar General, Allahabad.
  3. Deputy Registrar (M), Allahabad High Court, Allahabad
- ..... Opposite Parties

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION  
OF INDIA

To

THE HON'BLE THE CHIEF JUSTICE  
AND HIS COMPANION HON'BLE JUDGES  
OF THE ABOVE MENTIONED COURT  
SITTING AT LUCKNOW.

The above named petitioner most respectfully submit as under-

1. That the petitioner declares that this is the first writ petition filed by the petitioner arising from the present cause of action. The petitioner further submits that she has never filed any other writ petition before this Hon'ble High Court Judicature at Allahabad or its Bench sitting at Lucknow, on the same set of facts and circumstances.
2. That the petitioner further declares that she has not received the copy of caveat petition concerning to the writ petition, filed by the opposite parties, till date.

That by means of the present writ petition the petitioner seeks to challenge the Clarification Order No. 1705/DO-4-2011-45 (12)/91 TC dated 03.01.2013. By means of the aforesaid Government order while interpreting the Government Order dated 13.05.2009, which has been issued in compliance of the

Lovely Jaiswal

Relevant-95 (2)

judgment dated 22.03.2002 passed by the Hon'ble Apex Court in *All India Judges Association and Others vs Union of India And Others 2002(4) SCC 247*, directing the State Governments to implement the recommendation of the Sheety Commission, has deprived the petitioner from the benefit of her higher qualification of LL.M. in form of three Advance increments, which is otherwise available to the petitioner vide Government Order dated 13.05.2009.

It is most humbly submitted that vide government order dated 03.01.2013 while replying the Query No. 3 the respondent state government has provided that the benefit of the advance increment will be available to a judicial officer only if he/she has provided the information with regard to her qualification at the time of applying to the Public Service Commission, which is otherwise available to all selected candidate in terms of the judgment dated 22.03.2002 passed by the Hon'ble Apex Court in *All India Judges Association and Others vs Union of India And Others 2002(4) SCC 247*.

It is humbly submitted that otherwise the Government order dated 13.05.2009 does not provide any such rider. By means of the Government order dated 03.01.2013 the respondent State Government has created the class among the class, which has no reasonable nexus with the aims and objects of the recommendations of the Shetty Commission. As such the impugned order dated 03.01.2013 suffers from the vise of unreasonable classification and is violative of Article 14 of the Constitution of India. True Copy of the Clarification Order No. 1705/DO-4-2011-45 (12)/91 TC dated 03.01.2013 is being annexed herewith as Annexure No.1.

4. That the petitioner also seeks to challenge the consequential order dated 03.09.2013 passed by the Deputy Registrar, Allahabad High Court Allahabad in terms of the Clarification Order No. 1705/DO-4-2011-45 (12)/91 TC dated 03.01.2013, rejecting the representation of the petitioner for grant of three advanced increment to her. True Copy of the Order dated 03.09.2013 passed by the Deputy Registrar(Budget), Allahabad High Court, Allahabad is being annexed herewith as Annexure No.2

done by Janki  
5.

That for kind convenience of the Hon'ble Court the petitioner humbly wishes to bring certain facts to the knowledge of the Hon'ble Court as under:-

6. That pursuance of the directions of the Hon'ble Supreme Court in All India Judges Associations' Case, the Government of India consulted the First National Judicial Pay Commission under the Chairmanship of Hon'ble Mr. Justice K. J. Shetty. The object of the said Commission was to examine and analyse the various aspects like method of recruitment, minimum qualification, age of recruitment and other principles governing the pay and other emoluments of Judicial officers belonging to Subordinate Judiciary. In the said report Chapter VII at Page 848 states as follows:-

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

7. That the Hon'ble Supreme Court in the Writ Petition (C) No. 1022 of 1989 decided on 21.03.2002, All India Judge Association and Others Vs. Union of India and Others reported in 2002 (4) SCC 247, has accepted the recommendations in para 36 of its said judgment and directed the same to apply with effect from 01.07.2002 in all cases. The Hon'ble Apex Court in All India Judges Association Case, directed that the recommendations by the Commission was to come into force w.e.f. 01.01.1996 but the monetary benefit was to be payable w.e.f. 1.7.1996 and other allowances which the Commission had recommended were to be given effect from 1.11.1999.

8. That it is submitted that the above recommendation of giving three advance increments to the LLM degree holder was made as per the model of the Delhi Administration where all the LLM degree holder Judicial Officers are getting this benefit without any condition or restriction. True copy of the Government of India Order dated 24.06.2002 issued as per the orders dated 20.07.2001 passed by the Hon'ble High Court of Delhi is being annexed herewith as **Annexure no. 3** to this writ petition.

9. That it is further submitted that on the basis of the above recommendations of the Shetty Commission, the State of West Bengal has already granted and extended the benefit of three advance increments to all members of the West Bengal Judicial Service, who had subsequent to their appointment or during the Judicial Service obtained the higher educational qualification like Post-Graduation in Law. True copy of the Government

*Handwritten signature*



Order issued by the State of West Bengal is being annexed herewith as **Annexure no. 4** to this writ petition.

10. That it is submitted that the petitioner applied for the post of Judicial Officer in the year 2006 in pursuance of notification issued by the U.P. Public Service Commission in October 2006 and at the time of issuance of notification the petitioner possessed only the degree of LL.B. (Hons.) therefore she mentioned her qualification as LL.B (Hons.) in the application form.
11. That however, the petitioner pursued the degree of Master of Laws from the University of Lucknow and passed the requisite examination in the year 2008. True copy of the marksheet of the petitioner pertaining to LLM (Semester-IV) Examination, June - 2008 issued by the University of Lucknow is being annexed herewith as **Annexure no. 5** to this writ petition.
12. That the result of the petitioner was declared on 05.12.2008 in which she was declared as selected in U.P. Judicial Services Examination - 2006. Thereafter petitioner was directed by the Hon'ble High Court to join her services on 23.12.2009 as Additional Civil Judge (Junior Division), Gonda. It is humbly submitted that at the time of her selection and appointment in Judicial Service, the petitioner had already completed her post graduation and was possessing the degree of Master of Laws (LLM) from University of Lucknow.
13. That it is most respectfully submitted that the University of Lucknow on 03.02.2010 issued the degree of Master of Laws to the petitioner of having passed the requisite examination in the year 2008. True copy of the degree of Master of Laws issued by University of Lucknow to the petitioner is being annexed herewith as **Annexure no. 6** to this writ petition.
14. That the State Government of Uttar Pradesh while accepting the recommendations of Justice Shetty Commission issued the Government order no. 1363/Do- 4- 2009-45(12)/91TC dated 13.5.2009 and while accepting the recommendation as contained in Para 8.48 of the Shetty Commission provided that the benefit of the three Advanced increments to the judicial officers will be available with effect from 21.03.2002. True Copy has Government order no. 1363/Do- 4- 2009-45(12)/91TC dated 13.5.2009 is being annexed herewith as **Annexure No. 7**.

*Handwritten signature*

15. That the State Government has wrongly interpreted the recommendations of Justice Shetty Commission Report as a result of which the benefit of three advance increments has been made applicable only to those Judicial Officers, who possessed higher academic qualification prior to their selection in the Nyayik Sewa or directly recruited officers of the Higher Judicial Service on or after 22.03.2002 and they have mentioned it in their application form significantly, which was never the intention of the said recommendations as contained under Clause 8.48 in Chapter VII of the Justice Shetty Commission Report.
16. That however as there were certain confusion with regard to the proper implementation of the recommendation of the Shetty Commission as accepted by the Government order dated 13.05.2009 and therefore the Registrar General of the Hon'ble Allahabad High Court, Allahabad sought certain clarification from the State Government.
17. That a clarification was issued vide order dated 03.01.2013 to Government order dated 13.05.2009 by the State Government by means of which the benefit which was actually given by the recommendation of the Shetty Commission and was also accepted by the State Government was withdrawn without any rhyme or reason.
18. That vide the clarification order dated 03.02.2013 while replying the Query No. 3 the respondent state government has provided that the benefit of the advance increment will be available to a judicial officer only if he/she has provided the information with regard to her qualification at the time of applying to the Public Service Commission, which is otherwise available to all selected candidate in terms of the judgment dated 22.03.2002 passed by the Hon'ble Apex Court in *All India Judges Association and Others vs Union of India And Others 2002(4) SCC 247*.
19. That the State Government while granting the benefit of the three advance increments to the Judicial Officers, who possess Master's Degree (L.L.M.), has debarred certain officers by imposing unreasonable restrictions, which neither satisfy the requirement of the recommendations of Justice Shetty Commission Report nor it satisfies the test of reasonability thus the same is violative of Article 14 of the Constitution of India.

