

ACT AND RULES GOVERNING
THE SERVICE CONDITIONS
OF
HIGH COURT JUDGES
(As modified upto 1st January, 2007)

MINISTRY OF LAW AND JUSTICE
(DEPARTMENT OF JUSTICE)

THE HIGH COURT JUDGES
(SALARIES AND CONDITIONS OF SERVICE)

ACT, 1954.

(As modified upto 1st January, 2007)

[Act 28 of 1954]

MINISTRY OF LAW AND JUSTICE
(DEPARTMENT OF JUSTICE)

LIST OF ADAPTATION ORDER AND AMENDING ACTS

1. The Adaptation of Law (No.3) Order, 1956.
2. The High Court Judges (Conditions of Service) Amendment Act, 1958 (46 of 1958).
3. The High Court Judges (Conditions of Service) Amendment Act, 1961 (50 of 1961).
4. The High Court Judges (Conditions of Service) Amendment Act, 1964 (27 of 1964).
5. The High Court Judges (Conditions of Service) Amendment Act, 1971 (78 of 1971).
6. The High Court Judges (Conditions of Service) Amendment Act, 1976 (35 of 1976).
7. The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1980 (57 of 1980).
8. The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1985 (36 of 1985).
9. The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986 (38 of 1986).
10. The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1988 (20 of 1988).
11. The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1989 (32 of 1989).
12. The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1994 (2 of 1994).
13. The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1996 (of 1996).
14. The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1998 (18 of 1998).
15. The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1999 (7 of 1999).
16. The High Court Judges (Salaries and Conditions of Service) Amendment Act, 2002 (7 of 2003).

LIST OF ABBREVIATIONS USED

1. Ins. for inserted
2. s. for section
3. Subs. for substituted
4. Omit. for omitted
5. w.e.f. for with effect
from

THE HIGH COURT JUDGES
(SALARIES AND CONDITIONS OF SERVICE)
ACT, 1954.

Arrangement of Sections

CHAPTER I

PRELIMINARY

Sections

1. Short Title
2. Definitions

CHAPTER II

LEAVE

3. Kinds of leave admissible to a Judge
4. Leave Account showing the amount of leave due
5. Aggregate amount of leave which may be granted
6. Grant of leave not due
7. Special Disability Leave
8. Extraordinary leave
9. Leave Allowances
10. Allowances for joining time
11. Combining leave with vacation
12. Consequences of overstaying leave or vacation
13. Authority competent to grant leave etc.

CHAPTER III

SALARIES AND PENSIONS

- 13-A Salaries of Judges
14. Pension payable to Judges
15. Special provision for pension in respect of Judges who are members of service
16. Power of President to add to the service for pension
17. Extraordinary pensions
- 17-A. Family Pensions and Gratuities
18. Conversion of Sterling pension into rupees
19. Commutation of pensions
20. Provident Fund
- 20-A Deposit Linked Insurance Scheme
21. Authority Competent to grant pension

CHAPTER IV

MISCELLANEOUS

22. Travelling Allowances to a Judge
- 22-A. Facility of rent free houses
- 22-B. Conveyance Facilities
- 22-C. Sumptuary Allowance
- 22-D. Exemption from liability to pay Income-tax on certain perquisites received by a Judge
23. Facilities for medical treatment and other conditions of service

- 23-A Vacation of High Courts
- 23-B Special provisions in respect of continuing Judges
- 23-C Special provision in respect of Judges transferred from
the High Court of Jammu and Kashmir
- 23-D Medical Facilities for retired Judges
- 24. Power to make rules
- 25. Savings

SCHEDULE

THE FIRST SCHEDULE	-	PENSIONS OF JUDGES
THE SECOND SCHEDULE	-	INJURY GRATUITIES AND PENSIONS

THE HIGH COURT JUDGES¹
(SALARIES AND CONDITIONS OF SERVICE²)

ACT 1954

(28 of 1954)

(20th May 1954)

An Act to regulate salaries and certain conditions of service of the Judge of High Court³ .

Be it enacted by Parliament in the Fifth Year of the Republic of India as follows :

CHAPTER I

PRELIMINARY

1. This Act may be called the High Court Judges Short
(Salaries and Conditions of Service) Act, 1954. title

2(1) In this Act, unless the context otherwise Defin
requires.-- ition

(a) `Acting Chief Justice' means a Judge appointed under Article 223 of the Constitution to perform the duties of the Chief Justice :

(b) `Acting Judge' means a person⁴ appointed to act as a Judge under sub-section (2) of section 222 of the Government of India Act 1935² (or under clause (2) of Article 224 of the Constitution).

(c) `Actual Service' includes --

(i) time spent by a Judge on duty as a Judge or in the performance of such other functions as he may, at the request of the President of India, undertake to discharge;

(ii) Vacations, excluding any time during which the Judge is absent on leave;

(iii)Joining time on transfer from a High Court to the Supreme Court or from one High Court to another or from Supreme Court to a High Court;

1.The Act extended to and came into force in the State of Sikkim on 16.5.1975 vide Notification Nos.S.O.208(E) and S.O.210(E) dated 16.5.1975 respectively.

2.subs. by Act 18 of 1998 w.e.f. 1.1.1996

3.The words and letters in part A States omitted by the Adaptation of law (No.3) Order, 1956.

4.The words `who was' omitted, *ibid* [ins.,*ibid*]²

- (iv) time spent by a Judge on duty as a Judge of a former Indian High Court;
 - (v) time spent by a Judge to attend the sitting of the Supreme Court as an ad-hoc Judge, under article 127 of the Constitution; and
 - (vi) Vacations (excluding any time during which the Judge was absent on leave) taken by a Judge as a Judge of a former Indian High Court;
- (d) `Additional Judge' means a person¹ appointed as an additional Judge under sub-section (3) of section 222 of the Government of India Act, 1935² (or under clause (1) of article 224 of the Constitution);
- (e) `Former Indian High Court' means the High Court at Rangoon, the High Court at Lahore, the Chief Justice of Sind or the Judicial Commissioner's Court of North West Frontier Province;
- (f) `High Court' means a High Court³ (for a State) and includes a High Court which was exercising jurisdiction² (in a Part-A State or) in the corresponding Province before the commencement of the Constitution;
- (g) `Judge' means a Judge of a High Court and includes the Chief Justice,⁴ (an Acting Chief Justice, an additional Judge and an acting Judge of the High Court);
- ⁵(gg) `Pension' means a pension of any kind whatsoever payable to or in respect of a Judge, and includes any gratuity or other sum or sums so payable by way of death or retirement benefits;
- (h) `Service for pension' includes--
- (i) actual service;
 - (ii)⁶forty five days or the amount actually taken whichever is less, of each period of leave on full allowances;
 - (iii) joining time on return from leave out of India;
- (i) `prescribed' means prescribed by rules made under this Act.

1. The words `who was' omitted by the Adaptation of law (No.3) of , Order, 1956.

2. Ins. ibid.

3. Subs. Ibid for in any Part-A State.

4. Subs. by Act 46 of 1958, s.2 for `and acting Chief Justice of a High court' (w.e.f.1.11.1956)

5. Ins. By Act 50 of 1961, s.2 (retrospectively)

6. Subs. by Act 78 of 1971, s.2

(2) In the calculation of service for the purposes of this Act, previous service for any period or periods as acting Judge or additional Judge or as a Judge of a former Indian High Court shall be reckoned as service as a Judge but, save as otherwise expressly provided previous service as an acting Chief Justice shall not be reckoned as service as Chief Justice.

(3) Any period of leave taken by a Judge before the commencement of this Act under the rules then applicable to him as an acting Judge, Additional Judge or a Judge shall, for the purposes of this Act, be treated as if it were leave taken by him under this Act.

(4) Any period of leave taken by a Judge, while serving as a Judge of a former Indian High Court before his appointment to a High Court shall for the purposes of this Act be treated as if it were leave taken by him under this Act

CHAPTER II

L E A V E

Kinds of Leave admissible to a Judge 3.(1) Subject to the provisions of this Act, leave granted to a Judge may be at his option either:

(a) ¹Leave on full allowances (including commuted leave on half allowances on medical certificate); or

(b) Leave on half allowances; or

(c) Leave partly on full allowances and partly on half allowances

(2) For the purposes of this Chapter, any period of leave on full allowances shall be reckoned as double that period of leave on half allowances.

Leave account showing the amount of leave due 4.(1) A leave account shall be kept for each Judge showing therein the amount of leave due to him in terms of leave on half allowances.

(2) In the leave account of a Judge--

(a) there shall be credited to him --

(i) One-fourth of the time spent by him on actual service!

(ii) Where the Judge, by reason of his having been detained for the performance of duties not connected with the High Court, cannot enjoy any vacation which he would otherwise have been entitled to enjoy had he not been so detained as compensation for the vacation not enjoyed, a period equal to double the period by which the vacation enjoyed by him in any year falls short of one month; and

(iii) where the Judge had, prior to his appointment as such held any pensionable post under the Union or a State, the period of leave earned by him in said post (omitted)²

(b) there shall be debited to him all leave with allowances taken by him

Leave encashment. 4(A)¹. A Judge shall be entitled in his entire service including the period of service rendered in a pensionable post under the Union or State or on re-employment, if any, to claim the cash equivalent of leave salary on his retirement in respect of the period of earned leave at his credit, to the extent of the maximum period prescribed for encashment of such leave under the All India Service (Leave) Rules, 1955.

