



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

**(Act No.28 of 1954)
(As Amended upto 22nd March, 2016)**



DIVISION 16
JUDICIAL SERVICES

**112. THE HIGH COURT JUDGES (SALARIES AND
CONDITIONS OF SERVICE) ACT, 1954¹**

(Act 28 of 1954)

[20th May, 1954]

An Act to regulate ²[salaries and certain conditions of service] of the Judge of High Court ³[* *].*

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

STATEMENT OF OBJECTS AND REASONS

1. Under Clause (2) of Article 221 of the Constitution, every Judge of a High Court is entitled to "such allowances and to such rights in respect of leave of absence and pension as may from time to time be determined by or under law made by Parliament", provided that neither the allowances of a Judge nor his rights in respect of leave of absence or pension shall be varied to his disadvantage after his appointment.

2. This Bill seeks to determine the rights in respect of leave of absence and pension and certain other subsidiary conditions of Judges of High Courts in Part A States.

3. No substantial change is proposed in the leave terms hitherto admissible to these High Court Judges, nor in their pensionary rights, except to the extent indicated below :

- (a) Under Part I of the Third Schedule to the Government of India (High Court Judges) Order, 1937, the service of a Judge for purposes of additional and maximum pension is classified into five different grades, under which non-Service Judges are entitled to draw additional pensions ranging from 20 pounds to 75 pounds and maximum pensions ranging from 1,000 pounds to 1,800 pounds. These different rates of pension were in consequence of the different rates of salary prescribed in the order. Under the Constitution, however, one uniform rate of salary has been laid down for Chief Justices and another uniform rate of salary for other Judges of High Courts in Part A States. Accordingly in paragraphs 4 and 5 of Part I of the First Schedule to this Bill, provision is made for one common scale of pensions for Chief Justices and another common scale for other Judges. Separate provision has been made, on the same terms as provided in the Government of India (High Court Judges) Order, 1937, for the pensions of Indian Civil Service and other Service Judges.

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1. The Act has been extended to and enforced in the State of Sikkim on 16.5.1975, vide Gazette of India, Extra., Pt II, Sec. 3(ii), pages 1213, 1227, dated 16th May, 1975.
 2. Subs. by Act 18 of 1998, Sec. 2, for "certain conditions of service" (w.r.e.f. 1.1.1996).
 3. The words "in Part A States" omitted by the A.O. (3), 1956.

- (b) Hitherto, no pension has been admissible to a non-Service Judge of a High Court, unless, on attaining the age of sixty years, he completed not less than seven years' qualifying service for pension. Provision has been made in paragraph 9 of Part I of the First Schedule to this Bill for a minimum pension of Rs. 6,000 per annum even if the service put in by a Judge is less than seven years. This is considered necessary, mainly because of Article 220 of the Constitution barring practice after retirement, a provision which adversely affects the recruitment of desirable candidates who would not be able to put in the minimum seven years on attaining the age of sixty to qualify for pension.
- (c) Special provision has also been made to govern certain other subsidiary conditions of service, such as medical attendance facilities which are enjoyed by all Government servants and which, up to the commencement of the Constitution, were admissible also to High Court Judges under paragraph 26 of the Government of India (High Court Judges) Order, 1937.

CHAPTER I

PRELIMINARY

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

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

- (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 person ²[* * *] appointed to act as a Judge ³[***] ⁴[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 the Supreme Court to a High Court;
 - (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 sittings of the Supreme Court as an *ad-hoc* Judge under Article 127 of the Constitution; and

1. Subs. by Act 18 of 1998, Sec. 3, for "(Conditions of Service)" (w.r.e.f. 1.1.1996).

2. The words "who was" omitted by the A.O. 1956.

3. Words "under sub-section (2) of Section 222 of the Government of India Act, 1935 or" omitted by Act No. 13 of 2016, dated 22nd March, 2016.

4. Added by the A.O. (No. 3) 1956.

- (vi) vacation (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 person ¹[* * *] appointed as an Additional Judge ²[***] ³[under Clause (1) of Article 224 of the Constitution];
- ⁴[(e) ***]
- (f) "High Court" means a High Court ⁵[for a State] and includes a High Court which was exercising jurisdiction ⁶[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, ⁷[an Acting Chief Justice, an additional Judge and an acting Judge of the High Court];
- ⁸[(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;
 - ⁹[(ii) ¹⁰[forty-five days] or the amount actually taken of each period of a leave on full allowances at a rate equal to the monthly rate of salary;]
 - (iii) joining time on return from leave out of India;
 - (i) "prescribed" means prescribed by rules made under this Act.

