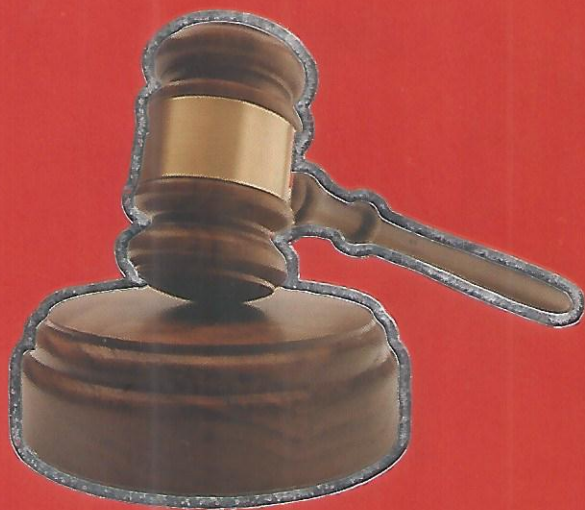


SUPREME COURT & HIGH COURT JUDGES' CONDITIONS OF SERVICE



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LEAVE TRAVEL CONCESSION

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Summary

Leave Travel Concession.

A. Supreme Court Judge

- (i) Thrice a year to any place in India by Air (Executive Class) or any class by Train including Rajdhani/Shatabdi Express.
- (ii) L.T.C. of one year can be carried forward to the next year.
- (iii) Un-availed Home town LTC admissible to transferred High Court Judges can be availed on their elevation to the Supreme Court and will be restricted to Home Town.

[Rule 6A of the Supreme Court Judges (Travelling Allowance) Rules, 1959]

B. High Court Judge

- (i) Twice a year to any place in India by Air (Executive Class) or any class by Train including Rajdhani/Shatabdi Express.
- (ii) L.T.C. of one year can be carried forward to the next year.
- (iii) 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.

[Rule 7-A of the High Court Judges (Travelling Allowance) Rules, 1956]

1. Entitlement.

Supreme Court Judge

A Judge of the Supreme Court, including the Chief Justice of India is entitled to leave travel concession (LTC):-

- (a) for himself,
- (b) his spouse, and
- (c) the dependent members of his family

for visiting any place in India, including permanent residence in his home State during leave or vacations thrice a year.
Rule 6A of the Supreme Court Judges (Travelling Allowance) Rules, 1959 provides:

'6A. Notwithstanding anything contained in rule 6, a Judge of the Supreme 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, thrice a year in accordance with the rules

applicable in this behalf to a member of the Indian Administrative Service holding the rank of a Secretary to the Government of India.

Explanation: - For the purpose of this rule, 'leave' shall include vacation: any of the Gazetted holidays, closed holidays and Sundays.

Provided 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-conditioned first class, or by air, when the Judge or his wife travels on Leave Travel Concession ; or they can travel independently while travelling by air'.

High Court Judge

A Judge of the High Court is entitled to LTC:

- i. for himself,
- ii. his spouse and
- iii. dependent members of his family

for visiting any place in India, including permanent residence in his home State twice a year.

Rule 7A of the High Court Judges Travelling Allowance Rules, 1956 provides:

'7A. 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, any of the gazetted holidays, closed holidays and Sundays.

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 anywhere 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;

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 or they can travel independently while travelling by air.

Explanation: - For the purpose of this rule and of 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.

"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'.

For the purpose of this rule, 'leave' shall include vacation, any of the gazetted holidays, closed holidays and Sundays.

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.

A Judge of the Delhi High Court and a Judge of the Punjab and Haryana High Court is entitled to leave travel concession, twice a year, for visiting a place anywhere 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.

Earlier LTC was admissible only to those Judges who had completed one year continuous service on the date of journey performed by him or his family as the case may be¹. The issue was re-examined by the Government and it was decided that LTC facility shall be available to all Judges immediately on their appointment without any reference to the length of service, as such².

LTC facility could be allowed for an escort who accompanies a handicapped Judge on the journey³.