Aggregate amount. 5.(1) The aggregate amount of leave which may be granted to a Judge during the whole period of his service as such shall not exceed in terms of leave on half allowances three years together with the aggregate of the periods, if any, credited to his leave account under sub-section 2(a)(ii) of section 4 as compensation which for vacation not enjoyed.

may be granted. (2) The aggregate amount of leave on full allowances which may be granted to a Judge during the whole period of his service as such shall not exceed one-twenty fourth of the period spent by him on actual service together with one-half of the aggregate periods, if any, credited to his leave account under sub-section (2)(a)(ii) of section 4 as compensation for vacation not enjoyed.

(3) ²(Subject to the provisions of sub-section (2) of section 5-A the maximum period of leave which may be granted) at one time shall be, in the case of leave on full allowances, five months and in the case of leave with allowances of any kind, sixteen months.

Commutation of leave on half allowances. ³[5A(1) Notwithstanding any thing contained in sub-sec. 2 of section 5, a Judge may be permitted to commute leave on half allowances into leave on full allowances on medical certificate upto a maximum of three months during the whole period of his half service as a Judge.]

allowances into leave on full allowances. (2) In computing the maximum period of leave on full allowances, which may be granted at one time to a Judge under sub-section (3) of section 5, the amount of commuted leave on full allowances permitted to him under this section shall not be taken into account.

Grant of leave not due. 6. Subject to the maximum limit specified in sub-section (1) of section 5, leave on half allowances may be granted to a Judge in excess of the amount at his credit--

(i) on medical certificate; or

(ii) otherwise than on medical certificate, for not more than six months ⁴(or for two or more periods, not exceeding in the aggregate, six months) during the whole period of his service as a Judge.

1. Ins. By Act 7 of 1999, s.3 w.e.f.8.1.99. .

2. Subs. by Act 78 of 1971, sec.4.

3. Ins. By Act 78 of 1971, sec.5.

4. Subs. by Act 46 of 1958, s.3 for 'and not more than once' w.e.f.1.11.1956 .

Provided that no such leave shall be granted if the Judge is not expected to return to duty at the end of such leave and earn the leave granted.

Special disability leave. 7. The rules for the time being in force with respect to the grant of special disability leave in relation to an officer of the Central Civil Services, class-I, who has entered service on or after the 16th July, 1931, and who may be disabled by injury caused in, or in consequence of the due performance of his official duties or in consequence of his official position shall apply in relation to a Judge.

Extra-Ordinary Leave. 8. ¹(Extraordinary leave may be granted to a Judge for a period not exceeding six months, or for two or more periods, not exceeding in the aggregate six months) during the whole period of his service as a Judge in excess of any leave permissible under the following provisions of this Chapter, but no salary or allowances shall be payable during, or in respect of, such leave.

Leave Allowances. 9(1) The monthly rate of leave allowances payable to a Judge while on leave on full allowances shall be for the (first forty five days)² of such leave at rate equal to the monthly rate of his salary, and thereafter @in the case of the Chief Justice, fifty-five per cent of the monthly rate of his salary and in the case of each of the other Judges, sixty per cent of the monthly rate of his salary.

Provided that where leave on full allowances is granted to a Judge on medical certificate, the monthly rate of leave allowances shall, for the first one hundred and twenty days of such leave be a rate equal to the monthly rate of his salary'.

(2) The monthly rate of leave allowances payable to a Judge while on leave on half allowances shall be ³in the case of the Chief Justice, twenty-seven and a half percent of the monthly rate of his salary and in the case of each of the other Judges, thirty per cent of the monthly rate of his salary.

Allowances for joining time. 10. There shall be payable to a Judge in respect of joining time on his return from leave out of India an allowance at the rate of one thousand one hundred and ten rupees a month in lieu of salary.

Combining leave with vacation 11. A Judge may be permitted to combine vacation on full salary with leave, if --

- (a) where the vacation consists of one continuous period, the leave is taken either at the commencement or at the end of the vacation but not at both;

1 Subs.by Act 46 of 1958 s.4 for 'Extraordinary leave not exceeding six months in duration may be granted to a Judge not more than once' w.e.f. 1.11.1956
2. Ins. by Act 78 of 1971 s.6
3.Amended by Act 32 Of 1989 w.e.f. 1.4.1986.

(b) where the vacation is divided into two separate periods, the leave is taken for the interval, or part of the interval, between the two periods of that vacation, or for the interval, or part of the interval between the second period of that vacation and the commencement of the next ensuing vacation;

Provided that no such permission to combine vacation with leave shall be granted if it becomes necessary to appoint an acting Chief Justice during the period of vacation or if the Judge is not expected to return to duty at the end of such leave.

Consequences of overstay- ing leave or vaca- tion. 12. If a Judge overstays his leave or any vacation, whether combined with leave or not, he shall receive no salary for the period of his absence in excess of leave granted to him or beyond the end of the vacation, as the case may be.

Provided that if such absence is due to circumstances beyond his control, the period thereof may be treated as leave and may be debited to his leave account.

Authority to grant leave etc. 13. The authority competent to grant or refuse leave to a Judge or revoke or curtail leave granted to a Judge shall be the Governor of the State in which the principal seat of the High Court is situated, after consultation with the Chief Justice of that High Court.

CHAPTER III

(SALARIES AND)¹ PENSIONS

Salaries of the Judges 13A(1)¹ There shall be paid to the Chief Justice of a High Court, by way of salary, thirty thousand rupees per mensem.

2)¹ There shall be paid to a Judge of a High Court, by way of Salary twenty-six thousand rupees per mensem.

Pension payable to Judges 14. Subject to the provisions of this Act, every Judge shall on his retirement, be paid a pension in accordance with the scale and provisions in part-I of the first schedule :

Provided that no such pension shall be payable to a Judge unless :

- (a) he has completed not less than twelve years of service for pension; or
- (b) he has attained the age of (sixty two years, and, in the case of a Judge holding office on the 5th day of October, 1963, sixty years)²; or
- (c) his retirement is medically certified to be necessitated by ill-health.

1.Ins. by Act 18 of 1998 w.e.f. 1.1.1996.

2.Ins. by Act 46 of 1953 s.5 (w.e.f. 1.11.1956)

¹[Provided further that if a Judge at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service in the Union or a State, the pension payable under this Act shall be in lieu of and not in addition to, that pension]

Explanation.--In this section 'Judge' means a Judge who is not a member of the Indian Civil Service or has not held any other ²(pensionable post) under the Union or a State and includes a Judge, who being a Member of the Indian Civil Service or having held any other ²(pensionable post) under the Union or a State has elected to receive the pension payable under Part-I of the First Schedule.

Special provision for pension in respect of Judges who are Members of Service

15. Every Judge.

³(1)(a) who is a member of the Indian Civil Service shall on his retirement, be paid a pension in accordance with the scale and provisions in part-II of the first schedule:

(b) who is not a member of the Indian Civil Service but has held any other pensionable civil post under the Union or a State, shall, on his retirement, be paid a pension in accordance with the scale and provisions in part-III of the first schedule;

Provided that every such Judge shall elect to receive the pension payable to him either under part-I of the first schedule or, as the case may be, part-II or Part-III of the first schedule, and the pension payable to him shall be calculated accordingly.

³(2) Notwithstanding anything contained in sub-section (1), any Judge to whom that sub-section applied and who is in service on or after the 1st day of October, 1974, may if he has elected under the proviso to that sub-section to receive the pension payable to him under part-II or, as the case may be, part-III of the first schedule before the date on which the High Court Judges (Conditions of Service) Amendment Act, 1976, receives the assent of the President cancel such election and elect afresh to receive the pension payable to him under part-I of the first schedule and any such Judge who dies before the date of such assent shall be deemed to have elected afresh to be governed by the provisions of the said part-I, if the provisions of that part are more favourable in his case.

Power of President to add to the service for pension

16. The President of India for special reasons direct that any period not exceeding three months shall be added to the service for pension of a Judge.

Provided that the period so added shall be disregarded in calculating any additional pension under part-I or part-II or part-III of the first schedule.

1. Amended by Act 27 of 1964.
2. Subs. by Act 57 of 1980 w.e.f.10.12.1950
3. Ins. by Act 35 of 1976 s.2 w.e.f.1.10.1974.

Extra ordinary pension 17. The rules for the time being in force with respect to the grant of extraordinary pensions and gratuities in relation to an officer of the Central Civil Services, Class-I who has entered service on or after the 1st April, 1937, and who may suffer injury or die as a result of violence, shall apply in relation to a Judge, subject, however, to the modifications that references in those rules to tables of injury gratuities and pensions, and of family gratuities and pensions shall be construed as references to the tables in the Second Schedule.

