

Invoice No. 10280
Date 12/08/2009

महाराष्ट्र शासन

विधी व न्याय विभाग,

शासन निर्णय क्र. न्यापनि ०१०८/(२४९)-का.११.
मंत्रालय, मुंबई-४०० ०३२, दि. २३ जुलै, २००९.

Date 12 Month 8 Year 09

Section Officer
Index Branch

- पहा :- (१) वित्त विभाग, शासन परिपत्रक क्र. पूरक-१०.९/प्र.क्र.१५२/अर्थसंकल्प-३,
दि. ३० जून, २००९.
(२) विधी व न्याय विभाग यांचे पत्र क्र. पूरक-२००९/(प्र.क्र.११९)/का.२३,
दि. १७ जुलै, २००९.

प्रस्तावना :- देशातील विविध न्यायालयांमध्ये प्रलंबित असलेली न्यायालयीन प्रकरणे जलद गतीने निकालात काढण्याची उपाययोजना ठरविण्यासाठी नवी दिल्ली येथे दि. १८ सप्टेंबर, २००४ रोजी सर्व राज्यांचे मुख्यमंत्री व मुख्य न्यायमूर्ती यांची परिषद झाली. सदर परिषदेमध्ये देशातील न्यायालयात प्रलंबित असलेले दावे निकालात काढण्यासाठी आखावयाच्या उपाययोजना करण्याबाबत ठराव मंजूर करण्यात आला. त्या अनुषंगाने राज्यातील विविध न्यायालयांत प्रलंबित प्रकरणे निकाली काढण्यासाठी आखावयाच्या उपाययोजना ठरविण्यासाठी मा. मुख्य सचिव यांच्या अध्यक्षतेखाली दि. १८.११.२००८ रोजी एक बैठक घेण्यात आली. सदर बैठकीमध्ये परक्राम्य संलेख अधिनियम, १८८१च्या कलम १३८ खाली राज्यातील विविध न्यायालयात प्रलंबित असलेले दावे निकाली काढण्यासाठी काही निर्णय घेण्यात आले.

शासन निर्णय :- उपरोक्त बैठकीत, सध्या तात्पुरत्या स्वरूपात मुख्य महानगर दंडाधिकारी व राज्यातील दुय्यम न्यायालयांमध्ये सायंकालीन न्यायालये स्थापन करण्याचा निर्णय घेण्यात आला.

२. सायंकालीन न्यायालये स्थापन करण्यासंदर्भात मा. उच्च न्यायालयाकडून प्राप्त झालेल्या नियमांचे प्रारूप शासनाच्या विचाराधीन आहे. सदर नियम पारीत होण्याच्या अटीच्या अधीन राहून २० सायंकालीन न्यायालये स्थापन करण्यास या निर्णयाद्वारे शासन मान्यता देण्यात येत आहे.

३. सदर न्यायालये कार्यालयीन दिवशी सायंकाळी ६ ते ८ या वेळेत भरविण्यात येतील. तसेच या न्यायालयावर कार्यरत नियमित न्यायिक अधिकारी किंवा सेवानिवृत्त न्यायिक अधिकारी नियुक्त करण्यात येतील व त्यांना सहाय्यभूत कर्मचारी वृंद नियुक्त करण्यात येईल. एका सायंकालीन न्यायालयात एक न्यायिक अधिकारी व त्यांना सहाय्यभूत कर्मचारी म्हणून शिरस्तेदार किंवा शिरस्तेदार पदाहून उच्च नाही अशा पदावरील कर्मचारी, लघुलेखक (निम्नश्रेणी), लिपिक-टंकलेखक, शिपाई प्रत्येकी १ याप्रमाणे एकूण ४ कर्मचारी कार्यरत रहातील.

सदर पदांना जुन्या वेतनश्रेणीनुसार मुळ वेतन+महागाई वेतन+महागाई भत्ता यांच्या २०% व ६ व्या वेतन आयोगानुसार मुळ वेतनाच्या २०% याप्रमाणे दरमहा विशेष वेतन देण्यात यावे. न्यायिक अधिकारी व कर्मचारी यांच्या अनुपस्थितीच्या कालावधीचे मानधन त्यांना अनुज्ञेय रहाणार नाही. सेवानिवृत्त अधिकारी व कर्मचारी यांच्या नियुक्त्या व त्यांना देण्यात यावयाचे विशेष वेतन याबाबत शासनाचे स्वतंत्र आदेश निर्गमित करण्यात येतील.