2. Mode of Travel

A Judge and his wife, while availing LTC shall have the option to travel by air or by air-conditioned first class when travelling by Railway⁴.

Dependent members of the family can also travel with either of them by Air or by air-conditioned class, when the Judge or his wife travels on LTC. They can also travel by Air while traveling independently.⁵

3. Rules applicable

Leave Travel Concession rules for a Judge, his wife or dependent family member shall be the Leave Travel Concession rules applicable to a member of the Indian Administrative Service holding the rank of a Secretary to the Government of India.

Under Rule 3 of the All India Services (Leave Travel Concession) Rule, 1975 a member of the Indian Administrative

1. Letter No: 24/7/83-Jus, Government of India, Ministry of Law, Justice & Co. Affairs, Department of Justice dated June, 1983.

2. Letter No: 11025/23/94-Jus, Government of India, Ministry of Law, Justice & Co. Affairs, Department of Justice dated 8-9-1994. See also Letter No: 11025/6/97-Jus, Government of India, Ministry of Law, Justice & Co. Affairs, Department of Justice dated 27-2-1997.

3. See O. M. No: 31011/4/91-Estt. (A), dated the 9th July, 1991.

4. Rule 6A of the Supreme Court Judges (Travelling Allowance) Rules, 1959 and proviso to Rule 7-A of the High Court Judges (Travelling Allowance) Rules, 1956.

5. Proviso to Rule 6A of the Supreme Court Judges (Travelling Allowance) Rules, 1959 and third proviso to Rule 7-A of the High Court Judges (Travelling Allowance) Rules, 1956.

Service holding the rank of a Secretary to the Government of India, are regulated in the same manner, and subject to the same conditions, as are applicable to the officers of the Central Civil Services, Group A. Officers of the Central Civil Services, Group A are, in the matter of Leave Travel Concession, being governed by the Central Civil Services (Leave Travel Concession) Rules, 1988.

4. Any place in India.

A Judge, his spouse and his independent children are entitled to Leave Travel Concession for visiting any place in India. Any place in India will cover any place within the territory of India whether it is on the main land India or overseas¹. It includes A & N Islands, L & M Islands, etc., and hometown of the Judge.

5. Home town concession

A Supreme Court Judge, his spouse and the dependent members of family are also entitled to visit a permanent residence in the home state of the Judge².

A Chief Justice and a transferred Judge of a High Court is also entitled to an additional third leave travel concession to visit his permanent residence in his home state in a year³.

6. Permanent Residence

The term 'permanent residence' means the town, village or any place declared as such by the Judge.

Permanent residence in the home State means:

1. in the case of a person who has held a judicial office, such place as is recorded in his service records as the place at which his permanent residence is located, and
2. in any other case, the place which has been declared by a Judge of a High Court within one year from the date of his appointment, declare to be the place at which his permanent residence is located.

The declaration once made cannot be changed unless the Central Government having regard to the exceptional

1. Rule 4 (a) of the Central Services (Leave Travel Concession) Rules, 1988.

2. Rule 6A of the Supreme Court Judges (Travelling Allowance) Rules, 1959.

3. Proviso to Rule 7-A of the High Court Judges (Travelling Allowance) Rules, 1956.

circumstances of the case permits such change and not more than one such change is permitted by the Central Government during the period of service of a Judge of a High Court¹.

7. Year

'Year' means the Calendar year. Where the journey starts in a particular year but the return journey falls in the succeeding calendar year, such journey shall be deemed to have been performed in the year in which the outward journey had commenced².

8. Reimbursement

Both in respect of journeys to permanent residence and any place in India full to and fro fare, by the mode of travel is reimbursable.

9. Shortest direct route

All journeys on Leave Travel Concession are to be performed by the shortest direct route. Leave Travel Concession is calculated on a through ticket basis, irrespective of the fact whether the journey was performed by the shortest or any other route.

A Judge or his family, may travel by any route or halt anywhere on the way but the reimbursement is limited to the fare by the shortest route calculated on a through ticket basis.