(2) In the calculation of service for the purposes of this Act, ¹¹[service for any period or periods as Acting Judge or Additional Judge] 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.

¹²[(3) ***]

¹³[(4) ***]

1. The words "who was" omitted by A.O. (No. 3), 1956.
2. Words "under sub-section (3) of Section 222 of the Government of India Act, 1935 or" omitted by Act No. 13 of 2016, dated 22nd March, 2016.
3. Ins. by A.O. (No. 3), 1956.
4. Clause (e) omitted by Act No. 13 of 2016, dated 22nd March, 2016.
5. Subs. by A.O. (No. 3), 1956, for "in any Part A State".
6. Ins. by A.O. (No. 3) 1956.
7. Subs. by Act 46 of 1958, Sec. 2, for "and acting Chief Justice of a High Court" (w.r.e.f. 1.11.1956).
8. Ins. by Act 50 of 1961, Sec. 2 (w.e.f. 8.12.1961).
9. Subs. by Act 57 of 1980, Sec. 2, for sub-clause (ii) (w.e.f. 10.12.1980).
10. Subs. by Act 78 of 1971, Sec. 2, for "one month" (w.e.f. 15.1.1972).
11. Subs. by Act No. 13 of 2016, dated 22nd March, 2016.
12. Sub-section (3) omitted by Act No. 13 of 2016, dated 22nd March, 2016.
13. Sub-section (4) omitted by Act No. 13 of 2016, dated 22nd March, 2016.

CHAPTER II

LEAVE

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

- ¹[(a) leave on full allowances (including commuted leave on half allowances into leave on full 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.

²[(3) For the purposes of this Chapter, casual leave may be admissible to a Judge in a calendar year, for such number of days and subject to such conditions as may be prescribed.]

4. Leave account showing the amount of leave due.—(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; ³[* * *]
- (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
- ⁴[(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 ⁵[* * *]; and

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

⁶**[4-A. Leave encashment.**—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 ⁷[in respect of the period of

1. Subs. by Act 78 of 1971, Sec. 3, for clause (a) (w.e.f. 15.1.1972).

2. Ins. by Act No. 13 of 2016, dated 22nd March, 2016.

3. The word "and" omitted by Act 38 of 1986, Sec. 2(a) (w.e.f. 1.11.1986).

4. Ins. by Act 38 of 1986, Sec. 2(b) (w.e.f. 1.11.1986).

5. Certain words omitted by Act 7 of 1999, Sec. 2 (w.e.f. 8.1.1999). Earlier those words were amended by Act 32 of 1989, Sec. 2 (w.r.e.f. 1.11.1986).

6. Ins. by Act 7 of 1999, Sec. 3 (w.e.f. 8.1.1999).

7. Subs. by Act No. 13 of 2016, dated 22nd March, 2016.

leave at his credit, calculated on full allowances basis,] to the extent of the maximum period prescribed for encashment of such leave under the All India Service (Leave) Rules, 1955.]

5. Aggregate amount of leave which may be granted.—(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 for vacation not enjoyed.

(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) ¹[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.

²[5-A. Commutation of leave on half allowances into leave on full allowances.]—(1) Notwithstanding anything contained in sub-section (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 service as a Judge.

(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 permitted to him under this section shall not be taken into account.]

6. Grant of leave not due.—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 ³[or for two or more periods, not exceeding in the aggregate, six months] during the whole period of his service as a Judge :

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.

7. Special disability leave.—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

1. Subs. by Act 78 of 1971, Sec 4, for "The maximum period of leave which may be granted" (w.e.f. 15.1.1972).
2. Ins. by Act 78 of 1971, Sec. 5 (w.e.f. 15.1.1972).
3. Subs. by Act 46 of 1958, Sec. 3, for "and not more than once" (w.r.e.f. 1.11.1956).

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.

8. Extraordinary leave.—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 foregoing provisions of this chapter, but no salary or allowances shall be payable during, or in respect of, such leave.

²**9. Leave allowances.**—The monthly rate of leave salary payable to a Judge shall be in accordance with the provisions of sub-section (1) of Section 3.]

³**10. ***]**

11. Combining leave with vacation.—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;
- (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.

