

- (6) Except as may otherwise be provided by a nomination under sub-rule (7)–  
(a) a family pension under this rule shall be allowed –

- (i) to the eldest surviving widow if the deceased was a male member of the Service or to the husband if the deceased was a woman member of Service :

*Explanation* – (i) The expression “ eldest surviving widow” shall be construed with reference to the seniority according to the date of the marriage with the member of the Service and not with reference to the age of the surviving widows ;

- (ii) failing a widow or husband, as the case may be, to the eldest surviving son :

- (iii) failing (i) and (ii), to the eldest surviving unmarried daughter ;

- (iv) failing the above, to the eldest widowed daughter ; and

(b) in the event of no family pension becoming payable under clause (a), family pension may be granted –

- (i) to the father ;

- (ii) failing (i) above, to the mother ;

- (iii) failing (i) and (ii) above, to the eldest surviving brother below the age of 18 ;

- (iv) failing (i) to (iii) above, to the eldest surviving unmarried sister ;  
and

- (v) failing (i) to (iv) above, to the eldest surviving widowed sister.

(7) If a member of the service who has completed 10 years service desires that any family pension that may be sanctioned under this rule should be payable to any member of his family in any order to be specified by him, he may make a nomination for the purpose in the form given in Schedule ‘H’ indicating the order in which the family pension should be payable to the members of his family and to the extent that it is valid, the family pension shall be payable in accordance with such nomination provided the persons concerned satisfy the requirements of sub-rule (5) at the time of the grant of such pension. In case the person concerned does not satisfy the requirements of sub-rule (5), the family pension shall be granted to the person next lower in that order.

**NOTE** – The provisions of clause (a) of sub-rule (7), sub-rule (8) and sub-rule (9) of rule 21 shall apply in respect of nomination made under this sub-rule also. §

(8) (a) A family pension sanctioned under this rule shall not be payable to more than one member of the family of the member of the Service at the same time.

(b) If a family pension sanctioned under this rule ceases to be payable before the expiry of the period mentioned in sub-rule (2) on account of the death or marriage of the recipient or other causes, it shall be re-granted for the unexpired portion of that period to a person next lower in the order shown in the nomination made under sub-rule (7) or in the absence of a nomination, to the person in the order mentioned in sub-rule (6), who satisfies the other provision of this rule.

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(9) A family pension sanctioned under this rule shall be tenable in addition to any compensation or any extraordinary pension or gratuity that may be granted to the member of the pensioner's family under the existing rules or Acts.

<sup>1</sup>(10) [] Deleted.

<sup>2</sup>**22-A. Continuation of family pension benefits** – (1) In respect of widows or minor children who were actually in receipt of family pension on the 31<sup>st</sup> December 1963, or who become entitled to family pension under these rules consequent on the death on or after the 1<sup>st</sup> January 1964, of an officer who retired as a member of the service before that date, the period of payment of family pension shall be extended beyond the expiry of the period of which family pension is admissible under rule 22 up to –

(a) the date of death or re-marriage, whichever is earlier, in the case of widows; and

(b) the date of attaining majority in the case of children or, the date of marriage, if earlier, in the case of daughters.

(2) The rate of family pension for the extended period will be equal to half the family pension admissible previously subject to a minimum of 20 per mensem.

**NOTE** – The benefits of the rule are subject to the general conditions laid down in sub-rules (8), (9) and (10) of rule 22.

<sup>3</sup>(3) The family pension admissible under this rule shall be enhanced by ad hoc increases at such scales and in such manner as the Central Government may from time to time specify for officers of the Central Services Group 'A'.

<sup>4</sup>**22-B . (1) Application** – This rule shall apply to –

(a) All the members of the Service appointed to the Service on or after the 1<sup>st</sup> January 1964.

(b) All those who were members of the service on 31<sup>st</sup> December 1963 and who opted or are deemed to have opted for this rule under the general or special order issued by the Central Government.