Family pension and gratuities. 17(A)¹ Where a Judge, who being in service on or after the commencement of the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986, dies, whether before or after retirement in circumstances to which section 17 does not apply, family pension calculated at the rate of ²(fifty per cent of his salary) ⁴"plus fifty percent of his dearness pay" on the date of his death shall be payable to the person or persons entitled thereto and the amount so payable shall be paid from the date following the date of death of the Judge for a period of seven years or for a period upto the date on which the Judge would have attained the age of sixty five years, had he survived whichever is earlier, ²(and thereafter, at the rate of thirty percent of his salary) ⁴"plus thirty percent of his dearness pay" subject to a minimum of one thousand nine hundred and thirteen rupees per month. ²("provided that in no case the amount of family pension calculated under this sub-section shall exceed the pension payable to the Judge under this Act")

Explanation.-- For the purposes of determining the person or persons entitled to family pension under sub-section,--

- (i) in relation to a Judge, who elects or is eligible to receive pension under part-I of the first schedule, the rules, notifications and orders for the time being in force with regard to the person or persons entitled to family pension in relation to an officer of the Central Civil Services, Group-A, shall apply;
- (ii) in relation to a Judge who elects to receive pension under part-II or part-III of the first schedule, the ordinary rules of his service if he had not been appointed a Judge with respect to person or persons entitled to family pension shall apply and his service as a Judge being treated as service therein.

(2) Where any Judge, who has elected to receive the pension payable to him under part-II or part-III of the first schedule, retired, or dies in circumstances to which section 17 does not apply, gratuities, if any, shall be payable to the person or persons entitled thereto under the ordinary rules of his service if he had not been appointed a Judge, his service as a Judge being treated as service therein for purpose of calculating that gratuity.

1.Subs. by Act 38 of 1986 w.e.f. 1.11.1986.

2.Subs. Act 7 of 2003 w.e.f. 1.1.1996.

3.Ins. by Act 32 of 1989 w.e.f. 1.11.1986

4.Ins/sub by Act 46 of 2005 w.e.f. 1.4.2004

(3) The rules, notifications and orders for the time being in force with respect to the grant of death-cum-retirement gratuity benefit to or in relation to an officer of the Central Civil Services class-I (including the provisions relating to deduction from pension for the purpose) shall apply to or in relation to the grant of D.C.R.G. benefit to a Judge, who being in service on or after the 1st day of October, 1974, retires, or dies in circumstances to which section 17 does not apply, subject to the modifications that --

(i) the minimum qualifying service for the purpose of entitlement to the gratuity shall be two years and six months;

(ii) the amount of gratuity shall be calculated on the basis of ¹(ten) days salary for each ¹(completed six months period) of service as Judge; ²(.....)

²iii) omitted

Explanation,-- in sub-section 3³ the expression 'Judge' has the same meaning as in section 14.

Conversion 18. Pensions expressed in sterling only shall, if paid in of ster- India, be converted into rupees at such rate of exchange as ling pen- the Central Government may from time to time specify in this sion into behalf. rupees.

⁴ (.....)

Commut- 19. The Civil Pensions (Commutation) Rules, for the time ation of being in force shall with necessary modifications, apply to pension Judges.

Provident 20. Every Judge shall be entitled to subscribe to the Fund. General Provident Fund (Central Service):

Provided that a Judge who is a member of the Indian Civil Service or has held any other pensionable civil post under the Union or a State shall continue to subscribe to the Provident Fund to which he was subscribing before his appointment as a Judge;

Provided further that a Judge who was appointed before the commencement of this Act may continue to subscribe to the Provident Fund to which he was subscribing immediately before such commencement.

Deposit 20A⁵. The Deposit Linked Insurance Scheme for the time Linked being in force under the General Provident Fund (Central Insurance Insurance Services) Rules, 1960, shall apply to every Judge, whether he Scheme. subscribes to the General Provident Fund (Central Services) or any other Provident Fund referred to in section 20.

1.Subs. by Act 7 of 1999 w.e.f. 1.1.1996
2.omitted by Act 20 of 1988 w.e.f.1.1.1986
3.Subs. by Act 38 of 1986 w.e.f. 1.11.1986
4.proviso omitted by Act 46 of 1958 s.6 w.e.f. 1.11.1956
5.Ins. by Act 38 of 1986 w.e.f. 5.9.1977.

Authority 21. Save as may be otherwise expressly provided in the competent relevant rules, relating to the grant of extraordinary to grant pensions and gratuities, the authority competent to grant pension. pension to a Judge under the provisions of this Act shall be the President of India.

CHAPTER IV

MISCELLANEOUS

Travelling Allowance to a Judge. 22. Every Judge shall receive such reasonable allowances to reimburse him for expenses incurred in travelling on duty within the territory of India and shall be afforded such reasonable facilities in connection with travelling as may, from time to time, be prescribed.

Facility of rent free house ¹[22A(1)Every Judge shall be entitled without payment of rent to the use of an official residence in accordance with such rules as may, from time to time, be prescribed.]

(2) Where a Judge does not avail himself of the use of an official residence, he may be paid every month an allowance ⁷"equivalent to an amount of thirty percent of the salary plus thirty percent of his dearness pay".

Convey-
ance facilities ³22B Every Judge shall be entitled to a staff car and ⁴two) hundred litres of ⁴(fuel) every month or the actual consumption of fuel whichever is less.

Sumptuary Allowance ³22C. The Chief Justice and each of the other Judges of every High Court shall be entitled to sumptuary allowance of ⁷(seven thousand five hundred) rupees per month and ⁷(six thousand) rupees per month, respectively.

Exemption from liability to pay income tax on certain perquisites or allowances received by a Judge. ⁵22D. Notwithstanding anything contained in the Income-tax Act, 1961,--

(a) the value of rent free official residence provided to a Judge under sub-section (1) of section 22-A or the allowance paid to him under sub-section (2) of that section;

(b) the value of the conveyance facilities provided to a Judge under section 22-B;

(c) the sumptuary allowance provided to a Judge under section 22-C;

⁶(d)the value of Leave Travel Concession provided to a Judge and Members of his family.

1.Ins. by Act 35 of 1976 s.4 w.e.f. 1.10.1974
2.Subs. by Act 7 of 1999 w.e.f. 8.1.1999
3.Subs. by Act 38 of 1986 s.7 w.e.f. 1.11.1986
4.Subs. by Act 20 of 1996 w.e.f. 1.11.1996.
5.Subs. by Act 20 of 1988 w.e.f. 1.11.1986
6.Ins. by Act 2 of 1994 w.e.f. 1.11.1986
7.subs by Act 46 of 2005 w.e.f. 1.4.2004.

shall not be included in the computation of his income chargeable under the head 'Salaries' under section 15 of the Income-tax Act, 1961.

Facilities 23A. (1). Every Judge and the members of his family shall be for medi- entitled to such facilities for medical treatment and for cal treat- accommodation in hospitals as may from time to time, be ment and prescribed.

other con- (2) The conditions of service of a Judge for which no ditions of express provision has been made in this Act shall be such as service. may be determined by rules made under this Act.

(3) This section shall be deemed to have come into force on the 26th January, 1950, and any rule made under this section may be made so as to be retrospective to any date not earlier than the commencement of this section.

Vacation of High Court 23A(1) Every High Court shall have a vacation or vacations for such period or periods as may, from time to time, be fixed by the President, by order notified in this behalf in the official Gazette, and every such order shall have effect notwithstanding anything contained in any other law, rule or order regulating the vacation of the High Court.

(2) Every order made under sub-section (1) shall be laid before each House of Parliament.

Special 23B. (1) In the calculation of the service for pension of a provision continuing Judge for the purposes of this Act, his previous in respect service for pension as a Chief Justice, or as a Judge of a of contin- former High Court in a Part-B State under the provisions of uing Judges. the High Court Judges (Part-B States) Order, 1953, or any other order or rule then applicable to him, shall be reckoned as service for pension as a Chief Justice or, as the case may be, as a Judge under this Act.

(2) In the calculation of the amount of leave at the credit of a continuing Judge for the purpose of this Act, the amount of leave due to him immediately before the 1st day of November, 1956, under the provisions of the High Court Judge (Part-B States) Order, 1953, or any other order or rule the applicable to him, shall be added to the amount of leave at his credit under this Act.

(3).....In this section, 'continuing Judge' means a Judge of former High Court in Part-B State who on the 1st day o November, 1956, or on any date subsequent thereto has become o been appointed as a Judge of a High Court for a State.

Special 23C.² (1) On the calculation of service for pension of a Judge provisions of the High Court of Jammu and Kashmir transferred to any other in respect High Court, his service for pension as a Judge of the High Court of Judges of Jammu and Kashmir shall also be reckoned as service for transfer- pension under this Act. red from

the High (2) In the calculation of the amount of leave at the credit Court of of a Judge of the High Court of Jammu and Kashmir transferred J & K. to any other High Court, the amount of leave due to him as Judge of the High Court of Jammu and Kashmir shall be added to the amount of leave at his credit under this Act.