Sanjay Jain

20. That depriving other Judicial Officers who have earned Masters (LLM) degree during the service period or to those who did not mention it in their application is neither contemplated by the Justice Shetty Commission Report nor such interpretation is sustainable in view of Article 14 of the Constitution of India as the impugned Government Order seeks to create a class within a Class.
21. That it is pertinent to mention that the the Deputy Registrar of this Hon'ble Court vide its letter dated 27.03.2012 was pleased to send a copy of application dated 19.11.2009 and letter dated 31.11.2010 of the petitioner regarding inclusion of qualification of L.L.M. Degree in the service records of the petitioner. True copy of the letter dated 27.03.2012 of the Deputy Registrar of this Hon'ble Court is being annexed herewith as **Annexure no. 8** to this writ petition.
22. That pursuant to the aforesaid letter dated 27.03.2012, the Appointment Section - 4, Government of Uttar Pradesh, Lucknow through its office memorandum dated 22.05.2012 provided its approval to keep the degree of LLM in the service records of the petitioner. True copy of the office memorandum dated 22.05.2012 is being annexed herewith as **Annexure no. 9** to this writ petition.
23. That the said academic qualification of the petitioner possessing the degree of LLM is also mentioned in the service records of the petitioner as maintained by the Hon'ble High Court. True copy of the service record of the petitioner as available on official website of this Hon'ble Court is being annexed herewith as **Annexure no. 10** to this writ petition.
24. That on 25.05.2013, the Registrar (Budget) of this Hon'ble Court issued a letter to all the District Judges subordinate to the High Court of Judicature at Allahabad to provide the list of those of officers of U.P. Nyayik Sewa and U.P. Higher Judicial Service (Direct Recruits), who had been selected on or after 21.03.2002 having two years degree of LLM from a recognised university stating that this benefit will be made available to such officers w.e.f. the date of their entering into the judicial service. True copy of the letter dated 25.05.2013 issued by the Registrar (Budget) of this Hon'ble Court to all the District Judges subordinate to the High Court of Judicature at Allahabad is being annexed herewith as **Annexure no. 11** to this writ petition.

Lovely Jain

25. That pursuant thereto, the petitioner vide her representation dated 04.06.2013 submitted to the learned District Judge, Deoria requested for doing the needful for grant of the benefit of three advance increments as provided in the aforesaid Government Order to the petitioner. True copy of the representation dated 04.06.2013 submitted by the petitioner to the learned District Judge, Deoria is being annexed herewith as **Annexure no. 12** to this writ petition.
26. That the learned District Judge, Deoria was pleased to forward the representation of the petitioner and one other Judicial Officer alongwith the attested copy of marksheet and certificate of two years degree of L.L.M. to the Registrar (Budget) of this Hon'ble Court through his letter dated 07.06.2013. True copy of the letter dated 07.06.2013 sent by the learned District Judge, Deoria to the Registrar (Budget) of this Hon'ble Court is being annexed herewith as **Annexure no. 13** to this writ petition.
27. That the Deputy Registrar (M) of the High Court of Judicature at Allahabad through his letter dated 03.09.2013 sent to the learned District Judge, Deoria apprised that since it reveals from the service records of the petitioner that she has not mentioned the degree of LLM in the form of U.P. Nyayik Sewa / U.P. Higher Judicial Service, she does not fulfil the required condition for grant of three advance increments.
28. That the impugned Government Order restricting the benefit of three increments only to those Judicial Officers who possess qualification of LLM on 22.3.2002 and prior to the joining of the service and must have mentioned it in their application form and depriving to those who obtained the degree before 22.3.2002 or during service or who did not mention the LLM degree in their application form submitted to U.P. Public Service Commission or High Court, is absolutely illegal and arbitrary.
29. That the action of the State Government in restricting the benefit of three advance increments is in clear violation of Article 14 of the Constitution of India in as such in differentiates among the two classes of employees who are performing the same duties and carrying out same functions with same responsibilities on having same academic qualification.
30. That it is submitted that the Hon'ble Supreme Court in the case of V. Markendey and others Vs. State of Andhra Pradesh and others reported in (1989) 3 SCC Pg. 191 has held that right to

*Lovely Jain*  
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equality in pay scale amongst two classes of employees performing the identical or similar duties and carrying out same functions with the same measures of responsibilities having same academic qualification, is violative of Article 14 and 16 of the Constitution of India.

31. That once the benefit of three advance increments has been provided on the basis of LLM degree it cannot be restricted by adding a condition of prior or subsequent obtaining the LLM degree and also the factum of mention this qualification in the application form. The perusal of the impugned order reveals that confining the benefit of three advance increments at the time of entry in service is nothing but to frustrate the right of the Judicial Officers to get higher pay from the date of them having acquired LLM degree.

32. That it is further submitted that Article 14 of the Constitution of India forbids unreasonable classifications while the impugned Government Order creates a classification which is not based on an intelligent differentia and there is no rationale or relation to the object sought to be achieved by the recommendations of the Justice Shetty Commission. The fact that the judicial officers / petitioner have been performing the similar duties and function and their posts are inter-changeable has been grossly ignored while classifying or restricting the benefit of the higher academic qualification while granting three advance increments on that basis.

33. That the impugned Government Order denies the benefit of the three advance increments even to those judicial officers who possess the LLM degree prior to their selection in judicial department (directly recruited) but did not mention it in their application to the Public Service Commission / High Court because there was not any incentive for that.

34. That the impugned Government order ignores the benefit of three advance increments to those judicial officers like the present petitioner, who obtained the LLM degree after submission of application form to the Public Service Commission / High Court, but before joining the Judicial service and thus could not have mentioned it in their application form submitted to Public Service Commission / High Court.

35. That the intention behind the recommendation of Justice Shetty Commission Report to provide three advance increment to those class of officers having LLM degree was to acknowledge

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fact that the post graduation in Law is difficult course and it is better to reward appropriately such candidates as the Institution is being benefited by their higher qualification but the State has created a sub class without any reasonable classification.

36. That the petitioner applied / requested for the benefit of three advance increment recommended by Shetty Commission to Hon'ble High Court by means of her representation dated 04.06.2013, however the said representation was rejected on the basis of unreasonable impugned Government Order. It has already been submitted above that the Hon'ble High Court has rejected her claim mentioning that three advance increments are to be given only those judicial Officers of U.P. Nyayik Sewa who have mentioned this qualification in the application form of U.P. Nyayik Sewa. Since the petitioner was only pursuing the LLM Course while applying for the judicial service and did not possess the degree so she could not mention the LLM degree in her application form and thus on the basis of the impugned illegal and arbitrary Government order the representation of the petitioner has been rejected by this Hon'ble Court.
37. That the petitioner is advised to state that Justice Shetty Commission has nowhere recommended that three advance increments are not to be granted to those officers who acquire LLM degree while in service or subsequent to their appointment or have not mentioned the same in their application form.
38. That admittedly the recommendations of Justice K. J. Shetty Commission have been implemented and enforced prior to 21.03.2002 as per the direction issued by the Apex Court in All India Judges Association (2002), the pay scales recommended by the Commission should be deemed to come into force with effect from 01.01.1996 but the monetary benefit was to be payable with effect from 01.07.1996 other allowances which the Commission had recommended, were to be given effect from 01.11.1999.
39. That the impugned Government order is hit by the provisions of Article 14 and 16 of the Constitution of India and the classification to discriminate the Judicial officers having similar academic qualification is illegal, arbitrary and malafide.

Hardly Jain  
40.

That having no any efficacious and effective alternative remedy this writ petition under Article 226 of the Constitution of India is being filed on the following amongst other grounds:-

Request-YS

GROUNDS

- (A) Because, at the time of submitting the application form of U.P. Nyayik Sewa, the petitioner was only pursuing her LLM degree course and did not possess the degree of LLM, therefore she did not mention her qualification as LLM.
- (B) Because at the time of her appointment in Judicial Service, the petitioner possessed the degree of Master of Laws (LLM) from University of Lucknow.
- (C) Because the recommendations of Justice Shetty Commission report provides that the Judicial Officers having LLM degree should be awarded three advance increments and the Delhi Administration has already allowed the same.
- (D) Because State of U.P. accepted the said recommendations but with certain unreasonable riders mentioning that three advance increments are to be given only those judicial officers who have been selected on or after 21.3.2002 having degree of LLM and who have been mentioned this qualification in the application form.
- (E) Because impugned GO dated 03.01.2013 is hit by the provision of Article 14 and 16 of the Constitution of India as the same has created an unreasonable classification among the judicial officers having similar academic qualification as well as nature of function.
- (F) Because Article 14 forbids unreasonable classification and the impugned order has created a classification which is not based on intelligible differentia and there is no rationale or related to the object sought to be achieved by the recommendation of the Justice Shetty Commission report.
- (G) Because the State Government has wrongly interpreted the recommendations of the Justice Shetty Commission Report, which has provided that the three advance

increments given to those judicial officers who possess LLM degree, the said recommendation is without any stipulation or rider.