४. उपरोक्त अधिकारी व कर्मचारी यांच्या विशेष वेतनाचा जून, २००९ ते फेब्रुवारी, २००९ पर्यंत खर्च रु. ३,०४,१२०/- प्रधान लेखाशीर्ष, "२०१४-न्यायदान/योजनेतर (००)१०७ इलाखा शहर दंडाधिकारी यांची न्यायालये-(००) (०१) इलाखा शहर दंडाधिकारी यांची न्यायालये (२०१४



०२३४)०१ वेतन" या लेखाशीर्षाखाली सन २००९-१० या वित्तीय वर्षासाठी वित्त विभागाच्या सदभांधिन दि.३०.६.२००९च्या परिपत्रकाद्वारे प्राप्त झालेल्या पुरक अनुदानातून भागविण्यात यावा.

५. हा शासन निर्णय वित्त विभागाच्या अनौपचारिक संदर्भ क्र. ३३३/०९/व्यय-६, दि.२.५.२००९ अन्वये त्या विभागाच्या सहमतीने निर्गमित करण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

(व. रा. पाटील)
शासनाचे सह सचिव

प्रति,

महाप्रबंधक, उच्च न्यायालय, मुंबई (पत्राने)
प्रबंधक, (निरीक्षण) उच्च न्यायालय (अपील शाखा), मुंबई.
मुख्य महानगर दंडाधिकारी, मुंबई,
सर्व जिल्हा व सत्र न्यायालये,
महालेखापाल (लेखा व अनुज्ञेयता/लेखापरीक्षा)-एक, महाराष्ट्र, मुंबई,
अधिदान व लेखा अधिकारी, मुंबई,
सर्व जिल्हा व कोषागार अधिकारी,
वित्त विभाग, व्यय ६, वित्तीय सुधारणा, मंत्रालय, मुंबई,
द्विधि व न्याय विभाग, ३, ६, १२, २३ व २४, मंत्रालय, मुंबई,
निवड नस्ती.



महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ

वर्ष १, अंक ४१ (२) गुरुवार, ऑगस्ट ६, २००९/श्रावण १५, शके १९३१ [पृष्ठे ४
किंमत : रुपये १८.००

असाधारण क्रमांक ११

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमान्वये तयार केलेले (भाग एक, एक-अ आणि एक-ल
यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

LAW AND JUDICIARY DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 3rd August 2009

NOTIFICATION

CONSTITUTION OF INDIA.

No. ECJ. 0109/87/C.R.39/D-11.—Whereas pursuant to the Resolution passed in the Joint Conference of Chief Ministers and Chief Justices, held at New Delhi on the 18th September 2004, all the Chief Ministers and Chief Justices were requested by the Honourable Chief Justice of India to take appropriate steps for speedy disposal of cases pending in the Courts.

Now, therefore, in exercise of the powers conferred by the proviso to articles 309, 227 and 235 of the Constitution of India and of all other powers enabling it in this behalf, the Governor of Maharashtra, in

भाग चार-अ-११-१

(१)

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२ महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, ऑगस्ट ६, २००९/श्रावण १५, शके १९३१

consultation with the High Court of Bombay, hereby makes the following rules for introduction and implementation of the scheme of Evening Courts in the State of Maharashtra, namely :—

1. *Short title.*— These rules may be called the Maharashtra Evening Courts Rules, 2009.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) “ Court ” means the Court under the control of the High Court ;

(b) “ Evening Court ” means the Court as notified under rule 6 of these rules ;

(c) “ Evening Court Judge ” means any person appointed under rule 4 of these rules, to preside over an Evening Court ;

(d) “ Government ” means the Government of Maharashtra ;

(e) “ High Court ” means the High Court of Bombay ;

(f) “ Member of staff ” means any person or employees working in the Courts.

3. *Jurisdiction of Evening Court.*— The Evening Court shall have jurisdiction in respect of the following categories of cases, namely :—

(a) Complaints under section 138 of Negotiable Instruments Act, 1881 (26 of 1881) ;

(b) cases pertaining to offences triable summarily under Chapter XXI of the Code of Criminal Procedure, 1973 (2 of 1974) ;

(c) any other case transferred to the Evening Court with the consent of the parties.

4. *Appointment of Evening Court Judges.*— (1) The High Court may appoint, depute or transfer any serving Judicial Officer as an Evening Court Judge.

(2) The Government may, in consultation with the High Court, appoint any retired Judicial Officer as an Evening Court Judge :

Provided that, no person shall act as an Evening Court Judge after he has completed sixty five years of age.

5. *Appointment of member of staff of Evening Court.*— (1) The Presiding Officer may, in consultation with the Principal District Judge or the Chief Metropolitan Magistrate at the station, as the case may be, appoint any serving member of the staff to be a member of the staff of the Evening Court.