1. Ins. by Act 46 of 1958, s.7 w.e.f.1.11.1958
2. Ins. by Act 27 of 1964, s.3(retrospective).

Medical facilities for retired Judges. ¹[23D(1)Every retired Judge shall, with effect from the date on which the High Court Judges (Conditions of Service) Amendment Act, 1976, receives the assent of the President be entitled for himself and his family, to the same facilities as respects medical treatment and on the same conditions as a retired officer of the Central Civil Services, Class-I and his family, are entitled under any rules and orders of the Central Government for the time being in force.

(2) Notwithstanding anything in sub-section (1) but subject to such conditions and restrictions as the Central Government may impose a retired Judge of the High Court for a State may avail, for himself and his family, any facilities for medical treatment which the Government of that State may extend to him.]

Power to make rules 24(1) The Central Government may, by notification in the Official Gazette make rules to carry out the purposes of this Act,

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters ,namely :-

(a) Leave of absence of a Judge;

(b) Pension payable to a Judge;

(c) Travelling allowances to a Judge;

²[(ca)Use of official residence by a Judge under sub-section (1) of section 22-A];

(d) Facilities for medical treatment and other conditions of service of a Judge;

(e) Any other matter which has to be, or may be prescribed.

³[(3) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

1.Ins. by Act 35 of 1976 s.5 (w.e.f. 1.10.1974)
2.Ins. by Act 35 of 1976 s.6(a) w.e.f. 1.10.1974
3.Subs. by Act 35 of 1976s.6(b) w.e.f. 1.10.1974

Savings ¹25(1) Nothing contained in this Act shall have effect so as to give to a Judge who is serving as such at the commencement of this Act less favourable terms in respect of his allowances or his right in respect of leave of absence (including leave allowances) or pension than those to which he would be entitled if this Act had not been passed.

(2) [Nothing contained in this Act, as amended by the High Court Judges (Conditions of Service) Amendment Act, 1958, shall have effect so as to give to a Chief Justice or a Judge of a former High Court in a Part-B State less favourable terms in respect of his allowances or his rights in respect of leave of absence (including the leave allowances) or pension than those to which he would be entitled under the High Court Judges (Part-B States) Order, 1953, or any other order or rule then applicable to him, if he had continued as a Judge of that High Court, his service as a Judge on or after the 1st day of November, 1956, being treated as service in that High Court.]

-
1. S.25 re-numbered as sub-section (1) of that section and sub-section (2) ins. by Act 46 of 1958 w.e.f. 1.11.1956

THE FIRST SCHEDULE

(See sections 14 and 15)

PENSIONS OF JUDGES

PART - I

1. The provisions of this part apply to a Judge who is not a Member of the Indian Civil Service or has not held any other (pensionable¹ post) under the Union or a State and also apply to a Judge who, being a member of the Indian Civil Service or having held any other pensionable Civil post under the Union or a State has elected to receive the pension payable under this Part.

²2. Subject to the other provisions of this Part, the pension payable to a Judge to whom this part applies and who has completed not less than seven years of service for pension shall be

- (a) for service as Chief Justice in any High Court³(Rs.21,945/-) per annum for each completed year of service;
- (b) for service as any other Judge in any High Court,³(Rs.16,725/-)per annum for each completed year of service.

Provided that the pension shall in no case exceed³(Rs.2,70,000/-)per annum in the case of a Chief Justice and³(Rs.2,34,000/-) per annum in the case of any other Judge.

⁴3. (Omitted)

⁴4. (Omitted)

⁴5. (Omitted)

⁵6. A Judge who has rendered service for pension in both the grades may claim that any period of service of less than a completed year rendered by him in the higher grade, or any portion of any such period, shall be treated for the purposes of paragraph 2 as service rendered by him in the lower grade.

7. For the purpose of this Part, service as an acting Chief Justice of a High Court or as an ad-hoc Judge of the Supreme Court shall be treated as though it were service rendered as Chief Justice of a High Court.

1. Subs. by Act 57 of 1980 w.e.f. 10.12.1950.
2. Subs. by Act 20 of 1988 w.e.f. 1.11.1986.
3. Subs. by Act 46 of 2005 w.e.f. 1.4.2004.
4. Omit. by Act 20 of 1988 w.e.f. 1.11.1986.
5. Subs. by Act 20 of 1988 w.e.f. 1.11.1986.

8. Notwithstanding anything contained in the foregoing provisions of this part, the pension payable to a Judge who has completed ¹(fourteen) years of service for pension, including not less than six years of service as Chief Justice of one or more of the High Courts, shall be ²(Rs.2,70,000/-) per annum.

9. Where a Judge to whom this part applies retires or has retired at any time after the 26th January, 1950, without being eligible for a pension under any other provisions of this part, when, notwithstanding anything contained in the foregoing provisions, a pension of ²(Rs.76,785/-) per annum shall be payable to such a Judge:

³[Provided that nothing in this paragraph shall apply :-

(a) to an additional Judge or acting Judge; or

(b) to a Judge who at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Union or a State.]

⁴10. [Omitted]

⁴11. [Omitted]

PART - II

1. The provisions of this part apply to a Judge, who is a member of the Indian Civil Service and who has not elected to receive the pension payable under part-I.

2. The pension payable to such a Judge shall be --

(a) the pension to which he is entitled under the ordinary rules of the Indian Civil Service if he had not been appointed a Judge, his service as a Judge being treated as service therein for the purpose of calculating that pension; and

(b) the additional pension if any, to which he is entitled under para 3.

⁵Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed ²(Rs.2,70,000/-) per annum in the case of a Chief Justice and ²(Rs.2,34,000/-) per annum in the case of any other Judge.

1. Subs. by Act 20 of 1988 w.e.f. 1.11.1986.
2. Subs. by Act 46 of 2005 w.e.f. 1.4.2005.
3. Ins. by Act 46 of 1958, s.10 (w.e.f.1.11.1956)
4. Omitted by Act 20 of 1988 w.e.f 1.11.1986
5. Ins. by Act 20 of 1988 w.e.f. 1.11.1986.

¹3. If such a Judge has completed not less than seven years of service for pension in a High Court, he shall be entitled to an additional pension in accordance with the following scale :-

- (i) for seven completed years of service for pension ²{Rs.16,898/-
- (ii) for eight completed years of service for pension ²(Rs.20,280/-
- (iii) For nine completed years of service for pension ²(Rs.23,649/-
- (iv) For ten completed years of service for pension ²(Rs.27,033/-
- (v) For eleven completed years of service for pension ²(Rs.30,420/-
- (vi) For twelve or more completed years of service for pension ²(Rs.33,799/-}

³4. (Omitted)

PART - III

1. The provisions of this part apply to a Judge who has held any ⁴(pensionable post) under the Union or a State (but is not a member of the Indian Civil Service) and who has not elected to receive the pension payable under Part-I.

2. The pension payable to such a Judge shall be :

- (a) the pension to which he is entitled under the ordinary rules of his service if he had not been appointed a Judge, his service as a Judge being treated as service therein for the purpose of calculating that pension; and
- (b) a special additional pension of ²(Rs.7,800/-) per annum in respect of each completed year of service for pension ⁵(.....)

⁴Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed ²(Rs.2,70,000/-) per annum in the case of a Chief Justice and ² (Rs.2,34,000/-) per annum in the case of any other Judge.

³3. (Omitted)

³4. (Omitted)

1. Subs. by Act 46 of 1958 s.10 for paragraph 3 w.e.f. 1.11.1956
2. Subs. by Act 46 of 2005 w.e.f. 1.4.2004.
3. Omitted by Act 20 of 1988 w.e.f. 1.11.1986.
4. Ins. by Act 20 of 1988 w.e.f.1.11.1986.
5. Omitted by Act 57 of 1980 (s.6(b)) w.e.f.10.12.1980.

THE SECOND SCHEDULE

(See section 17)

INJURY GRATUITIES AND PENSIONS

Officer	Gratuity	Annual Pension	
		Higher Scale	Lower Scale
1. Chief Justice	Rs.20,000/-	Rs.5,400/-	Rs.4,700/-
2. Any Other Judge	Rs.13,500/-	Rs.4,700/-	Rs.4,000/-

FAMILY GRATUITY AND PENSIONS

(A) WIDOW

Officer	Gratuity	Annual Pension
1. Chief Justice	Rs.15,000/-	Rs.5,000/-
2. Any Other Judge	Rs.13,500/-	Rs.4,000/-

(B) CHILDREN

Officer	Annual Pension	
	If motherless	If not motherless
1. Chief Justice	Rs.550/-	Rs.320/-
2. Any Other Judge	Rs.550/-	Rs.320/-

THE HIGH COURT JUDGES TRAVELLING ALLOWANCE RULES,1956¹
AS AMENDED UP TO 1st JANUARY, 2007

² S.R.O. 2401, dated the 23rd October, 1956 - In exercise of the powers conferred by section 24 of the High Court Judges(Salaries and Conditions of Service) Act, 1954(28 of 1954), the Central Government hereby makes the following Rules, namely:-

1. These Rules may be called the High Court Judges ³.... Travelling Allowances Rules,1956.

⁴(1A. Definitions - In these rules, unless the context otherwise require , -)

⁵[(a) "full wagon" means -

- | | |
|---|--|
| (1) between places connected by rail | (a) By goods train- any quantity upto the maximum carrying capacity of a wagon and "wagon" means a 4-wheeler wagon only; |
| | (b) By passenger train or by road- the mileage allowance will be limited to the amount chargeable for 6000 kilograms by goods train; |
| (2) between places not connected by rail. | 6,000 kilograms] |

⁵[(aa) headquarters' means-

- (i) in relation to a Judge directed by the Chief Justice to perform his normal duties for a period exceeding three months at a place other than the principal seat of the High Court, such place; and
- (ii) in other cases, the principal seat of the High Court;

(b) `Judge' includes an acting Judge and an additional Judge.]