12. Consequences of overstaying leave or vacation.—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.

13. Authority competent to grant leave, etc.—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 situate, after consultation with the Chief Justice of that High Court.

1. Subs. by Act 46 of 1958, Sec. 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. Subs. by Act No. 13 of 2016, dated 22nd March, 2016.
3. Section 10 omitted by Act No. 13 of 2016, dated 22nd March, 2016.

¹[13-A. **Salaries of the Judges.**—(1) There shall be paid to the Chief Justice of a High Court, by way of salary, ²[two lakh fifty thousand rupees per mensem].

(2) There shall be paid to a Judge of a High Court, by way of Salary ³[two lakh twenty-five thousand rupees per mensem].]

CHAPTER III

⁴[SALARIES AND PENSIONS]

14. Pension payable to Judges.—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
- ⁵[(b) he has attained the age of sixty-two years; or]
- (c) his retirement is medically certified to be necessitated by ill-health :

⁶[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.]

⁷[*Explanation.*—In this section "Judge" means a Judge who has not held any other pensionable post under the Union or a State and includes a Judge who having held any other pensionable post under the Union or a State has elected to receive the pension payable under Part I of the First Schedule.]

⁸[14-A. **Benefit of added years of service.**—Subject to the provisions of this Act, a period of ten years shall be added and shall be deemed to have been added from the 1st day of April, 2004 for the purposes of pension, to the service of a Judge who is appointed as such Judge under sub-clause (b) of clause (2) of Article 217 of the Constitution.]

15. Special provision for pension in respect of Judges who are members of service.—⁹[(1)] Every Judge :

¹⁰[(a) ***]

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1. Ins. by Act 18 of 1998, Sec. 4(b) (w.r.e.f. 1.1.1996).
 2. Subs. by Act No. 10 of 2018, dated 27th January, 2018.
 3. Subs. by Act No. 10 of 2018, dated 27th January, 2018.
 4. Subs. by Act 18 of 1998, Sec. 4(a), for "pensions" (w.r.e.f. 1.1.1996).
 5. Subs. by Act No. 13 of 2016, dated 22nd March, 2016.
 6. Ins. by Act 46 of 1958, Sec. 5 (w.r.e.f. 1.11.1956).
 7. Subs. by Act No. 13 of 2016, dated 22nd March, 2016.
 8. Ins. by Act No. 13 of 2016, dated 22nd March, 2016 (w.e.f. 01-04-2004).
 9. Section 15 renumbered as sub-section (1) thereof by Act 35 of 1976, Sec. 2 (w.r.e.f. 1.10.1974).
 10. Clause (a) omitted by Act No. 13 of 2016, dated 22nd March, 2016.

- (b) who ¹[***] 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, ²[***] 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 applies 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 ⁴[***] 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.]

16. Power of President to add to the service for pension.—The President of India may 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 ⁵[***] Part III of the First Schedule.

17. Extraordinary pensions.—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 modification 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.

⁶[17-A. Family pension and gratuities.—⁷[(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,

1. Words "is not a member of the Indian Civil Service but" omitted by Act No. 13 of 2016, dated 22nd March, 2016.
2. Words "as the case may be, Part II or" omitted by Act No. 13 of 2016, dated 22nd March, 2016.
3. Ins. by Act No. 35 of 1976, Sec. 2 (w.r.e.f. 1.10.1974).
4. Words "Part II or, as the case may be," omitted by Act No. 13 of 2016, dated 22nd March, 2016.
5. Words "Part II or" omitted by Act No. 13 of 2016, dated 22nd March, 2016.
6. Ins. by Act 58 of 1961, Sec. 3 (w.e.f. 8.12.1961).
7. Subs. by Act 38 of 1986, Sec. 3(a), for sub-sections (1) and (2) (w.e.f. 1.11.1986). Earlier Section 17-A was renumbered as sub-section (1) thereof by Act 35 of 1976, Sec. 3 and sub-section (1) as so renumbered was amended by Sec. 3(a) and sub-section (2) was inserted by Sec. 3(b) (w.r.e.f. 1.10.1974) and sub-section (1) was amended by Act 32 of 1989, Sec. 4 (w.r.e.f. 1.11.1986).

whether before or after retirement in circumstances to which Section 17 does not apply, family pension calculated at the rate of ¹ [fifty per cent. of his salary] ²[* * *] 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, ³[and thereafter, at the rate of thirty per cent. of his salary ⁴[* * *] :]

⁵[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 ⁶[***] 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 ⁷[***] Part III of the First Schedule, retires, 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.]