Where however, the shortest route is disrupted by any cause or due to accidents etc. the power to grant reimbursement by the actual route traveled can be exercised³.

10. Family

The entitlement is to the Judges and to the spouse and the dependent members of the family of the Judge.

Unmarried children or step children, wholly dependent upon the Judge, whether they are residing with him or not, married daughters who have been divorced, abandoned or

1. See Explanation-1 to Rule 7-A of the High Court Judges (Travelling Allowance) Rules, 1956.

2. Rule 7-A of the High Court Judges (Travelling Allowance) Rules, 1956.

3. M. H. A. O. M. No: 31011/1/77-Ests. (A) dated 1-10-1977.

separated from their husbands, if residing with and wholly dependent upon the Judge are included in the family.

Unmarried minor's brother, unmarried divorced, abandoned, separated from their husbands or widowed sisters residing with and wholly dependent on the Judge are also included in the family provided their parents or either not alloy or are themselves wholly dependent on the Judge.

Parents and/or step mother residing with and wholly dependent on the Judge are also included in the family.

For deciding the dependency income from all sources should not exceed Rs.1500 per month.

Children include children taken as wards by the Judge under the Guardians and Awards Act provided such ward is treated as a member of the family and the Judge through a special will has given such ward and status as a natural born child¹.

11. LTC during vacations

Leave Travel Concession is available to a Judge during his leave. For this purpose leave shall include vacations which mean that the concession is available and can be availed even during vacations. It can be availed on any of the gazette holidays, closing holidays and Sundays².

12. Judge and family are independent units

The family members need not accompany the Judge or even travel in the same calendar year in which the Judge travels. The family members will get the concession independently where the Judge avails it or not.

If the family travels separately a restriction of availing Leave Travel Concession during leave or vacations will not arise. The members of the family of a Judge may either travel together or separately in different groups as may be convenient to them.

Where they travel in different groups, at different times, reimbursement on expenditure may be allowed in respect of each group provided the journey is performed during the year.

1. M.F., O.M. No: 19047/1/89-E. IV dated the 28th September, 1989.

2. Explanation to Rule 6A of the Supreme Court Judges (Travelling Allowance) Rules, 1959 and Explanation to Rule 7-A of the High Court Judges (Travelling Allowance) Rules, 1956.

13. Judge/family may visit different places

While availing Leave Travel Concession to visit any place in India the Judge and/or members of his family may visit the same place or different places of their choice.

14. Claim for family may be separate

Whether a Judge and his family performed journey separately, there is no objection to present separate claims of such travel.

15. Intended place of visit to be declared in advance

When the concession to visit any place in India is proposed to be availed of by the Judge and/or members of his family the intended place of visit should be declared by the Judge in advance.

16. Declared place of visit must be visited

A Judge and/or members of his family, as the case may be, must visit the declared place to become eligible for making the Leave Travel Concession. The journey may be performed by any route to the declared place of visit but the claim will be regulate with reference to the shortest direct route on a through ticket basis between the Headquarter and the declared place of visit.

17. Change of the declared place of visit

The declared place of visit can be changed before the commencement of the journey. It cannot be changed after the commencement of the journey.

If the Judge had to stop at a particular station en route and could not visit the declared station due to circumstances beyond his control, his claim may be admitted provided that such intermediary station is en route declared destination.

18. Entitlement

While availing Leave Travel Concession and Judge and his wife can travel by air or by air-conditioned first class by rail. Dependent members of the family can also be allowed to travel with either of them or by air-conditioned first class while traveling

by Railway. The dependent members of the family can also travel independently by air¹.

While traveling by air on Leave Travel Concession a Judge can travel in the executive class².

19. Travel by rail

While availing Leave Travel Concession a Judge and his wife while traveling by rail may travel by air-conditioned first class.

The dependent members of the family can travel in the air-conditioned first class only if they travel with either of them when the Judge or his spouse travels on Leave Travel Concession³.

When the journey is performed by a longer route with is not cheapest the entitlement is to the amount of shortest route.