⁶[(c) `mileage allowance' means the road mileage, allowance at the rate notified by the concerned Director of Transport for Taxi/autorikshaw.]

2. (1) When a Judge travels on duty, he is entitled:

⁷[(a)When travelling by railway,-

- (i) to a reserved two-berth compartment of the highest class including air-conditioned and if one such compartment is not available, then to a reserved four -berth compartment of the highest class(but excluding air conditioned);
- (ii) if such a compartment is provided, to take his wife along with him without payment of the fare; and
- (iii) to the fares at the lowest class rates actually paid for servants not exceeding two in number;]

1.These were brought into force in the State of Sikkim vide Notification No. S.O. 212(E) dated 16.9.1975.

2.Published in the Gazette of India, 1956 Pt.II Section 3,p.1762

3.Omitted by S.R.O. 708,dated 28.2.1957

4.Subs. by GSR 48, dated 9.1.1958.

5.Relettered, `Ins,&Subs by GSR 344(E) dated 12.5.1976.

6.Subs by GSR 1194(E) dated 7.11.1986

7.Ins. by GSR 344(E) dated 12.5.1976

- (b) when travelling by a steamer service, to one reserved first-class cabin, if available or to the fare actually paid for himself, and the fares at the lowest class rates paid to the steamer service for servants not exceeding two in number, subject to usual deductions on account of messing charges.
- (c) when travelling by a public air transport service, to the fare paid for himself and, if actually paid, the cost of transporting upto ¹(75 kilograms) of luggage by rail at passenger rates, and the railway or steamer fare of the lowest class for servants not exceeding two in number, and the expenditure actually incurred on the transport by road of servants or luggage up to a maximum of ²(one-half of the rate per kilometre notified by the concerned Director of Transport for autorikshaw) of that part of journey by road for which no allowance is claimed under clause (d) of this sub-rule;
- (d) when travelling by road, to ²(road mileage allowance at the rate notified by the concerned Director of Transport) provided that -
- (i) no such allowance shall be payable in respect of that portion of a journey by road for which a public air transport service provides its own transport and the fare for which journey is included in the air fare paid under clause (c) for the air journey;
- (ii) no mileage allowance shall be admissible for journeys undertaken within a radius of ¹(eight kilometers) from the residence of the Judge or for a journey between such residence or temporary residence and the place of sitting of the High Court or of a Bench of the High Court; and
- (iii) where daily allowance is admissible and is claimed for any day, no mileage allowance shall be admissible in addition in respect of any journey undertaken by road within a radius of ¹(eight kilometers) from the temporary residence of the Judge at the place of halt;
- (iv) no such allowance shall be payable in cases where the Judges use transport provided at Government expense;

³(dd(ddd)

1 Subs, by GSR 730 dated 4.5.1965

2 Subs by GSR 1194(E) dated 7.11.1986

3 Omitted by GSR 344(E) dated 12.5.1976

- (e) to a daily allowance at the rate of ¹(Rs.600) for the entire period of absence from the headquarters, the absence being reckoned from the time of departure from headquarters to the time of return to headquarters:

Provided that the daily allowance so admissibe shall be regulated as follows:-

- (i) full allowance for each completed day, that is reckoned from mid-night to mid-night;
- (ii) for absence from headquarters for less than twenty four hours, the daily allowance shall be at the following rates, namely:-
- (1) if the absence from headquarters does not exceed six hours, 30% of the full daily allowance;
 - (2) if the absence from headquarters exceeds six hours, but does not exceed twelve hours, 50% of the full daily allowance;
 - (3) if the absence from headquarters exceeds twelve hours, full daily allowance.
- (iii) if the date of departure from and return to headquarters fall on different dates, the period of absence from headquarter shall be reckoned as two days and daily allowance shall be calculated for each day as in clause (ii) :

Provided further that -

- (i) When a Judge is required to perform functions outside his normal duties in localities away from his headquarters he may, subject to such conditions as the President may in each case determine be granted daily allowance not exceeding ¹(Rs.600 per day for all type of localities and ¹Rs. 1000 and transport charges not exceeding¹ Rs.50 per day in respect of specially expensive localities) like Bombay, Calcutta, Madras, Delhi, Hyderabad,Ahmedabad, Bangalore or any other locality so declared hereafter by the President and shall also be entitled to Government accommodation at the same rates as for Governmment servants ;
- (ii) when a Judge is required to perform his normal duties away from his headquarters and in specially expensive localities like Bombay, Calcutta, Madras, Delhi, Hyderabad,Ahmedabad, Bangalore or any other locality so declared hereafter by the President he may be granted a daily allowance of ¹(Rs.1000.);

1. Subs. by GSR 151(E) dated 24.2.1999.

- (iii) when a Judge is required to perform similar functions, whether part-time or wholetime in his own headquarters, he shall not be paid any allowance or charges unless the special work involves extra expenses in which case he may be granted such allowance not exceeding ¹ (Rs.600) per day as the President in each case determine;
- (iv) when a Judge is a State Guest or is allowed to avail free board and lodging at the expenses of the Central or State Government or any autonomous industrial or commercial undertaking or corporation or a statutory body or a local authority, in which Government funds have been invested, or in which Government has any other interest, the daily allowance shall be restricted to 25 per cent of the amount admissible or sanctioned; and if only board or lodging is allowed free, the Judge may draw daily allowance at one-half of the admissible rate.
- (f) to the expenditure, if any, actually incurred on the transport ²[by passenger train at Railway risk or by Air at owners risk, which ever is less) or steamer at owner's risk of a motor car, and the fare at lowest class rate actually paid to a Railway or steamer service in respect of one driver or cleaner for the car.

³[(1A when a Judge of the High Court at Bombay is required to proceed on circuit from ⁴ one of the four stations namely, Bombay, Nagpur, Aurangabad and Panaji to any other aforesaid station) he shall also be entitled to the expenditure actually incurred by him for the transport of his wife and dependent son or daughter-

(i) for journey by rail, and in case not travelling in the reserved compartment in the highest class of accommodation, excluding air-conditioned;

(ii) for journeys by air, by a public air transport service:

Provided that the duration of ⁵(the circuit concerned) is not less than fifteen days at a time.

⁶1(B) when a Judge of the High Court of Madhya Pradesh is required to proceed on circuit from Jabalpur to Indore or Gwalior or from Indore to Jabalpur or Gwalior, or from Gwalior to Jabalpur or Indore, he shall also be entitled to the expenditure actually incurred by him for the transport of his wife and dependent son or daughter -

(i) for journey by rail, and in case not travelling in the reserved compartment in the highest class of accommodation, excluding air-conditioned;

(ii) for journeys by air, by a public air transport service:

Provided that the duration of ⁵(the circuit concerned) is not less than ⁵(fifteen days) at a time.

1. Subs. by GSR No.151(E) dt.24.2.1999
2. Subs. by GSR 914(E) dated 9.6.1988
3. Ins. by GSR 784 dated 12.5.1970.
4. Subs. by GSR 887 dated 15.10.1982.
5. Subs. by GSR 717(E) dated 4.12.1991.
6. Ins. by GSR 1539 dated 4.9.1971.

¹1(C) when a Judge of the Gauhati High Court is required to proceed on circuit from Gauhati to Imphal or to Agartala or to any other Bench of the High Court that may be constituted, or from Imphal or Agartala or any other such Bench to Gauhati or from one Bench to another Bench, he shall also be entitled to the expenditure actually incurred by him for the transport of his wife and dependent son or daughter-

- (i) for journey by rail, and in case not travelling in the reserved compartment in the highest class of accommodation, excluding air-conditioned;
- (ii) for journeys by air, by a public air transport service:

Provided that the duration of ²(the circuit concerned) is not less than ²(fifteen days) at a time.

³1(D) when a Judge of the High Court of Rajasthan is required to proceed on circuit from Jodhpur to Jaipur or from Jaipur to Jodhpur, he shall also be entitled to the expenditure actually incurred by him for the transport of his wife and dependent son or daughter-

- (i) for journey by rail, and in case not travelling in the reserved compartment in the highest class of accommodation, excluding air-conditioned;
- (ii) for journeys by air, by a public air transport service:

Provided that the duration of the circuit at Jodhpur or Jaipur is not less than ²(fifteen days) at a time.