<sup>5</sup>(2) Subject to the provisions of rule 22C, <sup>6</sup>with effect from the 1<sup>st</sup> day of January 1996, family pension shall in no case be less than thirty percent of the minimum pay in the revised scale of pay introduced with effect from the 1<sup>st</sup> day of January, 1996 of the post last held by the pensioner or the deceased member of the Service as the case may be subject to the minimum of rupees one thousand two hundred and seventy five per mensem and a maximum of rupees nine thousand.

<sup>1</sup> Deleted vide MHA Notification No. 25011/7/82-AIS(II) dt 24.3.83

<sup>2</sup> Inserted vide MHA Notification No. 29/50/64-AIS(II) dt 19.6.65

<sup>3</sup> Substituted vide DP&AR Notification No. 25011/9/76-AIS(II) dt 15.6.77 (GSR No. 830 dt 2.7.77).

<sup>4</sup> Substituted vide DP&AR Notification No. 25011/7/82-AIS(II) dt 24.3.83 (GSR NO. 293 dt 9.4.83).

<sup>5</sup> Substituted vide DP&AR Notification No. 25011/12/87-AIS(II) dt 22.5.87 (GSR No. 522E).

<sup>6</sup> Substituted vide P&T Notification No. 14021/5/98-AIS(II) dt 14.1.99 (GSR No. 35 E dt 14.1.99).

<sup>1</sup>NOTE: In case, the members of the Service who retire or will be retiring between the 1<sup>st</sup> day of January, 1996 and the 31<sup>st</sup> day of December, 1997 exercise an option to retain the pre-revised scales of pay, the family pension in such cases shall be allowed in accordance with the rules and orders applicable prior to the 1<sup>st</sup> day of January, 1996 and shall be calculated with reference to the basic pay in the pre-revised scale. To the family pension so calculated Dearness Relief up to average AICPI 1510 at the prescribed rate shall be added. The amount so arrived at shall be regarded as the family pension for regulating payment of Dearness Relief beyond average AICPI 1510.

(3) The period for which family pension is payable shall be as follows:-

- (i) In the case of a widow or widower, up to the date of death or remarriage, whichever is earlier;
- <sup>2</sup>(ii) in the case of a son or unmarried daughter till such son or daughter attains the age of 25 years or up to the date of his/her marriage, whichever is earlier;
- (iii) in the case of a widowed/divorced daughter till her remarriage, subject to the income criterion as prescribed by the Central Government from time to time.
- (iv) in case of parents, up to the death of both the parents.

Provided that if the son or daughter of a member of the service is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of 25 years in the case of a son or a daughter, the family pension shall be payable to such son or daughter for life subject to the following conditions, namely:-

- (a) if such son or daughter is one among two or more children of the member of the service, the family pension shall be initially payable to the minor children in the order set out in clause (iii) of sub-rule (5) of this rule until the last minor child attains the age of 25 years, as the case may be, and thereafter the family pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind or who is physically crippled or disabled and shall be payable to him or her, for life;
- (b) if there are more than one such son or daughter suffering from disorder or disability of mind or who are physically crippled or disabled, the family pension shall be paid in the following order namely:
  - (i) firstly to the son, and if there are more than one son the younger of them will get the family pension only after the life time of the elder;
  - (ii) secondly, to the daughter, and if there are more than one daughter the younger of them will get the family pension only after the life time of the elder;

<sup>1</sup> Inserted vide DP&T Notification No. 25011/24/97-AIS(I) dt 19.12.97 (GSR No. 717E dt 19.12.97).

<sup>2</sup> Substituted vide notification No. 25014/10/2005, dated 20/12/2005.

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- <sup>1</sup>(c) family pension shall be paid to such son or daughter through the guardian as if he or she were a minor except in the case of physically crippled or disabled son/daughter who had attained the age of majority;
- (d) before allowing the family pension for life to any such son or daughter, the sanctioning authority shall satisfy that the handicap is of such a nature as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a medical officer not below the rank of a Civil Surgeon setting out, as far as possible, the exact mental or physical condition of the child;
- (e) the person receiving the family pension as guardian of such son or daughter <sup>2</sup>or such son or daughter not receiving the family pension through guardian, shall produce every three years a certificate from a medical officer not below the rank of a Civil Surgeon to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled.