- (H) Because the impugned Government order is illegal, arbitrary and malafide.

**PRAYER**

Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to:-

- (i) Issue a writ of certiorari quashing the impugned Government order dated 03.01.2013 contained in Annexure no. 1, to this writ petition, in so far it deprives the petitioner from three advance increments as recommended by Justice K. J. Shetty Commission only because of the reason that she did not mention this qualification in the application form of U.P. Nyayik Sewa, in the interest of justice.
- (ii) Issue a writ of certiorari quashing the impugned order dated 03.09.2013 contained in Annexure no. 2
- (iii) Issue a writ of mandamus commanding the respondents to grant three advance increments to the petitioner on the basis of Justice Shetty Commission.
- (iv) Any order or direction may also be passed as this Hon'ble Court deems fit in the facts and circumstances of the case.
- (v) The cost of the petition may also be allowed.

Place: Lucknow  
Dated: Sept. 2015

Advocate  
Counsel for the Petitioner



मानव संसाधन विभाग, जिला कार्यालय, जयपुर

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संख्या-1705/सं-4-2011-45(12)/91टी.सी.

Request-95

प्रेषक, योगेश्वर राम मिश्र, संयुक्त अधिव, उ०.प्र० शासन।

सेवा में, महाविद्यार्थक, मा० उच्च न्यायालय, जयपुर।

विषय: अतिरिक्त वेतन दिनांक 03 जनवरी 2012  
 विषय- प्राथम राष्ट्रीय न्यायिक वेतन आयोग (रोटटी कमीशन) द्वारा की गयी संस्तुतियों के अन्तर्गत मा० उच्च न्यायालय के आदेश दिनांक 21.3.2002 के अनुपालन में उ० प्र० शासन के स्नातकोत्तर उपाधि धारक न्यायिक/उच्चतर न्यायिक सेवा के व्यक्तित्व अन्वयितियों को 03 अग्रिम वेतन वृद्धि प्रदान करने के संबंध में।

महोदय, उपर्युक्त विषय पर पूर्व में जारी शासनादेश संख्या-363/सं-4-2009-45(12)/91टी.सी. दिनांक 13.5.2009 में रोटटी अयोग की संस्तुतियों के अनुरूप यह स्पष्ट किया जा चुका है कि 03 अतिरिक्त वेतन वृद्धि का लाभ ग्रहण के समय स्नातकोत्तर उपाधि धारक न्यायिक/उच्चतर न्यायिक सेवा के अभ्यर्थियों/अधिकारियों को प्राप्त होगा। फिर भी आपके विभिन्न पत्रों में उल्लिखित 05 व्यक्तियों को पत्रों में विनियमित वस्तुस्थिति स्पष्ट करते हुए पुत्री यह कहने का निर्देश हुआ है कि निम्नलिखित सारिणी में दिये गये व्यक्तित्व उत्तरानुसार अग्रतर आध्यात्मिक कार्यवाही सुनिश्चित करने का कार्य करें।

क्र.सं.	मा० उच्च न्यायालय का प्रश्न	उत्तर
1.	क्या दिनांक 21.3.2002 को स्नातकोत्तर उपाधि धारक सेवागत एवं नियमित सभी न्यायिक अधिकारियों को 03 अतिरिक्त वेतन वृद्धि प्रदान की जायेगी?	हाँ
2.	क्या दिनांक 21.3.2002 के बाद प्रस्तावित उपाधि धारक न्यायिक अधिकारियों को भी 03 अतिरिक्त वेतन वृद्धि प्रदान की जायेगी।	वेतन के सुभाव ही दिनांक 21.3.2002 पूर्व एलके संयुक्त प्रस्तावित उपाधि धारक उच्चतर न्यायिक सेवा के अधिकारियों को ही संवत् 2011 में प्रदान होगी।
3.	क्या केवल न्यायिक/उच्चतर न्यायिक अधिकारियों को न्यायिक/उच्चतर न्यायिक सेवा के अंतर्गत ही लाभ प्राप्त होगा जो कि सेवा आदेश के अन्तर्गत नियुक्त, नियुक्त, प्रस्तावित किया गया या जो स्नातकोत्तर उपाधि धारक न्यायिक/उच्चतर न्यायिक सेवा के अधिकारियों को उन्हे ही 03 अतिरिक्त वेतन वृद्धि प्रदान की जायेगी?	हाँ

Lavely Jaiswal

<p>4. क्या 03 अतिरिक्त वेतन मुक्ति से सम्बन्धित/उत्पन्न आर्थिक सेवा के शीघ्री भर्ती से अधिकारियों को भी देय होगी जो दिनांक 21.3.2009 तक पदों को प्राप्त करने के समय प्रस्तावित, एम. डिग्री रखते थे?</p>	<p>जी हाँ</p>
<p>5. क्या उपरोक्त शासनादेश संख्या-1383/एच-4-2009-45(12)/01डी.सी. दिनांक 15.3.2009 में प्रस्ताव 03 अतिरिक्त वेतन मुक्ति की सुविधा को प्राप्त अधिकारियों को भी देय होगा।</p>	<p>जी हाँ, यदि सरकार द्वारा वेतन का भाग होता है अतः ऐसे अधिकारियों को वेतन मुक्ति से प्राप्त वेतन मुक्ति देय होगा।</p>

महोदय,  
 (सोमेश्वर राम मिश्र)  
 संयुक्त सचिव।

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संख्या-1705/दो-4-2011-15(12)/91 टी.सी.

प्रेषक.

योगेश्वर रान मिश्रा,

संयुक्त सचिव,

उ०प्र० शासन।

सेवा में.

महानिबन्धक,

मा० उच्च न्यायालय

इलाहाबाद।

नियुक्ति अनुभाग-4

लखनऊ : दिनांक 03 जनवरी 2013

विषय - प्रथम राष्ट्रीय न्यायिक वेतन आयोग (शेड्टी कमीशन) द्वारा की गयी संस्तुतियों के क्रम में मा० उच्चतम न्यायालय के आदेश दिनांक 21.3.2002 के अनुपालन में उ०प्र० राज्य के स्नातकोत्तर उपाधि धारक न्यायिक/उच्चतर न्यायिक सेवा के चयनित अभ्यर्थियों को 03 अग्रिम वेतन वृद्धि प्रदान किये जाने के सम्बन्ध में।

महोदय,

उपर्युक्त विषय पर पूर्व में जारी शासनादेश संख्या-363/दो-4-2009-45p12)/91 टी.सी. दिनांक 13.5.2009 में शेड्टी आयोग की संस्तुतियों के अनुरूप यह स्पष्ट किया जा चुका है कि 03 अतिरिक्त वेतन वृद्धि का लाभ चयन के समय स्नातकोत्तर उपाधि धारक न्यायिक/उच्चतर न्यायिक सेवा के अभ्यर्थियों/अधिकारियों को प्राप्त होगा। फिर भी आपके विभिन्न पत्रों में वांछित 05 बिन्दुओं के संदर्भ में बिन्दुवार वस्तुस्थिति स्पष्ट करते हुए मुझे यह कहने का निर्देश हुआ है

Sanjay Jain

~~Sanjay Jain~~

कि निम्नलिखित सारिणी में दिये गये यथोचित उत्तरानुसार अग्रेतर आवश्यक कार्यवाही सुनिश्चित करने का कष्ट करें।