³1(E) when a Judge of the High Court of Patna is required to proceed on circuit from Patna to Ranchi or from Ranchi to Patna, he shall also be entitled to the expenditure actually incurred by him for the transport of his wife and dependent son or daughter-

- (i) for journey by rail, and in case not travelling in the reserved compartment in the highest class of accommodation, excluding air-conditioned;
- (ii) for journeys by air, by a public air transport service:

Provided that the duration of the circuit at Patna or Ranchi is not less than²(fifteen days) at a time.

⁴1(F) when a Judge of the High Court of Calcutta is required to proceed on circuit from Calcutta to Andaman and Nicobar Islands, he shall for the journeys from Calcutta to Port Blair and back, also be entitled to the expenditure actually incurred by him for the transport of his wife and dependent son or daughter-

- (i) for journey by sea in the Deluxe Cabin of a Ship;
- (ii) for journey by M.V. Akbar in the Deluxe Class with attached toilet and;
- (iii) for journeys by air, by a public air transport service:

Provided that the duration of the circuit at Port Blair is not less than ²(fifteen days) at a time.

1. Instd. by GSR No.841 dt. 21.6.1972.
2. Subs . by GSR No. 717(E) dated 4.12.1991.
3. Instd. by GSR No.502 dt. 23.3.1979.
4. Instd. by GSR No.1295(E) dt.18.12.1986.

(2) If any person ¹(other than wife and servants) accompany a Judge in a compartment or cabin reserved for him under sub-rule(1), fare shall be payable by him on their account, and the fare so paid shall, if full tariff rates have been paid by Government for the reserved accommodation, be credited to Government.

(3) For the purpose of this rule -

(i) all journeys to and from headquarters shall be deemed to commence and terminate at the Judge's residence at headquarters or as the case may be at an out-station;

(ii) a Judge shall be deemed to be travelling on duty when, during a vacation of the High Court, he proceeds from any place in India where he was spending the vacation for the purpose of doing duty in the High Court and returns to such place after completion of such duty;

²(iia) a Judge shall be deemed to be travelling on duty when, during leave or leave combined with vacation of the High Court, he proceeds from any place in India where he was spending the leave or vacation to any place or places in India for the purpose of performing duty and returns to such place or to his headquarters after completion of his duty.

Provided that in case of returns to headquarters after performing duty the travelling allowance in relation to that journey shall be restricted to what the Judge would have drawn had he returned to the place from where he proceeded.

³(iii) 'actual expenses' means the ordinary and normal expenses incidental to the journey and includes any charge for a ferry, payments of tools, amount spent on transport of camp equipment but does not include such other charges as hotel charges rent for occupying a traveller's bungalow, cost of refreshments,, charges for carriage of stores or conveyance or presents to coachmen or tips to bearers, or any other allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture and the employment of additional servants;

3. (1) When a Government servant, appointed to be a Judge travels by railway to join his post, he may, at his option and in lieu of drawing travelling allowance under the ordinary rules governing a journey on transfer applicable to him, travel in a reserved compartment of the highest class ⁴including air conditioned.

1. Subs.by GSR No.344(E) dt.12.5.1976.

2. Instd. by GSR No.1768 dated 18.9.1968.

3. Instd. by GSR No.730 dt. 4.5.1965.

4. Subs.by GSR No.719 dt.3.11.1995.

(2) A Government servant availing himself of this concession must pay to Government the fare which he would have paid if no accommodation had been reserved, and must, in addition, pay in cash to the station master of the station from which the journey commences, the fare for any members of his family accompanying him whether they share his reserved accommodation or not. When Government pays full tariff rates for the accommodation, all such fares will be credited to Government.

Explanation _ For purposes of rules 3,4 ¹(5,6 and 7D) a reserved compartment means a two-berthed compartment or a four berthed compartment if a two-berthed compartment is not available in the train by which a Judge travels.

4. When a person not already in Government service is appointed to be a Judge, he may when travelling by railway to join his post, travel in a reserved compartment of the highest class ² including air-conditioned and subject to the conditions prescribed in sub-rule (2) of rule 3.

5. When a Judge _

- (a) proceeds on, or returns from leave or
- (b) proceeds on, or returns from , vacation spent ³ in or out side India, or ⁴(. . . .)
- (c) proceeds to join another post after resigning office, he may when travelling in a railway, travel in a reserved compartment of the highest class excluding air-conditioned and subject to the conditions prescribed in sub-rule (2) of rule 3.

³ 5-A When a Judge or any member of his family undertakes a journey to obtain appropriate medical attendance and treatment under the provisions of the All India Service(Medical Attendance) Rules,1954, as applicable to such Judge under the High Court Judges Rules,1956 he shall be entitled to draw the same travelling allowance as is admissible for such journey to a member of the All India Service holding the rank of Secretary to the Government of the State in which the principal seat of the High Court is situated.

⁵[Provided that a Judge of the Delhi High Court ⁶(and a Judge of the Punjab and Haryana High court) shall draw the travelling allowance as is admissible for such journey to a member of the All India Service holding the rank of a Joint Secretary to the Government of India.

6. When a Judge is transferred from one High Court to another, or ⁷(from one headquarter to another) he shall be entitled to the expenditure actually incurred by him on his journey for the transport of -

-
- 1. Subs. by GSR 784 dated 2.5.1970.
 - 2. Subs.by GSR (E)dated 3.11.1995
 - 3. Ins. by GSR 730 dated 4.5.1965.
 - 4. Omt. by GSR 891 dated 19.3.1969.
 - 5. Ins. by GSR 344(E) dated 12.5.1976.
 - 6. Ins by GSR 360 dt.10.3.1981.
 - 7. Subs. by GSR 48 dt.9.1.1959.

- ((a) When travelling by rail or by steamer -
- (i) the Judge himself, by a reserved compartment or cabin of the highest class,¹(including air-conditioned)
 - (ii) members of his family not travelling in the reserved compartment or cabin, in the highest class of accommodation ¹(including air-conditioned).

²(b) when travelling by road -

- (i) one mileage allowance for the Judge himself;
- (ii) one additional mileage allowance at the rate applicable to him if two members of his family accompany him and at twice that rate if more than two members accompany him :

Provided that when any portion of the journey can be performed by by railways, the allowance claimed in respect of that portion shall not exceed the amount admissible had the Judge and the members of his family travelled on such portion by railway by the highest class (including air conditioned)¹]

- (c) when travelling by air, the Judge himself and the members of his family by a public air transport service;
- (d) personal servants, not exceeding four in number, by ³(railway) or steamer or by public road transport service at lowest class rates;
- (e) ⁴[one motor car, by passenger train at Railway's risk or by air at owner's risk, whichever is less or by steamer at owner's risk].
- (f) other personal effects not exceeding the expenditure which would be incurred in the transport ⁵(of full wagon of goods) and the expenditure incurred in ³(loading and unloading) such personal effects.
- ⁶(g) a lump-sum transfer grant and packing allowance at the same rates as are admissible to the All India Service Officer holding the post of Secretary to the Govt. of India.

⁵(Explanation - For the purpose of this rule and rule 7A, 7B 7C and 7D 'members of a Judge's family' means his wife, his children, his step children, parents, sisters and minor brothers normally residing with, and wholly dependent on him.)

7. Where by reason of a change in the principal seat of the High Court a Judge changes his ordinary place of residence, he is entitled to the same allowance as on transfer from one High Court to another.

-
1. Subs by GSR 1007 dated 14.10.1985
 2. Subs.by GSR 1194 dt. 7.11.1986
 3. Subs. by GSR 730 dt. 4.5.1965
 4. Subs. by GSR 914(E) dt.6.9.88.
 5. Subs. by GSR 344(E) dt.12.5.1976.
 6. Ins by GSR 719(E) dated 3.11.1995.

¹7-A. Notwithstanding anything contained in rule 5, a Judge of the High Court shall be entitled to leave travel concession for himself, his wife and dependent members of his family for visiting any place in India (including permanent residence in his home State) during his leave, twice a year, in accordance with the rules applicable in this regard to a member of the Indian Administrative Service holding the rank of Secretary to the Government of the State in which the principal seat of the High Court is situated.

Explanation - For the purpose of this rule, 'leave' shall include vacation ²(any of the gazetted holidays, closed holiday and Sunday)

Provided that a Judge of the Delhi High Court and a Judge of the Punjab and Haryana High Court shall be entitled to leave travel concession under this rule twice a year, for visiting a place any where in India (including home town) in accordance with the rules applicable in this behalf to a member of the Indian Administrative Service holding the rank of a Joint Secretary to the Government of India;

³ Provided that a Chief Justice and a transferred Judge shall be entitled to an additional (third) leave travel concession to visit his permanent residence in his home state in a year.

Provided further that a Judge and his wife shall have the option to travel by air or by air-conditioned first class when travelling by railway, dependent members of the family shall also be allowed to travel with either of them by air or air-conditioned first class, when the Judge or his wife travels on leave travel concession ⁴ (or they can travel independently) while traveling by air.

Explanation-I For the purpose of this rule and for rules 7-B and 7-C.