(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 death-cum-retirement gratuity benefit to or in relation 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—

1. Subs. by Act 7 of 2003, Sec. 2(i) for "sixty per cent. of the pension admissible to him" (w.r.e.f. 1.1.1996). Earlier the words "sixty per cent." were substituted by Act 17 of 1999. Sec. 4(a)(i), for "fifty per cent." (w.r.e.f. 1.1.1996).
2. Omitted by Act 23 of 2009, Sec. 3(a) (w.r.e.f. 1.1.2006).
3. Subs. by Act 46 of 2005, Sec. 2(ii), for certain words (w.r.e.f. 1.4.2004). Earlier those words amended by Act 7 of 1999, Sec. 4(a)(ii) (w.r.e.f. 1.1.1996) and by Act 7 of 2003, Sec. 2(ii) (w.r.e.f. of 1.1.1996).
4. Omitted by Act 23 of 2009, Sec. 3(b) (w.r.e.f. 1.1.2006).
5. Ins. by Act 7 of 2003, Sec. 2(iii) (w.r.e.f. 1.1.1996).
6. Words "Part II or" omitted by Act No. 13 of 2016, dated 22nd March, 2016.
7. Words "Part II or" omitted by Act No. 13 of 2016, dated 22nd March, 2016.

- (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 ²[each completed six months period] of service as a Judge;
- ³[* * *]
- ⁴[* * *]

Explanation.—In ⁵[sub-section (3)] the expression “Judge” has the same meaning as in Section 14.]

⁶[**17-B. Additional quantum of pension or family pension.**—Every retired Judge or after his death, the family, as the case may be shall be entitled to an additional quantum of pension or family pension in accordance with the following scale :—

Age of pensioner or family pensioner	Addition quantum of pension or family pension
From eighty years to less than eighty-five years.	Twenty per cent. of basic pension or family pension.
From eighty-five years to less than ninety years.	Thirty per cent. of basic pension or family pension.
From ninety years to less than ninety-five years.	Forty per cent. of basic pension or family pension.
From ninety-five years to less than hundred years.	Fifty per cent. of basic pension or family pension.
From hundred years or more.	Hundred per cent. of basic pension or family pension.]

⁷[*Explanation.*—For the removal of doubts, it is hereby clarified that any entitlement for additional quantum of pension or family pension shall be, and shall be deemed always to have been, from the first day of the month in which the pensioner or family pensioner completes the age specified in the first column of the scale.]

⁸[**18. ***]**

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

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

1. Subs. by Act 7 of 1999, Sec. 4(b)(i), for “twenty days” (w.r.e.f. 1.1.1996).
2. Subs. by Act 7 of 1999, Sec. 4(b)(ii), for “each completed year” (w.r.e.f. 1.1.1996).
3. The word “and” omitted by Act 20 of 1988, Sec. 2 (w.r.e.f. 1.1.1986).
4. Clause (iii) omitted by Act 20 of 1988, Sec. 2 (w.r.e.f. 1.1.1986).
5. Subs. by Act 38 of 1986, Sec. 3(c), for “sub-sections (2) and (3)” (w.e.f. 1.11.1986).
6. Ins. by Act 23 of 2009, Sec. 4 (w.r.e.f. 1.1.2006).
7. **Ins. by Act No. 44 of 2021, dated 20th December, 2021.**
8. Section 18 omitted by Act No. 13 of 2016, dated 22nd March, 2016.

Provided that a Judge who ¹[***] 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 :]

²[***]

³[20-A. **Deposit Linked Insurance Scheme.**—The Deposit Linked Insurance Scheme for the time being in force under the General Provident Fund (Central Services) Rules, 1960, shall apply to every Judge, whether he subscribes to the General Provident Fund (Central Services) or any other Provident Fund referred to in Section 20.]

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

CHAPTER IV MISCELLANEOUS

22. Travelling Allowances to a Judge.—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.

⁴[22-A. **Facility of rent free houses.**—(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 made in this behalf.]

⁵[(2) Where a Judge does not avail himself of the use of an official residence, he may be paid every month an allowance equivalent to an amount of twenty-four per centum of the salary which shall be increased at the rate of—

- (a) twenty-seven per centum, when Dearness Allowance crosses twenty-five per centum; and
- (b) thirty per centum, when Dearness Allowance crosses fifty per centum.]