Notes: [ ]<sup>2</sup> Omitted.

1. A daughter shall become ineligible for family pension under the sub-rule from the date she gets married.
2. The family pension payable to such a son or daughter shall be stopped, if he/she starts earning his/her livelihood.
3. In such cases it shall be the duty of the guardian <sup>3</sup>or son or daughter to furnish a certificate to the Treasury or Bank, as the case may be, every month, that (i) he or she has not started earning his/her livelihood; (ii) in case of daughter, that she has not yet married.

(4)(a): (i) Where the family pension is payable to more widows than one, the family pension shall be paid to the widows in equal shares.

(ii) On the death of a widow, her share of the family pension shall become payable to her eligible child; provided that if the widow is not survived by any child, her share of the family pension shall cease to be payable.

(b) Where the deceased member of the service or pensioner is survived by a widow but has left behind eligible child or children from another wife who is not alive, the eligible child or children shall be entitled to the share of family pension which the mother would have received if she had been alive at the time of the death of the member of the service or pensioner.

(5) (i) Except as provided in sub-rule (4), the family pension shall not be payable to more than one member of the family at the same time.

(ii) If a deceased member of the service or pensioner leaves behind a widow or widower, the family pension shall become payable to the widow or widower, failing which to the eligible child.

<sup>1</sup> Substituted vide DP&T Notification No. 25011/49/89-AIS(II)(B) dt 19.1.91.

<sup>2</sup> Omitted/inserted vide DP&T Notification No. 25011/49/88-AIS(II)(B) dated 1.1.1991

<sup>3</sup> Omitted/inserted vide DP&T Notification No. 25011/49/88-AIS(II)(B) dated 1.1.1991

(iii) If sons and unmarried daughters are alive, unmarried daughters shall not be eligible for family pension unless the sons attain the age of 21 years and thereby become ineligible for the grant of family pension.

(6) Where a deceased member of the Service or pensioner leaves behind more children than one the eldest eligible child shall be entitled to the family pension for the period mentioned in clause (ii) of clause (iii) of sub-rule (3) as the case may be, and after the expiry of the period the next child shall become eligible for the grant of family pension.

(7) Where family pension is granted under this rule to a minor, it shall be payable to the guardian on behalf of the minor.

(8) In case both wife and husband are members of the service and are governed by the provisions of this rule and one of them dies while in service or after retirement, the family pension in respect of the deceased shall become payable to the surviving husband or wife, the surviving child or children shall be granted the two family pensions in respect of the deceased parents subject to the limits specified below, namely:-

- (a) (i) if the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in Rule 22-C, the amount of both the pensions shall be limited to <sup>1</sup>two thousand five hundred rupees per mensem;
- (ii) if one of the family pensions ceased to be payable at the rate mentioned in Rule 22-C and in lieu thereof the pension at the rate mentioned in sub-rule (2) of this rule becomes payable the amount of both the pensions shall also be limited to two thousand five hundred rupees per mensem;
- (b) if both the family pensions are payable at the rates mentioned in sub-rule (2) of this rule, the amount of two pensions shall be limited to <sup>2</sup>one thousand two hundred and fifty rupees per mensem.

(9) Where a member of the service dies leaving behind a judicially separated husband or widow, as the case may be, and no child or children, the family pension in respect of the deceased shall be payable to the person surviving:

Provided that where, in a case, judicial separation is granted on the ground of adultery and the death of the member of the service takes place during the period of such judicial separation, the family pension shall not be payable to the person surviving if such person surviving was held guilty of committing adultery.

(10) (a) Where a member of the Service dies leaving behind a judicially separated husband or widow as the case may be, with a child or children, the family pension payable in respect of the deceased shall be payable to the surviving persons provided he or she is the guardian of such child or children.