20. Travel by road

Supreme Court Judges (Travelling Allowance) Rules, 1959 do not provide for travel by road during Leave Travel Concession but reading these rules along with the Central Civil Service (Leave Travel Concession Rules 1988), Leave Travel Concession by road will be admissible only between place where there is no air or rail service.

Leave Travel Concession will be admissible only if the journey performed by vehicles operated by Tourism Development Corporation in Public Sector, State Transport Corporation and transport services run by other government or local bodies or private buses borrowing as regular transport services from point to point at a regular intervals at fixed fare rates with approval of the Transport Authorities.

The claim will be restricted to the actual expenses.

1. Proviso to Rule 6A of the Supreme Court Judges (Travelling Allowance) Rules, 1959 and Proviso to Rule 7-A of the High Court Judges (Travelling Allowance) Rules, 1956.

2. Letter No: 11025/14/99-Jus, Government of India, Ministry of Law, Justice & Co. Affairs, Department of Justice dated 21-9-1999.

3. Proviso to Rule 6A of the Supreme Court Judges (Travelling Allowance) Rules, 1959 and Proviso to Rule 7-A of the High Court Judges (Travelling Allowance) Rules, 1956.

21. Journey in a private car/chartered bus

Leave Travel Concession is not admissible for journeys performed in a private car (owned, borrowed or hired) or chartered bus, van or other vehicle owned, borrowed by private operators.

22. Journey by hired/chartered rail coach

Journey by a chartered rail coach is also not admissible unless the chartered tour is wholly operated and conducted by a Central or State undertaking.

23. Grant of advance

Advances are granted to Judges to enable them to avail themselves of the leave travel concession.

The amount of such advance in each case will be limited to 80% of the estimated amount which government would have to reimburse in respect of the cost of the journey to both ways.

If the family travels separately from the Judge, the advance may also be drawn separately to the extent admissible.

The advance may be drawn both for the forward and return journeys at the time of commencement of the forward journey, provided the period of leave taken by the Judge from the period of anticipated absence of the members of the family does not exceed 3 months or 90 days.

However, this limit is exceeded then the advance may be drawn for the outward journey only.

If the limit of 3 months or 90 days is exceeded after the advance had already been drawn for both the journeys, one half of the advance should be refunded forthwith.

Normally, the advance should be refunded if the outward journey is not commenced within 30 days of the grant of advance. In case of journeys by rail, advance can be drawn 60 days before the proposed date of the outward journey.

The claim in adjustment of the advance should be preferred within one month of the completion of the returned journey, if advance has been drawn.

In no advance has been drawn a claim for reimbursement can be made within 3 months where no such claim is made within 3 months of the date of the completion of the returned journey the right of a Judge for reimbursement stands forfeited.

24. Income Tax exemption

In computing the total income of a previous year of any Judge, the value of Leave Travel Concession provided to a Judge and members of his family is not to be included¹.

25. Carry forward of Leave Travel Concession

If a judge, his spouse or any dependent member of his family do not avail the Leave Travel Concession in a particular year the same is to be carried forward to the next year and this carry forward concession will remain available to him for one year².

26. Encashment of Earned leave

Government officers are allowed to encash ten days earned leave at the time of availing of LTC to the extent of sixty days during the entire career. The leave encashed at the time of LTC will not be deducted from the maximum amount of earned leave encashable at the time of retirement³.

This facility is available to the Judges of the Supreme Court and High Court also⁴.

For various orders issued on the LTC of the Judges of the Supreme Court and High Court see **Appendix- VII**.

1. Section 23 D (d) of the Supreme Court Judges (Conditions of Service) Act, 1958 and Section 22D (d) of the High Court Judges (Conditions of Service) Act, 1954.

2. Letter No: 11025/40/92-Jus, Government of India, Ministry of Law & Justice, Department of Justice dated 20-1-1993.

3. See F. No. 31011/4/2008-Estt.(A) Government of India, Ministry of Personnel, Public Grievances & Pension Department of Personnel & Training New Delhi, the 23rd September, 2008.

4. For the text of the Orders issued on the subject see Appendix: 'Orders & Clarifications'.