⁶[22-B. **Conveyance facilities.**—Every judge shall be entitled to a staff car and ⁷[two hundred litres of fuel every month or the actual consumption of fuel] whichever is less.]

1. Words "is a member of the Indian Civil Service or" omitted by Act No. 13 of 2016, dated 22nd March, 2016.
2. Second proviso omitted by Act No. 13 of 2016, dated 22nd March, 2016.
3. Ins. by Act 38 of 1986 (w.r.e.f. 5.9.1977).
4. Ins. by Act 35 of 1976, Sec. 4 (w.r.e.f. 1.10.1974).
5. Subs. by Act No. 10 of 2018, dated 27th January, 2018.
6. Subs. by Act 38 of 1986, Sec. 5, for Sections 22-B and 22-C (w.e.f. 1.11.1986). Earlier Section 22-B was amended by Act 36 of 1985, Sec. 2 (w.e.f. 24.5.1985).
7. Subs. by Act 20 of 1996, Sec. 4, for "one hundred and fifty litres of petrol every month or the actual consumption of petrol" (w.r.e.f. 11.1.1996).

¹[22-C. **Sumptuary allowance.**—The Chief Justice and each of the other Judges of every High Court shall be entitled to a sumptuary allowance of ²[thirty-four thousand] rupees per month and ³[twenty-seven thousand] rupees per month respectively.]

⁴[22-D. **Exemption from liability to pay income tax on certain perquisites or allowances received by a Judge.**—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 Judge under Section 22-C;
- ⁵[(d) the value of leave travel concession provided to a Judge and members of his family.]

shall not be included in the computation of his income chargeable under the head "salaries" under Section 15 of the Income-tax Act, 1961.]

23. Facilities for medical treatment and other conditions of service.—(1) Every Judge and the members of his family shall be entitled to such facilities for medical treatment and for accommodation in hospitals as may, from time to time, be prescribed.

(2) The conditions of service of a Judge for which no express provision has been made in this Act shall be such as 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.

⁶[23-A. **Vacation of High Courts.**—(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.]

1. Subs. by Act 23 of 2009, Sec. 6 (w.r.e.f. 1.9.2008).

2. Subs. by Act No. 10 of 2018, dated 27th January, 2018.

3. Subs. by Act No. 10 of 2018, dated 27th January, 2018.

4. Subs. by Act 20 of 1988, Sec. 3, for Section 22-D (w.r.e.f. 1.11.1986) Earlier Section 22-D was inserted by Act 57 of 1980, Sec. 10 (w.r.e.f. 1.4.1975).

5. Ins. by Act 20 of 1994, Sec. 2 (w.r.e.f. 1.4.1986).

6. Ins. by Act 46 of 1958, Sec. 7 (w.r.e.f. 1.11.1956).

¹[23-B. ***]

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

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

³[23-D. **Medical facilities for retired Judges.**—(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.]

24. Power to make rules.—(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;
- ⁴[(aa) the number of casual leaves and the conditions subject to which it may be allowed under sub-section (3) of Section 3;]
- (b) pension payable to a Judge;
- (c) travelling allowances to a Judge;
- ⁵[(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;

1. Section 23-B omitted by Act No. 13 of 2016, dated 22nd March, 2016.

2. Ins. by Act 27 of 1964, Sec. 3 (retrospectively).

3. Ins. by Act 35 of 1976, Sec. 5 (w.r.e.f. 1.10.1974).

4. Ins. by Act No. 13 of 2016, dated 22nd March, 2016.

5. Ins. by Act 35 of 1976, Sec. 6(a) (w.r.e.f. 1.10.1974).

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

¹[(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.]

²[25. ***]

THE FIRST SCHEDULE

(See Sections 14 and 15)

PENSIONS OF JUDGES

PART I

³[1. The provisions of this Part apply to a Judge who has not held any other pensionable post under the Union or a State or a Judge who having held any other pensionable post under the Union or a State has elected to receive the pension payable under this Part.]

⁴[2. Subject to the other provisions of this Part, the pension payable to a Judge to whom this Part applies ⁵[***] for pension shall be—

- (a) for service as Chief Justice in any High Court ⁶[Rs. 1,21,575] per annum for each completed year of service;
- (b) for service as any other Judge in any High Court ⁷[Rs. 96,524] per annum for each completed year of service.