(15)  
Request-95

क्रमांक	मा0 उच्च न्यायालय का प्रश्न	उत्तर
1.	क्या दिनांक 21.3.2002 को स्नातकोत्तर उपाधि धारक सेवारत एवं सेवानिवृत्त सभी न्यायिक अधिकारियों को 03 अतिरिक्त वेतन वृद्धि प्रदान की जायेगी ?	नहीं
2.	क्या दिनांक 21.3.2002 के बाद एलएलएम. उपाधिधारक न्यायिक अधिकारियों को भी 03 अतिरिक्त वेतन वृद्धि प्रदान की जायेगी।	चयन के समय ही दिनांक 21.3.2002 एवं उसके बाद एल. एम. उपाधि धारक सेवत अधिकारियों को ही उक्त सुविधा प्राप्त होगी।
3.	क्या केवल ऐसे न्यायिक/उच्चतर न्यायिक अधिकारियों को जिन्होंने चयन के समय अपने आवेदन पत्र में जो कि लोक सेवा आयोग एवं उच्च न्यायालय, इलाहाबाद को प्रस्तुत किया गया था, में स्नातकोत्तर उपाधि का जिक्र किया था उन्हें ही 03 अतिरिक्त वेतन वृद्धि प्रदान की जायेगी ?	जी हां।
4.	क्या 03 अतिरिक्त वेतन वृद्धि ऐसे	जी हां

ant  
Lovely Jaiswal

Report

	न्यायिक/उच्चतर न्यायिक सेवा के सीधी भर्ती के अधिकारियों को ही देय होगी जो दिनांक 21.3.2002 एवं उसके बाद चयन के समय एलएल.एम. डिग्री रखते थे ?	
5.	क्या उक्त शासनादेश संख्या-1363/दो-4-2009-45(2)/91 टी.सी. दिनांक 13.5.2009 में प्रदत्त 03 अतिरिक्त वेतन वृद्धि की सुविधा के साथ महंगाई भत्ता भी देय होगा।	जी हां, चूंकि महंगाई भत्ता वेतन का भाग होता है अतः ऐसे अग्रिम वेतन वृद्धि पर महंगाई भत्ता अनुमत्य होगा।

भवदीय,

(योगेश्वर राय मिश्र)

संयुक्त सचिव

Handy Sairi / ~~Handy Sairi~~

Annexure No-2

(17)

By Regd. Post

Request 95

From,

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

To,

The District Judge,  
Deoria.

No. 12271 /IV-3813/Admin.(A) dated 03-9-2013

Subject: Grant of Three advance increments to who have been selected on or after 21.03.2002 having two years degree of LL.M. from a recognized University.

Sir,

With reference to your letter no. 838/XV dated 07.06.2013, on the above subject, I have to say that from perusal of service record of Smt. Lovely Jaiswal, Additional Civil Judge (Jr. Div.), Deoria, she has not mentioned LL.M. in the form of U.P Nyayik Sewa/ U.P. Higher Judicial Service.

According to the Govt. order and approval of Hon'ble the Chief Justice, three advance increments only be given to those judicial Officers of U.P Nyayik Sewa and U.P.H.J.S., who have been selected on or after 21.03.2002 having two years degree of LL.M. from a recognized University and for ensuring that who have been selected on or after 21.03.2002 having LL.M. degree who have mentioned this qualification in the application form of U.P Nyayik Sewa and U.P Higher Judicial Service, as the case may be

I am therefore to request you kindly to intimate Smt. Lovely Jaiswal that she has not fulfilled the required condition, for grant of three advance increments.

Yours Faithfully,

S. S. Gauram  
29.8.13  
Deputy Registrar

No. 12272 /IV-3813/Admin.(A) dated 03-9-2013

Copy forwarded to Smt. Lovely Jaiswal, Additional Civil Judge (Jr. Div.),  
Deoria.

Lovely Jaiswal

MOST IMMEDIATE

No. 17 17014/1/95-J03  
Government of India  
Ministry of Law, Justice & Company Affairs  
(Department of Justice)

Jaisalmer House, Mansingh Road,  
New Delhi-110011 / Dated 24.8.2002

Revised-95

To,

The Secretary,  
Department of Law, Justice & Legislative Affairs,  
Govt. of NCT., 6, Shyam Nath Marg,  
Delhi-110 054.

Subject

Grant of advance increments on Attaining Higher Qualifications in  
Compliance of Hon'ble Supreme Court of India's Judgment in Identical  
Cases.

Sir,

In pursuance of the Hon'ble Supreme Court order dated 1.2.2002 dismissing SLP No. 1462/2002 filed as Union of India Vs. S.K. Kaushik & Ors. filed by the Union of India against the High Court of Delhi judgment dated 3.8.2001 in LPA No. 392/01 and other identical cases wherein the Hon'ble Delhi High Court had directed Union of India to grant of three advance increments to the petitioner, Sh. S.K. Kaushik Judicial Officer w.e.f. 1.1.1986 and all other similarly situated Judicial Officers throughout their employment as Judicial Officer, and in case the petitioner is placed in a higher or revised pay scale, he will get three advance increments in that higher/revised pay scale in Higher Judicial Service and the arrears payable to the petitioner will be duly worked out and paid to him. I am directed to convey sanction of the Central Government to the grant of 3 advance increments to the petitioner, Sh. S.K. Kaushik, a Judicial Officer w.e.f. 1.1.1986 and arrears accrued to him and to all other similarly situated Judicial Officers throughout their employment as Judicial Officer as per the orders dated 2.2.2001 of the Hon'ble High Court.

This issued with the approval of Department of Personnel & Training vide Memo No. 3117/AS/02 dated 20.8.2002.

Thanking you.

Yours faithfully,

(CHARANJIT SINGH)  
DY. SECRETARY  
TO THE GOVT. OF INDIA

Assistant

similarly situated

Karshy Jain

Type Copy of Annexure No-3

19

Most Immediate

Request-95

No. 17 17014/1/98-JO3

Government of India

Ministry of Law Justice & Company Affairs

(Department of Justice)

Jaisalmer House, Mansingh, Road

New Delhi 110011, Dated 24.6.2002

To

The Secretary,

Department of Law, Justice & Legislative Affairs,

Govt. of NCT., 5, Sham Nath Marg,

Delhi-110054

Subject :- Grant of advance increments on Attaining Higher Qualifications in Compliance of Hon'ble Supreme Court of India's Judgment in Identical Cases.

Sir,

1. In pursuance of the Hon'ble Supreme Court order dated 1.2.2002 dismissing SLP No. 1462/2002 titled as Union of India Vs. S.K. Kaushik & Ors. Filed by the Union of India against the High Court of Delhi judgment dated 3.8.2001 in LPA No. 390/01 and others identical cases wherein the Hon'ble Delhi High Court had directed Union of India to grant of three advance increments to the petitioner, Sh. S.K. Kaushik Judicial Officer w.e.f. 1.1.1986 and all other similarly situated judicial officers throughout their

Devki Jain

Jain



Request-95

employment as judicial officer, and in case the petitioner is placed in a higher or revised pay scale, he will get three advance increments in that higher/revised pay scale in Higher Judicial Service and the arrears payable to the petitioner will be duly worked out and paid to him. I am directed to convey sanction of the Central Government to the grant of 3 advance increments to the petitioner Sh. S.K. Kaushik, a Judicial Officer w.e.f. 1.1.1986 and arrears accrued to him and to all other similarly situated Judicial Officers throughout their employment as judicial officer as per the orders dated 20.2.2001 of the Hon'ble High Court.

2. This issues with the approval of Department of Personnel & Training vide their ID No. 3117/JS/02 dated 20.6.2002.

Thanking you

Yours Faithfully

(CHARANJIT SINGH)  
DY. SECRETARY  
TO THE GOVT. OF INDIA

~~Handwritten signature~~

Sanjay Saini

Request-95

IN THE HIGH COURT OF DELHI  
LPA No. 374/01 & CM Nos. 917-9/01  
Date of Decision : July 30, 2001

Union of India & Anr. ....Appellants

Through

Ms. Avnish Ahlawal, Advocate

Shri B.L. Garg & Anr.

.....Respondents

Through

Memo

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI

HON'BLE MR. JUSTICE R.C. JAIN

1. Whether the Reporters of Local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?

Dalveer Bhandari, J (Oral)

Learned Single Judge while deciding the writ petition has followed the Division Bench judgment of this court delivered in Civil Writ Petition No. 4799/95.

The need and importance of higher education and professional qualifications have been recognized by the fourth pay Commission. In para 29.8 at page 29, Vol. 1 of

*lovely jain*

*[Signature]*

(22)

*Request-95*

the Fourteen Pay Commission report it has been recommended that the government employees, who could acquire higher professional qualifications would be useful in their officials working and contribute to their efficiency. The recommendation of the Fourth Pay Commission were accepted by the Government of India on 15.2.1986 and it was duly accepted by the Union of India.