<sup>1</sup> Substituted vide DP&T Notification No. 25011/49/89-AIS(II)(A) dt 7.1.91.

<sup>2</sup> Substituted vide DP&T Notification No. 25011/49/89-AIS(II)(A) dt 7.1.91.

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(b) Where the surviving person has ceased to be the guardian of such child or children, such family pension shall be payable to the person who is the actual guardian of such child or children.

(11) (i) As soon as possible after joining service a member of the Service shall give details of his family in the form given in Schedule J to the Accounts Officer. If he has no family, he shall furnish the details as soon as he acquires a family.

(ii) If there is a subsequent change in the family, including the marriage of a daughter, the facts shall be intimated to the Accounts Officer, who shall make necessary entry in the form.

(iii) The Accounts Officer shall, on receipt of the form, keep it in safe custody and acknowledge receipt of the form and all further communications received from the member of the Service in this behalf.

(12): (i) The benefits of this rule shall not accrue to the family of a member of the Service who is dismissed or removed from service:

Provided that if such a member of the service was in receipt of compassionate allowance under proviso to sub-rule (1) of rule 5, his family shall be eligible to family pension under this rule;

(ii) Family pension under this rule shall not be admissible to the family of a member of the Service when the family pension under the Extraordinary Pension Rules (whether made by the Central Government or the State Government) is granted to such family.

(13) The family pension admissible under this rule shall be enhanced by ad hoc increases at such scales and in such manner as the Central Government may from time to time, specify for officers of Central Services Group 'A'.

(14) Definition of "Family".

'Family' for the purpose of this rule includes the following relatives of a member of the Service, namely:-

- (i) wife and husband as the case may be, provided the marriage took place before the retirement of the member of the service; [ ]<sup>1</sup>
- (ii) a judicially separated wife or husband such separation not being granted on the ground of adultery, and the person surviving was not held guilty of committing adultery.
- (iii) son and daughter who has not attained the age of 25 year including son and daughter adopted legally before retirement [ ]<sup>2</sup>.

<sup>1</sup> Deleted vide DP&T Notification No. 25011/40/90-AIS(II) dt 31.10.91.

<sup>2</sup> Deleted vide DP&T Notification No. 25011/49/88-AIS(II) dt 29.1.91.

(iv) <sup>1</sup>the parents provided they were wholly dependent on the Government servant when he/she was alive and the deceased employee had left behind neither a widow nor a child subject to the dependency criteria in case of parents as prescribed by Central Government from time to time.

**<sup>2</sup>22-C. Special Provision regarding family pension in certain cases.**

For a period of seven years from the date following the date of death or till the date on which the member of the Service would have <sup>3</sup>(attained the age of 65 years) had he remained alive, whichever period is shorter, the pension payable under sub-rule (2) of rule 22-B, shall be at 50 per cent of the basic pay last drawn, subject to a maximum of twice the pension admissible under the said sub-rule:

Provided that the enhanced pension will be admissible if the member of the Service has put in at least 7 years' continuous service prior to his death:

Provided further that in the event of death after retirement the enhanced pension rates shall not exceed the pension sanctioned to the member of the Service at the time of the retirement inclusive of the part of the pension which the retired member of the Service may have commuted before his death.

**Explanation 1.-** In case a member of the Service dies while on extension of Service, the date upto which the extension of service has been sanctioned before his death shall be deemed to be the normal date of superannuation.

**Explanation 2.-** Family Pension in the case of the death of a member of the Service after retirement shall be payable only to those members of his family who were declared as such before his retirement:

Provided that no such declaration is necessary in respect of such of the members of the Service who retire during the period between the 1<sup>st</sup> January, 1973 and the date of publication of the All India Services (Death-cum-Retirement Benefits) Amendment Rules, 1975, in the Official Gazette.

**<sup>4</sup>23. Deleted.**

**<sup>5</sup>24. Deleted.**

**25. Commutation of Pension :-** A member of the service may commute his pension under such conditions and to such extent as may be prescribed by Regulations made in this behalf by the Central Government after consultation with the Governments of the States.