Provided that the pension under this paragraph shall in no case exceed ⁸[Rs. 15,00,000] per annum in the case of a Chief Justice and ⁹[Rs. 13,50,000] per annum in the case of any other Judge.]

¹⁰[* * *]

1. Subs. by Act 35 of 1976, Sec. 6(b), for sub-section (3) (w.r.e.f. 1.10.1974). Earlier sub-section (3) was substituted by Act 46 of 1958, Sec. 8 (w.r.e.f. 1.11.1956) and by Act 50 of 1961, Sec. 4 (w.e.f. 8.12.1961).
2. Section 25 omitted by Act No. 13 of 2016, dated 22nd March, 2016.
3. Subs. by Act No. 13 of 2016, dated 22nd March, 2016.
4. Subs. by Act 20 of 1988, Sec. 4(a)(i), for paragraph 2 (w.r.e.f. 1.11.1986).
5. Words "and who has completed not less than seven years of service" omitted by Act No. 13 of 2016, dated 22nd March, 2016.
6. Subs. by Act No. 10 of 2018, dated 27th January, 2018.
7. Subs. by Act No. 10 of 2018, dated 27th January, 2018.
8. Subs. by Act No. 10 of 2018, dated 27th January, 2018.
9. Subs. by Act No. 10 of 2018, dated 27th January, 2018.
10. Paragraphs 3 to 5 omitted by Act 35 of 1976, Sec. 7(1)(ii) (w.r.e.f. 1.10.1974).

¹[6. A Judge who has rendered service for pension in both as Chief Justice and other Judge in any High Court may claim that any period of service of less than a completed year rendered by him as Chief Justice, or any portion of any such period, shall be treated for the purposes of paragraph 2 as service rendered by him as other Judge.]

7. For the purposes 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.

²[***]

³[***]

⁴[* * *]

⁵[* * *]

⁶[***]

PART III

1. The provisions of this Part apply to a Judge who has held any ⁷[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 ⁸[Rs. 45,016] per annum in respect of each completed year of service for pension ⁹[* * *].

¹⁰[Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed ¹¹[Rs. 15,00,000] per annum in the case of a Chief Justice and ¹²[Rs. 13,50,000] per annum in the case of any other Judge.]

1. Subs. by Act 20 of 1988, Sec. 4(a)(iii), for paragraph 6 (w.r.e.f. 11.11.1986). Earlier paragraph 6 was amended by Act 35 of 1976, Sec. 7(1)(iii) (w.r.e.f. 1.10.1974).
2. Paragraph 8 omitted by Act No. 13 of 2016, dated 22nd March, 2016.
3. Paragraph 9 omitted by Act No. 13 of 2016, dated 22nd March, 2016.
4. Paragraph 10 omitted by Act 20 of 1988, Sec. 4(vi) (w.r.e.f. 1.11.1986). Earlier paragraph 10 was inserted by Act 35 of 1976, Sec. 7(1) (w.r.e.f. 1.10.1974).
5. Paragraph 11 omitted by Act 20 of 1988, Sec. 4(a)(vi) (w.r.e.f. 1.11.1986).
6. Part II omitted by Act No. 13 of 2016, dated 22nd March, 2016.
7. Subs. by Act 37 of 1980, Sec. 6(b), for "civil pensionable post" (retrospectively).
8. Subs. by Act No. 10 of 2018, dated 27th January, 2018.
9. Certain words omitted by Act 7 of 1999, Sec. 6(c)(i)(A)(b) (w.r.e.f. 11.1.1996).
10. Ins. by Act 20 of 1988, Sec. 4(b)(i) (w.r.e.f. 1.11.1986).
11. Subs. by Act No. 10 of 2018, dated 27th January, 2018.
12. Subs. by Act No. 10 of 2018, dated 27th January, 2018.

1[* * *]

2[* * *]

THE SECOND SCHEDULE

(See Section 17)

INJURY GRATUITIES AND PENSIONS

Officer	Gratuity	Higher Scale	Annual Pension
			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 GRATUITIES 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

-
1. Paragraph 3 omitted by Act 20 of 1988, Sec. 4(c)(ii) (w.r.e.f. 1.11.1986). Earlier paragraph 3 was inserted by Act 35 of 1976, Sec. 7(3) (w.r.e.f. 1.10.1974).
 2. Paragraph 4 omitted by Act 20 of 1988, Sec. 4(c)(ii) (w.r.e.f. 1.11.1986).