Permanent residence in the home State "means (i) in the case of a person who has held a judicial office in the territory of India, such place as may have been recorded in his service records as the place at which his permanent residence is located, and (ii) in any other case, the place which has been declared by a Judge of a High Court before the commencement of the High Court Judges (Travelling Allowance) Amendment Rules, 1966, as the place at which his permanent residence is located or where no such declaration has been made, such place as the Judge of a High Court may within one year from the commence of the High Court Judges(T.A.) Amendment Rules 1966, or from the date of his appointment, whichever is later, declare to be the place at which his permanent residence is located and the declaration so made shall not be changed unless the Central Government having regard to the exceptional circumstances of the case permits such change.

Provided that not more than one such change shall be permitted by the Central Government during the period of service of a Judge of a High Court.

⁵(... ..)

"Year" means the 'calendar Year', provided that in the event of the return journey falling in the succeeding calendar year such journey shall be deemed to have been performed in the year in which the outward journey had commenced.

-
1. Subs. by GSR 1194 dated 7.11.1986.
 2. Ins. by GSR 435(E) dt.10.5.1995
 3. Ins. by GSR 719(E) dt.3.11.1995.
 4. Ins. by GSR (E) dt .1999.
 5. Deleted by GSR 385(E) dt.10.5.1995(w.e.f.10.5.1995)

¹ 7-B In case of a Judge who dies while in service, the members of his family shall be entitled to the following expenses for travel, by the shortest route from the headquarters of the Judge at the time of his death, to his permanent residence in his home State, provided that such journey is completed within six months from the date of death of the Judge :-

(a) for journey by rail or by steamer or both.

²(i) actual first class fare for every member of the family;

(ii) actual cost of transportation of personal effects up to ²(a full wagon).

(b) for journey by road -

³(i) one mileage allowance for one member of the family, a second mileage allowance if two members of the family and a third mileage allowance if more than two members of the family of the deceased Judge travel at the rate applicable to such Judge on the date he was last on duty.

(ii) actual cost of transportation of personal effects limited to the expenditure which would be incurred in the transportation of ²(a full wagon) and the expenditure incurred in loading and unloading such personal effects.

²(c) for journeys by the modes referred to in clauses (a) and (b), daily allowance at the same rates as are admissible to a Judge when he travels on duty and the provisions of clauses (d) of sub-rule (1) of rule 2 shall, as far as may be, apply.

⁴(d) a lump-sum transfer grant and packing allowance at the same rates as are admissible to All India Services officer holding the post of Secretary to the Government of India.

(2) the expenses specified in sub-rule(1) shall also be admissible for travel by a member of the family of the deceased Judge from the headquarters of the Judge at the time of death to a place other than his permanent residence in his home State or from such other place, as the member happens to be at the time of the Judge's death, to a place other than the Judges' permanent residence, in his home State, provided that the journey is completed within six months from the date of death of the Judge and the total expenses claimed for such journey do not exceed the amount which would have been admissible had such member travelled from the headquarter of the Judge to his permanent residence in his home State.

(3) Nothing in this rule shall apply in the case of Judge who dies while on leave preparatory to retirement.

²(.)

1. Renumbered as 7-B by GSR 1194(E) dt.7.11.86.
2. Subs/omit by GSR 344(E) dt.12.5.1976
3. Ins. by GSR 1194(E) dt. 7.11.1986.
4. Ins. by GSR 719(E) dt.3.11.1995.

¹7-C. When a Judge retires from service, he and the members of his family shall be entitled to the following expenses for travel and for the transportation of personal effects from the place in which he was on duty prior to his retirement to the permanent residence in his home state declared for the purpose of rule 7-A, 7-B or 7-C. If a Judge wishes to settle down at a place other than the permanent residence in his home State declared for the purpose of rules 7-A, 7-B and 7-C the amount reimbursable to him on account of the expenditure actually, incurred by him on his journey and the journey of the members of his family and for the transportation of personal effects shall be that which would have been admissible to him had he actually proceeded to his permanent residence in his home State or the amount reimbursable for journey to a place other than the permanent residence in his home State, whichever is less. The precise entitlement as aforesaid under these rules shall be as follows namely ;

(a) when travelling by rail or by steamer -

(i) the Judge himself may travel by a reserved compartment or cabin of the highest class,²(including air-conditioned). The members of the family of the Judge may also travel in such reserved compartment or cabin with the Judge.

(ii) members of his family not travelling in the reserved compartment or cabin, may travel in the highest class of accommodation ²(including air-conditioned).

²[Provided that the Judge or his family members may travel by a public air transport at his option.]

(b) when travelling by road -

³ one mileage allowance for the Judge , a second mileage allowance if two members of his family travelling with him and a third mileage allowance if more than two members travel with him at the rate applicable to such Judge on the date he was last on duty.

Provided that when any portion of the journey can be performed by rail, the allowance claimed in respect of that portion shall not exceed the amount admissible had the Judge and the members of his family travelled on such-portion by rail by the highest class, excluding air-conditioned .

1. Renumbered from 7-D to 7-C by GSR 1194(E) dt.7.11.1986.
2. Subs/Ins by GSR 717(E) dt.4.12.1991.
3. Ins. by GSR 1194(E) dt.7.11.1986.

- ¹[(bb) the Judge and every member of his family shall be entitled to a daily allowance in respect of the journeys by the modes referred to in clauses (a) and (b) , at the same rates as are admissible to a Judge when he travels on duty and the provisions of clause (c) of sub-rule(1) of rule 2 shall ,as far as may be, apply.
- (c) for transportation of one motor car, by passenger train ²(at Railway's risk) or steamer at owner's risk; and
- (d) for transportation of other personal effects,not exceeding the expenditure which would be incurred in the transport ³ (of a full wagon of goods) and the expenditure incurred in ¹(loading and unloading) such personal effects;
- (e) a lump-sum transfer grant and packing allowance at the same rates as are admissible to All India Service Officers holding the post of Secretary to the Govt. of India.

Provided that the above entitlement will lapse if the journey is not completed by the judge within six months from the date of his retirement. Members of his family may follow him within six months or precede him by not more than one month. The period of six months,or one month, as the case may be shall count from the date of retirement of the Judge.

⁴(Proviso deleted)

⁵(.....)

8. Repeal and Savings -(1) The High Court Judges (Part-A State) Travelling Allowance Rules,1950, are hereby repealed.

(2) Notwithstanding such repeal, nothing contained in these rules shall have effect so as to give to a Judge who is serving as such at the commencement of these rules less favourable terms in respect of his travelling and daily allowances than those to which he would be entitled if these rules had not been made.

[Ministry of Home Affairs]
File No. 11/45/55-Judl.I

-
1. Ins. by GSR 344(E) dt.12.5.1976.
 2. Ins. by GSR 914(E) dt.6.9.1980.
 3. Subs. by GSR 34(E) dt.12.5.1976.
 4. Deleted by GSR 621(E) dt.1.09.1999.
 5. Omitted by GSR 1194(E) dt.7.11.1986.

[Ministry of Home Affairs]
File No. 11/45/55-Judl.I

Foot Note: Principal Rules published vide Notification
No.S.R.O.2401, dated 23rd October , 1956,
Gazette of India dated 27th October, 1956,
Part II; Section 3, page 1762 and
subsequently amended by :

- | | | |
|------|-------------|-------------------|
| (1) | SRO 708 | dated 28.2.1957. |
| (2) | GSR 48 | dated 9.1.1959. |
| (3) | GSR 730 | dated 4.5.1965 . |
| (4) | GSR 943 | dated 8.6.1966. |
| (5) | GSR 1768 | dated 18.9.1968. |
| (6) | GSR 891 | dated 19.3.1969. |
| (7) | GSR 784 | dated 2.5.1970 . |
| (8) | GSR 1539 | dated 4.9.1971. |
| (9) | GSR 841 | dated 21.6.1972. |
| (10) | GSR 212(E) | dated 16.9.1975. |
| (11) | GSR 344(E) | dated 12.5.1976. |
| (12) | GSR 991 | dated 28.7.1978. |
| (13) | GSR 502 | dated 23.3.1979. |
| (14) | GSR 870 | dated 5.8.1980. |
| (15) | GSR 1044 | dated 23.9.1980. |
| (16) | GSR 360 | dated 10.3.1981. |
| (17) | GSR 532 | dated 27.5.1982. |
| (18) | GSR 887 | dated 15.10.1982. |
| (19) | GSR 1007 | dated 14.10.1985. |
| (20) | GSR 1194(E) | dated 7.11.1986. |
| (21) | GSR 1295(E) | dated 18.12.1986. |
| (22) | GSR 635 | dated 27.7.1988. |
| (23) | GSR 914(E) | dated 9.9.1988. |
| (24) | GSR 426(E) | dated 11.7.1990. |
| (25) | GSR 717(E) | dated 4.12.1991. |
| (26) | GSR 117 | dated 3.3.1992. |
| (27) | GSR 385(E) | dated 10.5.1995. |
| (28) | GSR 719(E) | dated 3.11.1995. |
| (29) | GSR 268(E) | dated 3.7.1996. |
| (30) | GSR 151(E) | dated 24.2.1999. |
| (31) | GSR 506(E) | dated 8.7.1999. |
| (32) | GSR 621(E) | dated 1.9.1999. |
| (33) | GSR 412(E) | dated 16.6.2005. |

THE HIGH COURT JUDGES RULES, 1956¹

(As on 1st January, 2007)

²S.R.O. 224 dated the 24th January, 1956--In exercise of the powers conferred by sections 23 and 24 of the High Court Judges (³Salaries and Conditions of Service) Act, 1954, (28 of 1954), the Central Government hereby makes the following rules, namely--

1. Short title--These rules, may be called the High Court Judges ⁴(.....) Rules, 1956.

⁵(1A. Definition--In these rules, 'Judge' includes an acting Judge and an Additional Judge.)