Through officer memorandum dated 15.12.1986 providing that incentives were being allowed for acquiring special qualifications like post graduate degree/diploma in the case of doctors. It was the general consensus that attaining a higher qualification in a particular field undoubtedly results in broadening the outlook of an individual and increase in knowledge thereby directly bringing efficiency which alone was the object of recommendation made by the Fourth Pay Commission. It was further held that strong recommendations had been made by the Delhi High Court after pointing out that it had not conveyed any time frame for making recommendations. There was no reason why the same ought not to have been accepted by the appellants/Union of India and the Delhi Government. It may be pertinent to mention that such incentives have already been given to doctors and other government employees. Denial of similar incentives to the respondents judicial officers in the matter of increments on acquiring or in recognition to the higher qualification would

*Lavely Jainy*

~~*[Signature]*~~

(23)  
Report-95

amount to discrimination. It is stated in the writ petition that the office memorandum dated 15<sup>th</sup> December, 1986 was not circulated amongst the members of the Delhi Judicial Services and was otherwise not in the knowledge of the respondents and immediately on learning about the same the respondents preferred their claims which were not accepted and ultimately the respondents were compelled to file the writ petitions before this court.

The division Bench of this court in a comprehensive judgment in Civil Writ petition No. 4799/95 has directed that the judicial officers who possess higher academic qualification i.e. Master of Laws will be entitled to get three advance increments in the higher or revised pay scale in terms of office memorandum dated 15.12.1986 and also the subsequent notification issued by the Government of India on 31.1.1985.

It may be pertinent to mention that aggrieved by the judgment of the Division Bench the Union of India referred a revision petition. After the hearing the counsel for the parties, the review petition was rejected. The Union of India again chose not to accept the decision of the Division Bench and preferred a special leave petition before the Hon'ble. Supreme Court. It is unfortunate that even after the dismissal of the special leave petition, the appellants chose not to grant the same benefit to the similarly placed

*Lowly Jain*

*[Signature]*

judicial officers and eventually these officers were compelled to move this court again.

(24)  
Report 95

It is beyond our comprehension that even after dismissal of the special leave petition why the same benefit was not extended to the similarly placed judicial officers. It is also not understandable why the appellant should grudge the small benefit to the judicial officers in recognition of their higher qualification of Master of Laws. We are of the considered opinion that the appellant must encourage judicial officers to acquire higher qualification in the larger interests of all concerned.

We direct the Union of India to grant similar benefits to all other similarly placed judicial officers in Delhi state within three months of the receipt of this order to avoid unnecessary litigation.

This appeal is barred by limitation. Since we have decided this appeal on merit, therefore, it is not necessary to deal with the application for delay in filing this appeal.

LPA 374/01 and CM Nos: 917/01, 918/01 & 919/01 are accordingly disposed off Dasti.

Dalveer Bhandari, Jr

R.C. Jain, J.

30<sup>th</sup> July, 2001

*Handwritten signature: Ramesh Chandra Jain*

*Handwritten signature: R.C. Jain*

IN THE HIGH COURT OF DELHI  
LPA No. 390/01 & CM Nos. 968-70/01

Date of Decision : July 3, 2001

(25)  
Request-95

Union of India & Anr. .... Appellants

Through

Ms. Avnish Ahlawal, Advocate

Shri S.K. Kaushik & Anr. .... Respondents

Through

Memo

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI

HON'BLE MR. JUSTICE R.C. JAIN

1. Whether the Reporters of Local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?

Dalveer Bhandari, J (Qral)

This appeal is allowed and disposed of in terms of our details judgment passed in LPA No. 374/2001 dated 30.7.2001.

C.M. Nos. 968-970/01 are also accordingly disposed of.

Dalveer Bhandari, J,  
August 3rd, 2001.

*Handwritten signature: R.C. Jain*

*Handwritten signature: Dalveer Bhandari*

Annexure No - 4

Office		
Additional District Judge/Sessions Judge (With STD facility both in office and residence).	2000	1000
Civil Judge (Sr. Divn.) and CJM (STD facility to CJM both in office and residence)	2000	1000
Civil Judge (Jr. Divn.)/Magistrate (STD facility to SDM both in office and residence).	1500	750

26

Request-95

Provided further that retired Judicial Officers including members of erstwhile Higher Judicial Service or those who are elevated from State Judicial Service will also be entitled to get the benefit from 1.1.1999 (i.e. date of their retirement or elevation as the case may be and draw reimbursement from which the salaries of the Judicial Officers was last drawn.

Provided further that the concerned office shall bear the expenses of the installation and bi-monthly payments of the telephone bills upto the aforesaid ceiling and that the excess calls if any, shall be borne by the concerned Judicial Officers.

The charges shall be met from the sub-detailed head '02-Telephone' subordinate to the detailed head '13- Office Expenses' under the major/minor heads from which the salaries of the concerned Judicial Officers are being drawn.

This order issues with the concurrence of Finance Department vide their U.O No. 3192 dated 31.8.06.

Yours faithfully,

(S.K. Chakrabarti)

Secretary to the Govt. of W.B.

3 advance increments for LL.M./Post Graduation

GOVERNMENT OF WEST BENGAL

JUDICIAL DEPARTMENT

WRITER'S BUILDING, KOLKATA-700001

No. 431-J Dated Kolkata, the 18-01-2008

From: Shri S.K. Chakrabarty, Principal Secretary to the Government of West Bengal.

To: The Sr. Accountant General (A & E).

Treasury Building, Kolkata-700001.

Handy Stamp

(27)

Request-95

Subject:- Senotion of advance increment for having/acqurling higher qualification like Post Graduation in-law for the members of the West Bengal Judicial Service.

Sir,

I am directed by order of the governor to say that all members belonging to the West Bengal Judicial Service having / acquiring higher qualification like Post Graduation-in-law are entitled to get three advance increments with effect from 01.11.1999 as per recommendations of the Shetty Commission duly accepted by Hon'ble Apex Court.

This order issues with the concurrence of the Finance Department of West Bengal vide their U/O No.165. Group I (Pay) dated 18.01.2008.

Yours faithfully,

Sd/-

Principal Secretary.

No.431/IJ dated 18.01.2008.

Copy forwarded for information and necessary action to the Registrar General, High Court, Calcutta, High Court's Building, Kolkata-700001.

Sd/-

Principal Secretary.

FUEL CHARGES: ADMISSIBILITY,  
GOVERNMENT OF WEST BENGAL  
JUDICIAL DEPARTMENT  
WRITER'S BUILDING, KOLKATA-700001

Karely Jain



Type Copy of Annexure No - 2

August-95

28

Office and residence:		
Additional District Judge/ Sessions Judge, (With STD facility both in office and residence.	2000.	1000
Civil Judge (Sr. Divn) and CJM (STD facility to CJM both in office and residence)	2000	1000
Civil Judge (Jr. Divn)/Magistrate (STD facility to SDM both in office and residence.	1500	750

Provided further that retired judicial officers including members of erstwhile Higher Judicial Service or those who are elevated from State Judicial Service will also be entitled to get the benefit from 1.11.1999 till date of their retirement or elevation as the case may be and draw reimbursement from which the salaries of the Judicial Officers was last drawn.

Provided further that the concerned office shall bear the expenses of the installation and bimonthly payments of the telephone bills upto the aforesaid ceiling and that the excess calls if any, shall be borne by the concerned judicial officers.

The charge shall be met from the sub-detailed head '02-Telephone' subordinate to the detailed head '13-Office

*Handwritten signature: Kanchan Jain*

*Handwritten signature: J. J. J.*

Request-95

(29)

Expenses' under the major/minor heads from which the salaries of the concerned judicial officers are being drawn.

This order issues with the concurrence of Finance Department vide their U.O No. 3192 dated 31.8.06.

Yours Faithfully

(S.K. Chakrabarti)  
Secretary to the Govt. of W.B.

3 advance increments for LL.M./Post Graduation

Government of West Bengal

Judicial Department

Writer's Building, Kolkata-700001

No. 431-J Dated Kolkata, the 18-01-2008

From : Shri S.K. Chakraborty, Principal Secretary to the  
Government of West Bengal

To : The Sr. Accountant General (A & E).

Treasury Building, Kolkata-700001.

ant

Arady Saini

~~Arady Saini~~

30  
Request-95

Subject : Sanction of advance increment for having/  
acquiring higher qualification like Post Graduation-in-law  
for the members of the West Bengal Judicial Service.

Sir,

I am directed by order of the governor to say that all  
members belonging to the West Bengal Judicial Service  
having/ acquiring higher qualification like Post  
Graduation-in-law are entitled to get three advance  
increments with effect from 01.11.1999 as per  
recommendations of the Shetty commission duly accepted  
by Hon'ble Apex Court.