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 14]

No. 14]

नई दिल्ली, मंगलवार, मार्च 22, 2016/चैत्र 2, 1938 (शक)

NEW DELHI, TUESDAY, MARCH 22, 2016/CHAITRA 2, 1938 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 22nd March, 2016/Chaitra 2, 1938 (Saka)

The following Act of Parliament received the assent of the President on the 21st March, 2016, and is hereby published for general information:—

THE HIGH COURT AND THE SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT ACT, 2016

No. 13 OF 2016

[21st March, 2016.]

An Act further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the High Court and the Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2016.

(2) The provisions of section 8 shall be deemed to have come into force on the 1st day of April, 2004 and the remaining provisions shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
and
commencement.

CHAPTER II

AMENDMENT OF THE HIGH COURT JUDGES (SALARIES AND
CONDITIONS OF SERVICE) ACT, 1954Amendment
of section 2.

2. In the High Court Judges (Salaries and Conditions of Service) Act, 1954 (hereinafter referred to as the High Court Judges Act), in section 2,—

(a) in sub-section (1),—

(i) in clause (b), the words, brackets and figures "under sub-section (2) of section 222 of the Government of India Act, 1935 or" shall be omitted;

(ii) in clause (d), the words, brackets and figures "under sub-section (3) of section 222 of the Government of India Act, 1935 or" shall be omitted;

(iii) clause (e) shall be omitted;

(b) in sub-section (2), for the words "previous service for any period or periods as acting Judge or additional Judge or as a Judge of a former Indian High Court", the words "service for any period or periods as acting Judge or additional Judge" shall be substituted;

(c) sub-sections (3) and (4) shall be omitted.

Amendment
of section 3.

3. In the High Court Judges Act, in section 3, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) For the purposes of this Chapter, casual leave may be admissible to a Judge in a calendar year, for such number of days and subject to such conditions as may be prescribed."

Amendment
of section
4A.

4. In the High Court Judges Act, in section 4A, for the words "in respect of the period of earned leave at his credit", the words "in respect of the period of leave at his credit, calculated on full allowances basis," shall be substituted.

Substitution
of new
section for
section 9.

5. In the High Court Judges Act, for section 9, the following section shall be substituted, namely:—

Leave
allowances.

"9. The monthly rate of leave salary payable to a Judge shall be in accordance with the provisions of sub-section (1) of section 3."

Omission of
section 10.

6. In the High Court Judges Act, section 10 shall be omitted.

Amendment
of section 14.

7. In the High Court Judges Act, in section 14, in the first proviso,—

(i) for clause (b), the following clause shall be substituted, namely:—

"(b) he has attained the age of sixty-two years; or";

(ii) for the *Explanation*, the following shall be substituted, namely:—

Explanation.—In this section "Judge" means a Judge who has not held any other pensionable post under the Union or a State and includes a Judge who having held any other pensionable post under the Union or a State has elected to receive the pension payable under Part I of the First Schedule.

Insertion of
new section
14A.

8. In the High Court Judges Act, after section 14, the following section shall be inserted, namely:—

Benefit of
added years of
service.

"14A. Subject to the provisions of this Act, a period of ten years shall be added and shall be deemed to have been added from the 1st day of April, 2004 for the purposes of pension, to the service of a Judge who is appointed as such Judge under sub-clause (b) of clause (2) of article 217 of the Constitution."

Amendment
of section 15.

9. In the High Court Judges Act, in section 15,—

(a) in sub-section (1),—

(i) clause (a) shall be omitted;

(ii) in clause (b), the words "is not a member of the Indian Civil Service but" shall be omitted;

(iii) in the proviso for the words and figures, "as the case may be, Part II or" shall be omitted;

(b) in sub-section (2), the words and figures "Part II or, as the case may be," shall be omitted.

10. In the High Court Judges Act, in section 16, in the proviso, the words and figures "Part II or" shall be omitted.

Amendment
of section 16.

11. In the High Court Judges Act, in section 17A,—

(a) in sub-section (1), in the *Explanation*, in clause (ii), the words and figures "Part II or" shall be omitted;

Amendment
of section
17A.

(b) in sub-section (2), the words and figures "Part II or" shall be omitted.

12. In the High Court Judges Act, section 18 shall be omitted.

Omission of
section 18.

13. In the High Court Judges Act, in section 20,—

(a) in the first proviso, the words "is a member of the Indian Civil Service or" shall be omitted;

Amendment
of section 20.