2. Conditions of Service in certain cases-- The conditions of service of a Judge of a High Court for which no express provision has been made in the High Court Judges (³Salaries and Conditions of Service) Act, 1954, shall be, and shall from the commencement of the Constitution be deemed to have been determined by the rules for the time being applicable to a member of Indian Administrative Service holding the rank of Secretary to the Government of the State in which the principal seat of the High Court is situated.

⁶(Provided that, in the case of a Judge of the High Court of Delhi, ⁷(and a Judge of the High Court of Punjab and Haryana ⁸.....) the conditions of service shall be determined by the rules for the time being applicable to a member of the Indian Administrative Service on deputation to the Government of India and holding the rank of Joint Secretary to the Government of India stationed at New Delhi.

⁹[Provided further that, in respect of facilities for medical treatment and accommodation in hospitals :--

(a) in the case of Judges of the High Courts other than the Delhi High Court and the Punjab and Haryana High Court, the rules and provisions as applicable to a Cabinet Minister of the State Government in which the principal seat of the High Court is situated, shall apply;

(b) in the case of Judges, other than the Chief Justices, of the Delhi High Court and the Punjab and Haryana High Court, the rules and provisions as applicable to a Union Deputy Minister shall apply;

-
1. Published in the Gazette of India, 1956, Pr.II Sec.3, p.106
 2. These rules were extended to the State of Sikkim on 16.5.1975 vide Notification Nos.208(E) and S.O. 210(E) dated 16.5.1975.
 3. Ins. by Amendment Act 7 of 1999 w.e.f. 1.1.1996.
 4. Omitted by SRO 707 dated 28.2.1957.
 5. Ins. by S.R.O. No.707 dated 28.2.1959
 6. Ins. GSR 497 dated 13.3.1970
 7. Ins. by GSR 562 dated 21.3.1979 w.e.f. 1.11.1966.
 8. Omitted by GSR 698(E) dt.31.7.92.
 9. Subs. by GSR No.1175(E) dated 4.11.1986.

(c) in the case of the Chief Justices of Delhi High Court and the Punjab and Haryana High Court, the rules and provisions as applicable to a Union Cabinet Minister shall apply.]

NOTE: Cases of reimbursement of medical charges decided before the commencement of these rules shall not be reopened unless it is specifically so desired by the Judge concerned.

¹(Provided also that where at the request of the President any Judge undertakes to discharge any function outside his normal duties in any locality away from his headquarters, the President may, having regard to the nature of such function and locality, determine the facilities that may be afforded to such Judge including accommodations, transport and telephone so long as he continues to discharge such function, either without any payment or at a concessional rate)

" Provided further that a judge of the High Court shall also be entitled to any one of the following special compensatory allowances, at the same rates as applicable to a member of the Indian Administrative Service holding the rank of Secretary to the Government of the State in which the principal seat of the High Court situate, with the condition that an option can be exercised to claim only one of the following Special Compensatory Allowances which ever is advantageous, namely: -

- (i) Special Compensatory (Remote Locality) Allowance
- (ii) Special Compensatory (Hill Area) Allowance
- (iii) Special Compensatory (Bad Climate) Allowance
- (iv) Special Compensatory (Schedules/Tribal Area) Allowance".

²2A. Residence of Judges--Each Judge who avails himself of the use of an official residence, shall be entitled to without payment of rent to the use of a furnished residence throughout his term of office and for a period of one month immediately thereafter, and no charge shall fall on the Judge personally in respect of the maintenance of such residence. This concession shall also be admissible to the Members of the family of a Judge, who dies while in service for a period of one month immediately after his death.

Explanation--For the purposes of this rule and rules 2-B and 2.C--[A] 'Official Residence' means accommodation owned or taken on hire by requisition or otherwise, by Government and allotted to a Judge free of rent; [B] 'maintenance' in relation to an official residence, includes the payment of local rates and taxes. ³(.....)

⁴2B. Free furnishing-- The value of free furnishing (including electrical appliances) provided free of rent in the official residence allotted to the Chief Justice shall not exceed ⁵{(Rs.2,00,000/-) (Rupees Two Lakh only)} and in the case of other Judges shall not exceed ⁵{(Rs.1,50,000/-) (Rupees One Lakh Fifty Thousand only)}.

2C. Rent for overstay--(1) Where a Judge occupies an Official residence beyond the period specified in rule 2-A, he shall be liable to pay for the period of over-stay rent and other charges, in respect of such over-stay calculated in accordance with the rules applicable in this behalf to the members of the Indian Administrative Service holding the rank of Secretary to the Government of the State or the Union Territory, as the case may be, in which the principal seat of the High Court is situated.

1. Ins. by GSR 336(E) dated 11.7.1972
2. Ins. by GSR 1015 dated 21.7.1979 w.e.f. 1.10.1974.
3. Omitted by GSR 299(E) dated 18.3.1987
4. Subs. by GSR 717(E) dated 4.12.1991
5. Subs. by GSR 720(E) dated 3.11.1995
6. Ins. By GSR 394(E) dated 1.7.2004.

(2) Where the members of the family of a Judge, who dies while in service occupy an official residence beyond the period specified in rule 2-A, they shall be liable to pay for the period of over-stay, rent and other charges, in respect of such over-stay calculated in accordance with the rules applicable in this behalf to the Members of the Indian Administrative Service holding the rank of Secretary to the Government of the State or the Union Territory, as the case may be, in which the principal seat of the High Court is situated.

¹2D. A Judge of a High Court may nominate any other person to receive the arrears of pension payable to him in accordance with the provisions of the Payment of Arrears of Pension (Nomination) Rules, 1983.

²2.E Free Water and Electricity--Every Judge, irrespective of the fact whether he resides in an official residence or not shall be entitled to re-imburement of charges on account of water and electricity consumed at his residence not exceeding ³(3600 kilolitre of water and 10,000 units of Power per annum).

3. Passage benefits--(i) A Judge who is a member of the Indian Civil Service and whose domicile at the date of his appointment to that Service was elsewhere than in India, shall have the rights in respect of passage for himself, his wife and children, if any, as under the rules of that service, he would have had if he had not been appointed a Judge, his service as Judge being treated as service for the purpose of determining those rights.

(ii) Any other Judge whose domicile at the date of his appointment as Judge was elsewhere than in India shall have the same rights in respect of passages for himself, his wife and children, if any, as under the rules for the time being applicable to persons, who become members of the Indian Civil Service on that date, would have had, if he had become a member thereof on that date, and if his service as Judge were treated as service therein for the purpose of determining those rights.

Provided that, in the case of a Judge, who was before appointment to a High Court in India, a Judge of a former Indian High Court, the date of his appointment and his service as such Judge shall be treated as the date of appointment and his service as Judge respectively for the purpose of this sub-rule and any passages taken by him as such Judge shall be treated as passages taken under these rules.

NOTE: The passage benefits provided in rule 3 shall be, and shall from the commencement of the Constitution be deemed to have been, admissible only to such Judges as were serving in the High Court on the 1st day of May, 1955.

4. Decision of questions--If any question arises about the interpretation of the provisions of these rules, the decision of the Central Government thereon shall be final.

{ Ministry of Home Affairs No.11/39/54-Judl. }

1.Subs. by GSR 1175(E) dated 4.11.1986 (F.No.24/20/86-Jus.)

2.Ins. by GSR 299(E) dated 18.3.1987.

3.Subs. by GSR 558(E) dated 30.6.1994 w.e.f. 29.6.1994.

FOOT NOTE: Principal Rules published by
Notification No. S.R.O. 224 dated the 24th
January, 1956,-- Gazette of India, 1956
Part-II Section 3, page 106.

Subsequently amended by :

1. S.R.O. 707 dated 28.2.1957
2. G.S.R. 497 dated 13.3.1970
3. G.S.R. 3365(E) dated 11.7.1972
4. G.S.R. 562 dated 21.4.1979
5. G.S.R. 1015 dated 21.7.1979
6. G.S.R. 1175(E) dated 4.11.1986
7. G.S.R. 299(E) dated 18.3.1987
8. G.S.R. 718(E) dated 4.12.1991
9. G.S.R. 698(E) dated 4.12.1991
10. G.S.R. 588(E) dated 30.6.1994
11. G.S.R. 720(E) dated 3.11.1995
12. G.S.R. 394(E) dated 1.7.2004.