This order issues with the concurrence of the Finance  
Department of West Bengal vide their U/O No. 165 Group  
I (Pay) dated 18.01.2008.

Yours Faithfully

Sd/-

Principal Secretary

No. 431/1J dated 18.01.2008.

Copy forwarded for information and necessary action to the  
Registrar General, High Court, Calcutta, High Court's  
Building, Kolkata-700001.

Sd/-

Principal Secretary

FUEL CHARGES : ADMISSIBILITY.

GOVERNMENT OF WEST BENGAL.

JUDICIAL DEPARTMENT

WRITER'S BUILDING, KOLKATA-700001.

*Lovely Jain*

*[Signature]*



University of Lucknow

S. No.:

0523524

## MARKSHEET

ROLL NO. 7744

NAME OF CANDIDATE | LOVELY JAISWAL  
 FATHER'S NAME | R P JAISWAL  
 NAME OF EXAMINATION/YEAR | LL.M. (SEM.IV) EXAMINATION JUNE - 2008

PAPERS	MAX	MARKS OBT.	
<b>GROUP : BUSINESS LAW</b>			
VIVA -- VOCE	50	35	
DISSERTATION	150	104	
	MAX	MIN	
AGGREGATE MARKS IN SEM. IV	200	100	139
AGGREGATE MARKS IN SEM. III	200	100	132
AGGREGATE MARKS IN SEM. II	400	200	269
AGGREGATE MARKS IN SEM. I	400	200	240
<b>GRAND TOTAL</b>	<b>1200</b>	<b>600</b>	<b>780</b>

RESULT : SECOND DIVISION



The marks entered in University Marks register shall be final in case of discrepancy between the Marksheet issued and Marks Register in the University

Dated:

For Controller of Examination  
 University of Lucknow

Lovely Jaiswal

S.NO. : 8153

ROLL NO. : 7744

# लखनऊ विश्वविद्यालय



**यसः** लवली जायसवाल ने  
इस विश्वविद्यालय के विधि संकाय में मास्टर ऑव लॉज की उपाधि हेतु निर्धारित  
पाठ्यक्रम का अध्ययन किया और वे अपेक्षित परीक्षा में सन् 2008 में  
द्वितीय श्रेणी में उत्तीर्ण हुए/हुई।

**असः** प्रमाणित किया जाता है कि इस विश्वविद्यालय द्वारा इन्हें मास्टर  
ऑव लॉज की उपाधि प्रदान की गई।

## University of Lucknow

**Whereas** LOVELY JAISWAL has  
pursued a course of study prescribed by this University for the Degree of  
**MASTER OF LAWS** in the Faculty of Law and has been placed in  
the **SECOND** Division, having passed the requisite Examination in  
in the year 2008

**This** is to certify that he/she has been duly admitted to the Degree of  
**MASTER OF LAWS** of this University.

लखनऊ (भारत)  
Lucknow (INDIA)  
दिनांक  
Dated : February 03, 2010



म. कु. मिश्र  
कुलपति  
Vice Chancellor

Lovely Jaiswal

Request-35

प्रेषक,  
कुंवर कतेश चक्रवर्ती,  
प्रमुख सचिव,  
उत्तर प्रदेश शासन।

सेवा में,  
महानिदेशक,  
मा० उच्च न्यायालय,  
इलाहाबाद।

नियुक्ति अनुभाग-4 संख्या: 13 मई, 2009

विषय:-प्रथम राष्ट्रीय न्यायिक ट्रेनिंग आयोग (शेड्यूल कमीशन) द्वारा की गयी संस्तुतियों के क्रम में मा० उच्चतम न्यायालय के आदेश दिनांक 21.3.2002 के अनुपालन में 30 प्र० राज्य के स्नातकोत्तर उपाधिधारक न्यायिक सेवा के चयनित अभ्यर्थियों को तीन अग्रिम वेतन वृद्धियां प्रदान किए जाने के संबंध में।

संदर्भ:- उपर्युक्त विषयक मा० शेड्यूल आयोग की रिपोर्ट यादवपुर-2/ संस्तुति संख्या दि. 8.48 में पेज-590 पर अभिलिखित संस्तुति की गयी है:-

8.48 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.

2- इस संबंध में पुनः यह कठम का निर्देश हुआ है कि मा० उच्चतम न्यायालय के आदेश दिनांक 21.3.2002 के अनुपालन में उपरोक्त संस्तुति को दिनांक 21.3.2002 से स्वीकार करते हुए विधि में स्नातकोत्तर उपाधिधारक 30 प्र० राज्य के न्यायिक सेवा में चयनित अभ्यर्थियों को 3 अग्रिम वेतन वृद्धि प्रदान किये जाने की मांग को न्यायालय महोदय सहित स्वीकृति प्रदान करते हैं।

3- उपरोक्त आदेश विलेन विभाग के अ०शा०स०-ये०आ०-2-517/वस-2009; दिनांक 13.5.2009 में प्राप्त उनकी सहमति से निर्गत किये जा रहे हैं।

भवदीय,

(कुंवर कतेश चक्रवर्ती,  
प्रमुख सचिव।

Lovely Jain

Type Copy Annexure No-7

34

Request-95

संख्या- 1363 / दो-4--20009-45(12)/91 दोसी

प्रेषक,

कुंवर फतेह बहादुर,  
प्रमुख सचिव,  
उत्तर प्रदेश शासन।

सेवा में,

महानिबंधक  
मा० उच्च न्यायालय,  
इलाहाबाद।

नियुक्ति अनुभाग-4 लखनऊ: दिनांक 13 मई, 2009

विषय : प्रथम राष्ट्रीय न्यायिक चयन आयोग (शेड्यूल कमीशन) द्वारा की गयी संरुतियों के क्रम में मा० उच्चतम न्यायालय के आदेश दिनांक 21.03.2002 के अनुपालन में उ०प्र० राज्य के स्नातकोत्तर संपाधिकारक न्यायिक सेवा के चयनित अभ्यर्थियों को तीन अग्रिम वेतन वृद्धियां प्रदान किए जाने के संबंध में।

महोदय,

उपर्युक्त विषयक मा० शेड्यूल आयोग की रिपोर्ट

आरक्यूम-2/संरुति संबंधी पैरा-8, 48 में पेज- 590 पर निम्नलिखित

संरुति की गयी है :-

8.48 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.

2. इस संबंध में मुझे यह कहने का निर्देश हुआ है कि मा० उच्चतम न्यायालय के आदेश दिनांक 21.3.2002 के अनुपालन में

Lovely  
Tairat

35  
Recd. 35

उपरोक्त संस्तुति को दिनांक 21.3.2002 को स्वीकार करते हुए विधि में स्नातकोत्तर उपाधिधारक उ0प्र0 राज्य के न्यायिक सेवा में नियमित अभ्यर्थियों को 3 अग्रिम वेतन वृद्धि प्रदान किये जाने की श्री राज्यपाल महोदय सहर्ष स्वीकृति प्रदान करते हैं।

3- उपरोक्त आदेश वित्त विभाग के अ0शा0सं0-वे0आ0-2-517/दस-2009, दिनांक 13.5.2009 में प्राप्त उनकी सहमति से निर्गत किये जा रहे हैं।

भवदीय,

(कुंवर फतेह बहादुर)  
प्रमुख सचिव।

Nishant

Karely Jaiswal

~~Karely Jaiswal~~



Annexure No - 8

36

By Regd. Post

Received 95

From,

Maharani Din,  
Deputy Registrar(M),  
High Court of Judicature at,  
Allahabad.

To,

The Joint Secretary,  
Appointment Section-4,  
Govt. of U.P, Lucknow.

No. /IV-3813/Admin.(A) dated

Subject: Inclusion of qualification of L.L.M. degree in the service records of Km. Lovely  
Jaiswal, Additional Civil Judge (Junior Division), Gonda.

Sir,

I am directed to send herewith a copy of application dated 19.11.2009 and letter dated 30.11.2010 of Km. Lovely Jaiswal, Additional Civil Judge (Junior Division), Gonda regarding inclusion of qualification of L.L.M. degree in the service records alongwith attested copy of marksheet of L.L.M.(Sem. Ist to IVth), attested copy of final degree of L.L.M. and photocopy of form of U.P Nyayik Sewa of Km. Lovely Jaiswal, on the above subject and to request you kindly to obtain necessary orders of the Government and communicate the same to this court at an early date, so that necessary action may be taken in the matter.