(b) the second proviso, shall be omitted.

14. In the High Court Judges Act, section 23B shall be omitted.

Omission of
section 23B.

15. In the High Court Judges Act, in section 24, in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

Amendment
of section 24.

"(aa) the number of casual leaves and the conditions subject to which it may be allowed under sub-section (3) of section 3;"

16. In the High Court Judges Act, section 25 shall be omitted.

Omission of
section 25.
Amendment
to First
Schedule.

17. In the High Court Judges Act, in the First Schedule,—

(a) in Part I,—

(i) for paragraph 1, the following paragraph shall be substituted, namely:—

"1. The provisions of this Part apply to a Judge who has not held any other pensionable post under the Union or a State or a Judge who having held any other pensionable post under the Union or a State has elected to receive the pension payable under this Part.";

(ii) in paragraph 2, for the words "and who has completed not less than seven years of service" shall be omitted;

(iii) paragraphs 8 and 9 shall be omitted.

(b) Part II shall be omitted.

CHAPTER III

AMENDMENT OF THE SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1958

18. In the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (hereinafter referred to as the Supreme Court Judges Act), in section 2, in clause (g), for the words "either in the Federal Court or in the Supreme Court or in any such Court", the words "in the Supreme Court" shall be substituted.

Amendment
of section 2.

19. In the Supreme Court Judges Act, in section 3, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment
of section 3.

"(3) For the purposes of this Chapter, casual leave may be admissible to a Judge in a calendar year, for such number of days and subject to such conditions as may be prescribed."

- Amendment of section 4A. 20. In the Supreme Court Judges Act, in section 4A, for the words "in respect of the period of earned leave at his credit", the words "in respect of the period of leave at his credit, calculated on full allowances basis," shall be substituted.
- Substitution of new section for section 9. Leave allowances. 21. In the Supreme Court Judges Act, for section 9, the following section shall be substituted, namely:—
 "9. The monthly rate of leave salary payable to a Judge shall be in accordance with the provisions of sub-section (1) of section 3."
- Amendment of section 13. 22. In the Supreme Court Judges Act, in section 13, for the *Explanation*, the following *Explanation* shall be substituted, namely:—
 '*Explanation*.—In this section, "Judge" means a Judge who has not held any other pensionable post under the Union or a State and includes a person who was in service as a Judge on the 20th May, 1954, and also includes a Judge having held any other pensionable post under the Union or a State, who has elected to receive the pension payable under Part I of the Schedule.'
- Amendment of section 14. 23. In the Supreme Court Judges Act, in section 14,—
 (a) for sub-section (1), the following sub-section shall be substituted, namely:—
 "(1) Every Judge who has held any other pensionable post under the Union or a State shall, on his retirement, be paid a pension in accordance with the provisions of Part III of the Schedule:
 Provided that every such Judge shall elect to receive the pension payable to him either under Part I of the Schedule, or as the case may be, Part III of the Schedule, and the pension payable to him shall be calculated accordingly.";
 (b) in sub-section (2), the words and figures "Part II or, as the case may be," shall be omitted.
- Amendment of section 16A. 24. In the Supreme Court Judges Act, in section 16A, in sub-section (1), the *Explanation*, in clause (ii), the words and figures "Part II or" shall be omitted.
- Omission of section 18. 25. In the Supreme Court Judges Act, section 18 shall be omitted.
- Amendment of section 20. 26. In the Supreme Court Judges Act, in section 20, in the first proviso, the words "is a member of the Indian Civil Service or" shall be omitted.
- Amendment of section 24. 27. In the Supreme Court Judges Act, in section 24, in sub-section (2), after clause (a), the following clause shall be inserted, namely:—
 "(aa) the number of casual leaves and the conditions subject to which it may be allowed under sub-section (3) of section 3."
- Amendment of Schedule. 28. In the Supreme Court Judges Act, in the Schedule,—
 (a) in Part I, for paragraph 1, the following paragraph shall be substituted, namely:—
 "1. The provisions of this Part apply to a Judge who has not held any other pensionable post under the Union or a State and also apply to a person who was in service as a Judge on the 20th May, 1954, and to a Judge who, having

held any other pensionable posts under the Union or a State, has elected to receive the pension payable under this Part.";

(b) Part II shall be omitted.

DR. REETA VASISHTA,
Additional Secretary to the Govt. of India.