<sup>1</sup> Inserted vide DP&T Notification No. 25011/24/97-AIS(II) dt 19.12.97 (GSR No. 717E dt 19.12.97).

<sup>2</sup> Added vide MHA Notification No. 29/61/67-AIS(II) dt 20.3.68 (wef.1.1.85)

<sup>3</sup> Substituted /deleted vide DP&AR Noti. No. 33/12/73 - AIS(II) dt 24.1.75 read with No. 25011/29/75-AIS(II) dt 30.1.76 (wef 31.12.72)

<sup>4</sup> Deleted vide MHA Notification No. 29/60-AIS(II) dt 31.12.62.

<sup>5</sup> Deleted vide MHA Notification No. 29/60-AIS(II) dt 31.12.62

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<sup>1</sup>26. **Acceptance of employment after retirement:-** (1) A pensioner shall not accept any commercial employment before the expiry of <sup>2</sup>one year from the date of his retirement, except with the previous sanction of the Central Government by submitting an application in Schedule 'L'. If a pensioner accepts a commercial employment without such sanction, it shall be competent for the Central Government to declare by an order in writing that he shall not be entitled to the whole or such part of the pension and for such period as may be specified in the order:

Provided that the previous sanction may be granted by the State Government concerned on whose cadre the member of the service is borne and who is not holding a post higher than a post in the pay scale of Rs.22400-24500/- and has not worked under the Central Government during the preceding <sup>3</sup>three years prior to his retirement from the service.

Provided further that no such order shall be made without giving the pensioner concerned an opportunity of showing cause against such declaration:

<sup>4</sup>Provided also that it shall be competent for the Central Government or the State Government, as the case may be, to allow the pensioner to continue in any commercial employment in an organisation with whom the services of the Members of the All India Services had been placed immediately before his/her retirement under the provisions of the respective Cadre Rules of All India Services pending formal sanction of such commercial employment subject to the condition that the Member of the Service shall withdraw from such organisation forthwith once a decision is taken by the Competent Authority not to accord such sanction."

<sup>5</sup>Provided also that a pensioner who has been permitted by the Central Government to take up a particular commercial employment during leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

**<sup>6</sup>Explanations:**

(i) 'Commercial Employment' means: -

(i) an employment, whether paid or honorary, in any capacity including that of an agent under a company, firm, co-operative society, body or individual engaged in trading, commercial, industrial, financial or professional business, and includes a directorship of such company or partnership of such firm but does not include employment under a body corporate, wholly or substantially owned or controlled by Government;

(ii) setting up practice, either independently or as a partner of a firm, as adviser or consultant in matters in respect of which a pensioner has-

<sup>1</sup> Amended vide DP&T Notification No. 25011/12/82-AIS(II) dated 16.7.83 (GSR No. 557 dt 30.7.83).

<sup>2</sup> Substituted vide notification no. 26013/2/2006-AIS(II) dated 12/1/2007.

<sup>3</sup> Substituted vide notification no. 26013/3/2006-AIS(II), dated 12/1/2007.

<sup>4</sup> Inserted vide notification no. 23013/11/2005-AIS(II), dated 8/3/2007.

<sup>5</sup> Substituted vide notification no. 29018/11/2003-AIS(I) dated 20/12/2004.

<sup>6</sup> Amended vide DP&T Notification No. 25011/12/82-AIS(II) dated 16.7.83 (GSR No. 557 dt 30.7.83).



- (a) no professional qualifications and the matters in respect of which the practice is proposed to be set up or carried on are relatable to his official knowledge or experience; or
- (b) professional qualifications, but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position; or
- (c) to undertake work involving liaison or contact with the offices or officers of the Government.

NOTE: 1. For the purpose of this Explanation, 'employment under a co-operative society' includes the holding of any office, whether elective or otherwise, such as that of President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called in such society.