Your's Faithfully,

Encl - As above

Deputy Registrar

No. 5288 /IV-3813/Admin.(A) dated 27-03-2012

Copy forwarded for information and necessary action to:

1. The District Judge, Gonda with reference to endorsement no. 2916 dated 30.11.2010.
2. Km. Lovely Jaiswal, Additional Civil Judge (Junior Division), Gonda.

Maharani Din  
Deputy Registrar  
24-3-12  
24/3/12

Lovely Jaiswal

उत्तर प्रदेश शासन  
नियुक्ति अनुभाग-4  
संख्या-590/दो-4-12-26/2(5)/2011  
लखनऊ: दिनांक 22 मई, 2011

कार्यालय-ज्ञाप

उप निबन्धक, उच्च न्यायालय, इलाहाबाद के पत्र संख्या-5287/चार-3313/एडमिन-(ए) दिनांक 27.3.2012 द्वारा प्रेषित मा0 उच्च न्यायालय, इलाहाबाद की संस्तुति के आधार पर कु0 लवली जायसवाल अपर सिविल जज (जू.डि.), गोण्डा को वर्ष 2008 में लखनऊ विश्वविद्यालय, लखनऊ द्वारा प्रदान की गयी एलएल.एम. की उपाधि को उनके सेवा अभिलेखों में रखे जाने की शासन द्वारा स्वीकृति प्रदान की जाती है।


(योगेश्वर राम मिश्र)  
संयुक्त सचिव।

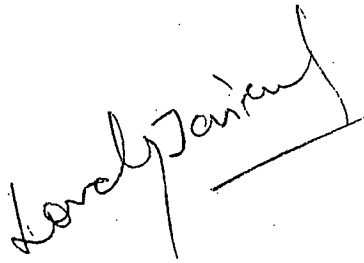
संख्या-590(1)/दो-4-12-26/2(5)/2011, तददिनांक।

प्रतिलिपि, निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही

हेतु प्रेषित:-

- 1- महानिबन्धक, उच्च न्यायालय, इलाहाबाद।
- 2- प्रमुख सचिव, न्याय, उ0 प्र0 शासन।
- 3- जिला जज, गोण्डा।
- 4- संयुक्त निदेशक, कोषागार, उ0 प्र0 इलाहाबाद।
- 5- निदेशक, राजकीय मुद्रणालय, इलाहाबाद।
- ✓ 6- सम्बन्धित अधिकारी।
- 7- गार्ड बुक हेतु।

  
(सुधीन्द्र कुमार)  
अनु सचिव।



Annexure No-10

38  
Request-95

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**SMT. LOVELY JAISWAL**

Addl. Civil Judge (Junior Div.)  
Mathura



Id No:	UP1783
Father's/Husband's Name:	RAMASAREY PRASAD JAISWAL (F)
Address:	ASHAPUR MARKET, SARNATH, VARANASI
Date of Birth:	13/12/1984
Date of Retirement:	31/12/2044
Home District:	Varanasi
Home State:	Uttar Pradesh
Date of Appt. in Judicial Service as Munsif/CJ(JD):	17/12/2009
Date of Promotion in CJ/CJ(SD):	
Date of Conf. on Munsif/CJ(JD):	
Date of Promotion to Class-I:	
Date of Joining in HJS under Rule 22(3) of UP HJS Rule 1975:	
Date of Joining in HJS under Rule 22(1) of UP HJS Rule 1975:	
Date of Conf. in HJS:	

**Qualification Details**

SL	DETAILS	DIVISION	YEAR
1.	High School	First	1999
2.	Intermediate	First	2001
3.	LL.B. (Hons.)	First	2006
4.	LL.M.	Passed	2008

**Training Details**

SL	SUBJECT	INSTITUTE	FROM-TO
1.	Induction Training Programme (3rd Phase)	I.J.T.R., U.P. Lucknow	08/08/11 - 07/11/11

**Posting Details**

SL	DESIGNATION PLACE	FROM TO	REMARKS
----	-------------------	---------	---------

*Lovely Jaiswal*

1. Addl. Civil Judge (Junior Div.) Gonda	23/12/2009		
2. Addl. Civil Judge (Junior Div.) Deoria	16/04/2012		
3. Addl. Civil Judge (Junior Div.) Mathura	18/04/2012		
	08/04/2015*		
	08/04/2015*		

39  
Request 95

(\* : The exact date on which charge taken/handed over is not known. This is the date of notification of transfer.)

(The above information is subject to verification by Services Section.)

*Sanjay Jaiswal*

Annexure No-11

40

Recd 20/05/2013

10/2/25  
Request-95

By Regd. Post

From,

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

To,

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

No. 74/9 (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.

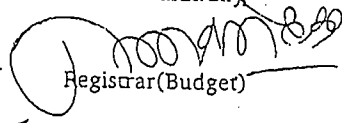
Sir,

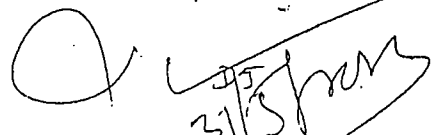
I am directed to say that on consideration of G.O. No. 1363/II-4-2009-45(12)/91 TC dated 13.05.2009 and its subsequent clarification issued vide G.O. No. 1705/II-4-2011-45(12)/91 TC dated 03.01.2012, on the subject noted above, the Court has been pleased to order that three advance increments be given 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,

Seen. circulate. Send a copy to the Bill for information.

  
Registrar(Budget)

  
31/5/13  
DISTRICT JUDGE  
DBORIA

Lovey Jaiswal

## Annexure No-12

Report-95

ID No.1783

प्रेषिका,

श्रीमती लवली जायसवाल,  
अपर सिविल जज (जूनियर डिविजन),  
कक्ष संख्या-23,  
देवरिया।

सेवामें,

माननीय जनपद न्यायाधीश,  
देवरिया।

विषय:- माननीय उच्च न्यायालय इलाहाबाद के पत्र संख्या- 7419/IV ADMIN(A) दिनांकित: 25-5-2013 के आलोक में मुझ पीठासीन अधिकारी द्वारा विधि परास्नातक उपाधि धारित किये जाने के सन्दर्भ में तीन अग्रिम वेतन वृद्धियों से संबंधित सूचना एवं प्रत्यावेदन।

महोदय,

ससम्मान निवेदन है कि माननीय उच्च न्यायालय इलाहाबाद के पत्रांक: 7419/IV ADMIN(A) दिनांकित: 25-5-2013 के अनुसार दिनांक 21-3-2002 अथवा उसके पश्चात उ0प्र0न्यायिक सेवा व उ0प्र0उच्चतर न्यायिक सेवा (प्रत्यक्ष चयन) में नियुक्ति के समय द्विवर्षिय विधि परास्नातक उपाधि धारक न्यायिक अधिकारियों को तीन अग्रिम वेतन वृद्धि दिये जाने हेतु माननीय महोदय से अपेक्षित सूची आहूत की गयी है।

माननीय महोदय, मुझ न्यायिक अधिकारी द्वारा उ0प्र0न्यायिक सेवा के अर्न्तगत व्यवहार न्यायाधीश अवर वर्ग के रूप में दिनांक 23-12-2009 को नियुक्ति के आलोक में कार्यभार ग्रहण किया गया था। दिनांक 23-12-2009 को उ0प्र0न्यायिक सेवा में नियुक्ति के समय में द्विवर्षिय विधि परास्नातक (LLM.) उपाधि धारित करती थी तथा उपयुक्त उपाधि के सन्दर्भ में माननीय उच्च न्यायालय इलाहाबाद में मुझ न्यायिक अधिकारी के संबंधित अभिलेखों में अभिवर्णन भी है। मुझ न्यायिक अधिकारी द्वारा विधि परास्नातक परीक्षा वर्ष- 2008 में लखनऊ विश्वविद्यालय (विधि संकाय) लखनऊ उत्तीर्ण की गयी थी।

अतः माननीय महोदय की सेवा में उपयुक्त विषयक सन्दर्भ में अपेक्षित सूचना आवश्यक कार्यवाही हेतु सादर प्रेषित है।

सादर।

दिनांक: 04-6-2013

भववीया,

( लवली जायसवाल )

अपर सिविल जज (जू0डि0)  
कक्षसंख्या-23, देवरिया।

संलग्नक:-

- 1- विधि परास्नातक परीक्षा अंक पत्र की प्रमाणित प्रति।
- 2- विधि परास्नातक परीक्षा उपाधि की प्रमाणित प्रति।

प्रतिलिपि:-

- 1- आदरणीय प्रभारी अधिकारी, लेखाअनुभाग न्यायिक अधिष्ठान जनपद देवरिया को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

( लवली जायसवाल )

अपर सिविल जज (जू0डि0)

कक्षसंख्या-23

देवरिया।

Lavali Jaiswal

Annexure No-13

Request-95

From, **Ashok Kumar-VIII, HJS**  
District Judge,  
Deoria.

