

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.

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SCHEDULE

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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 per cent 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.]

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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/-