(2) The Principal District Judge or the Chief Metropolitan Magistrate may appoint any person who had been a member of the staff to be a member of the staff of Evening Court :

Provided that, no person shall work as a member of the staff in the Evening Court after he has completed sixty two years of age.

(3) The number of staff shall not exceed more than four, that is, one Sheristedar or one who is holding a post not higher than that of the Sheristedar, one Stenographer (Lower Grade), one Clerk-Typist and one Peon, for each Evening Court.

6. *Notification of Evening Courts.*— The High Court may, in consultation with the Government, notify the courts to be the Evening Courts under these rules.

7. *Working Hours.*— All Evening Courts shall sit at the same hour in the evening everyday except on holiday. The ordinary Evening Court hours shall be from 6-00 p.m. to 8-00 p.m.

8. *Remuneration of Evening Court Judges and members of staff in Evening Courts.*— (1) Where the serving Judicial Officers are appointed to preside over the Evening Courts, they shall be paid twenty per cent of the Basic Pay plus Dearness Pay plus Dearness Allowance in existing scale or twenty per cent of basic pay in revised scale as per Sixth Pay Commissions as the Special Allowances.

(2) Every Judicial Officer who is the retired Judge and has been appointed as an Evening Court Judge shall be entitled to allowances/honorarium as may be specified by the Government by order.

(3) Every member of the staff appointed in Evening Courts shall receive twenty per cent of his Basic Pay plus Dearness Pay as a Special Allowance with the Dearness Allowance in unrevised scale or twenty per cent of basic pay in scale revised as per Sixth Pay Commission.

(4) Every member of the staff who is the retired person and has been appointed as a member of the Evening Court shall be entitled to allowances/honorarium as may be specified by the Government by order.

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9. *Powers of Evening Court Judge.*— Any person appointed as an Evening Court Judge under rule 4 of these rules, shall be vested with the powers to try cases mentioned in rule 3 of these rules.

10. *Supervision and control.*— Subject to the overall control of the High Court, the Principal District Judge or the Chief Metropolitan Magistrate at the station, as the case may be, shall supervise and monitor the functioning of the Evening Courts.

11. *Conditions of service.*— Save as otherwise provided by these rules, an Evening Court Judge appointed under sub-rule (2) of rule 4 and members of the staff appointed under sub-rule (2) of rule 5, to work in the Evening Court shall be governed by the conditions as may be specified by the Government by order :

Provided that, the services of the Evening Court Judge appointed under sub-rule (2) of rule 4 and a member of staff appointed under sub-rule (2) of rule 5, to work in the Evening Court may be terminated by the appointing authority at any time without notice and without assigning any reason and upon such termination he shall immediately cease to hold such office :

Provided further that, such termination of service shall not count adversely against that person in any manner.

12. *Savings.*— (1) The law in force as applicable to Courts shall also be applicable to Evening Courts notified under these rules.

(2) The jurisdiction of Evening Court to deal with cases specified in rule 3 of these rules shall be concurrent with the Court.

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

M. N. GILANI,
Principal Secretary and R.L.A.

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No. ECJ. 0109/87/C.R.39/Desk-11
LAW AND JUDICIARY DEPARTMENT
Mantralaya, Mumbai 400 032
Dated the 3rd August 2009.

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Copy forwarded with compliments to,—

- The Registrar General, High Court, Mumbai (by letter)
- The Registrar, High Court (Appellate Side), Mumbai (by letter)
- Chief Metropolitan Magistrate, Mumbai
- City Civil and Session Court, Mumbai
- Principal Judge, Small Causes Court, Mumbai
- All Principal District and Sessions Judge
- The Principal Secretary, Maharashtra Legislative Assembly, Vidhan Bhavan, Mumbai.
- The Accountant General-I (Accounts and Entitlement) Maharashtra, Mumbai
- The Accountant General-II (Accounts and Entitlement) Maharashtra, Nagpur
- The Accountant General-I (Audit) Maharashtra, Mumbai
- The Accountant General-II (Audit) Maharashtra, Nagpur
- The Pay and Accounts Officer, Mumbai
- The Resident Audit Officer, Mumbai
- All District and Treasury Officer, Maharashtra
- The Finance Department (EXP-6), Financial Reforms
- Chief Secretary, Government of Maharashtra, Mantralaya, Mumbai
- The Director of Information and Public Relations, Mantralaya, Mumbai with a request to issue a suitable press note.
- The Law and Judiciary Department/Desk-III, IV, VI, IX, XII, XIII, IVX, XXII, XXIII, XXV and 'B' Branch.

M. N. GILANI,
Principal Secretary and R.L.A.
Government of Maharashtra.