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

No. 938/XV/Dated/Deoria/June 07, 2013.

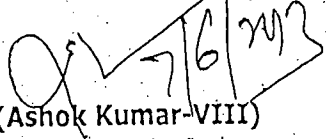
**Subject: Submission of two years degree of LLM of Sri Sushil Kumar-IV, Civil Judge (JD), and Smt. Lovely Jaiswal, Additional Civil Judge (JD) in Deoria Judgeship.**

Sir,  
With reference to the Hon'ble Court's letter no.7419/IV Admin (A) dated 25-05-2013, on the above noted subject matter, I have the honour to say that in this judgeship two Judicial Officer namely Sri Sushil Kumar-IV, Civil Judge (JD) and Smt. Lovely Jaiswal, Additional Civil Judge (JD) have submitted the attested copies of marksheet & certificate of two years degree of LLM which are enclosed herewith for kind perusal of the Hon'ble Court.

I, therefore request you kindly to apprise the Hon'ble Court accordingly.

Encl. As above.

Yours faithfully

  
(Ashok Kumar-VIII)  
District Judge,  
Deoria.  
**DISTRICT JUDGE**  
DEORIA

*Lovely Jaiswal*

IN THE HON'BLE HIGH COURT OF JUDICATURE AT  
ALLAHABAD, LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NO. (S/B) OF 2015

*Report 95*

Lovely Jaiswal ... .. Petitioner

Versus

State of Uttar Pradesh & another... .. Opposite Parties

**AFFIDAVIT**

I, Lovely Jaiswal, aged about 31 years, daughter of Sri Ramasarey Prasad Jaiswal, presently posted as Additional Civil Judge (Junior Division), District & Session Courts, Mathura (U.P.) presently residing at J-7, Judges Colony, Civil Lines, Mathura., Hindu by religion, Occupation: Service, Education: Master of Laws, the deponent, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the sole petitioner in the instant writ petition as such she is well versed with the facts of the case deposed to hereinafter.
2. That the contents of paragraph 1, 2, 10 to 12 of the accompanying writ petition are true to my personal knowledge and those of paragraph 3P, 4 to 9, 13 to 17, 21 to 27 and 36 are believed to be true on the basis of information derived from record, while those of paragraph 3P, 18 to 20, 28 to 35, 37 to 40 are believed to be true based on legal advice.
3. That the Annexure Nos.- 1 to 13 filed with the writ petition are true copies of their originals and the same have been compared by me personally.

Place: Lucknow  
Dated: Oct. 1, 2015

*Lovely Jaiswal*  
Deponent



Report 95

VERIFICATION

I, the deponent named above, do hereby verify that the contents of paragraphs 1 and 2 of this affidavit are true to my personal knowledge, those of paragraphs .....NIL..... are true as per information derived from records and those of paragraphs ...NIL.... are based on legal advice and believed to be true. No part of it is false and nothing material has been concealed. So help me God.

*Donny J. J...*  
DEPONENT

I identify the deponent who has signed before me. She is personally known to me.

ADVOCATE

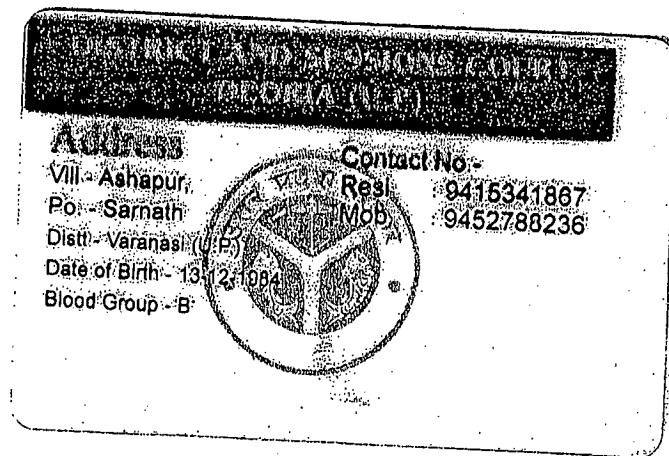
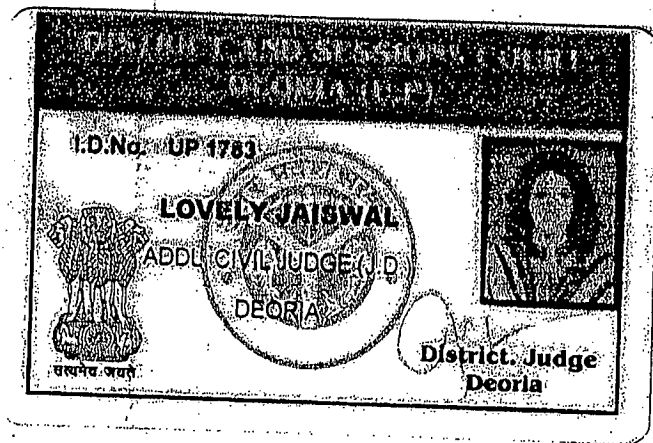
Solemnly affirmed before me on ..... at \_\_\_ am / p.m. by ....., the deponent who is identified by ....., Advocate.

I have satisfied myself by examining the deponent that she understands the contents of this affidavit, which have been read out and explained to her by me.

OATH COMMISSIONER

45

Repeat-95



Lovely Jaiswal

By Regd. Post

From,

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

*Report - 95*

To,

The District Judge,  
Deoria.

27

No. 12271 /IV-3813/Admin.(A) dated 03-9-2013

Subject: Grant of Three advance increments to who have been selected on or after 21.03.2002 having two years degree of LL.M. from a recognized University.

Sir,

With reference to your letter no. 838/XV dated 07.06.2013, on the above subject, I have to say that from perusal of service record of Smt. Lovely Jaiswal, Additional Civil Judge (Jr. Div.), Deoria, she has not mentioned LL.M. in the form of U.P Nyayik Sewa/ U.P Higher Judicial Service.

According to the Govt. order and approval of Hon'ble the Chief Justice, three advance increments only be given to those judicial Officers of U.P Nyayik Sewa and U.P.H.J.S., who have been selected on or after 21.03.2002 having two years degree of LL.M. from a recognized University and for ensuring that who have been selected on or after 21.03.2002 having LL.M. degree who have mentioned this qualification in the application form of U.P Nyayik Sewa and U.P Higher Judicial Service, as the case may be.

I am therefore to request you kindly to intimate Smt. Lovely Jaiswal that she has not fulfilled the required condition, for grant of three advance increments.

Yours Faithfully,

*S. S. Gautam*  
Deputy Registrar  
29.8.13

28

No. 12272 /IV-3813/Admin.(A) dated 03-9-2013

Copy forwarded to Smt. Lovely Jaiswal, Additional Civil Judge (Jr. Div.), Deoria.

*S. S. Gautam*  
Deputy Registrar  
29.8.13

S.O. /A.R. (Admin. A-D) D.R. (M)

*form is at flag 'A'. May like to issue?*

*Blawm*  
*29/08/13*  
*Mishra*  
*27-08-2013*  
*ARD*

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Encl-5 page

1-7-13

Report-95

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39

A.K  
3.7.13

(41)

From,

**Ashok Kumar-VIII, HJS**  
District Judge,  
Deoria.

To,

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

No. 838/XV/Dated/Deoria/June 07, 2013.

**Subject: Submission of two years degree of LLM of Sri Sushil Kumar-IV, Civil Judge (JD), and Smt. Lovely Jaiswal, Additional Civil Judge (JD) in Deoria Judgeship.**

Sir,

With reference to the Hon'ble Court's letter no.7419/IV Admin (A) dated 25-05-2013, on the above noted subject matter, I have the honour to say that in this judgeship two Judicial Officer namely Sri Sushil Kumar-IV, Civil Judge (JD) and Smt. Lovely Jaiswal, Additional Civil Judge (JD) have submitted the attested copies of marksheet & certificate of two years degree of LLM which are enclosed herewith for kind perusal of the Hon'ble Court.

I, therefore request you kindly to apprise the Hon'ble Court accordingly.

Encl.As above.

Yours faithfully

**(Ashok Kumar-VIII)**  
District Judge,  
Deoria.  
**DISTRICT JUDGE**  
DEORIA

05 182  
SO A/K M/A

DR(m)  
26/6/13

DR(m)

HC Regd (B)  
25/6/13