2. For the purpose of this sub-rule the expression "the date of retirement" in relation to a pensioner re-employed after retirement, without any break either in a Class I post under the Central Government, or in an equivalent post under a State Government, shall mean the date on which such pensioner finally ceases to be so re-employed in Government service.

(2) A pensioner shall not accept any employment under a Government outside India, (or under an international organization of which the Government of India is not a member) except with the previous sanction of the Central Government. No pension shall be payable to a pensioner who accepts such an employment without such sanction in respect of any period for which he is so employed or for such longer period as the Central Government may determine:

Provided that a pensioner who has been permitted by the Central Government to take up a particular employment under a Government outside India during his leave preparatory to retirement shall not be required to obtain subsequent permission for continuance in such employment.

NOTE.-"Employment" under a "Government outside India" shall include employment under a local authority or corporation or any other institution or organisation which functions under the supervision or control of a Government outside India.

<sup>1</sup>(3) In granting or refusing permission under sub-rule (1) or sub rule (2) to a pensioner for taking up any employment, the Central Government or the State Government, as the case may be, shall have the following factors, namely:-

- (i) whether the organisation the pensioner proposes to join has any conflict of interest or activities prejudicial to India's foreign relations, national security and domestic harmony; and whether the organisation is undertaking any form of intelligence gathering;

<sup>1</sup> Substituted vide notification no. 26013/3/2006-AIS(II), dated 12/1/2007 .

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- (ii) whether the pensioner has been privy to sensitive or strategic information in the last three years of his service which is directly related to the areas of interest or work of the organisation which he proposes to join or the areas in which he proposes to practice/consult,
- (iii) whether there is conflict of interest between policies of the office(s) held by the pensioner during the last three years and the interest represented or work undertaken by the organisations he proposes to join. Such conflict of interest, however, should not be interpreted narrowly to mean normal economic competition with Government or its Undertakings,
- (iv) whether the service record of the pensioner is clear, particularly with respect to integrity and dealings with Non-Government Organisations,
- (v) the emoluments offered by the proposed employer to the pensioner and whether the proposed emoluments and pecuniary benefits are far in excess of those currently prevalent in the Industry. (The word "far in excess" should not be narrowly interpreted to cover increases in such benefits that may be result of buoyancy in the industry or in the economy as a whole); and
- (vi) any other relevant factors."

**27. Anticipatory Payments:-** (1) Where a member of the service is likely to retire before his pension can finally assessed and settled in accordance with these rules, the Accounts Officer shall sanction the disbursement to him of pension to which, after the most careful summary investigation that the Accounts Officer can make without delay, he believes the member of the service to be entitled, on the basis of his verified qualifying service, provided that such disbursement shall be made only after the declaration specified in schedule ' I ' has been signed by the retiring member of the service.

(2) If the Accounts Officer considers it likely that, in a case contemplated under sub-rule (1), the member of the service would be entitled to gratuity only, one-sixth of the amount of gratuity which, after the most careful summary investigation that the Accounts Officer can make without delay, he believes the member of the service to be entitled shall upon a similar declaration, be disbursed to him monthly until the amount is finally settled or for six months, whichever period is less.

(3) The payment of the anticipatory pension or gratuity shall be so arranged that it is not delayed beyond the first of the month following the month in which the member of the service is due to retire.

(4) If, upon the completion of regular investigation, it be found that the pension thus summarily assigned differs from the pension finally settled, the difference shall be adjusted in the first payment after such final settlement:

Provided that if a gratuity summarily assigned under sub-rule (2) proves to be larger than the amount finally settled, the retired member of the service shall not be required to refund any excess actually paid to him unless otherwise decided by the State Government.

(5) Subject to the general condition prescribed above the anticipatory payment of death-cum-retirement gratuity and family pension may also be sanctioned to the extent of  $\frac{3}{4}$  ths of the amounts clearly admissible on the basis of the qualifying service as verified upon to the date of sanction, and after a declaration in the form given in Schedule ' I ' has been signed by the recipient.

**27-A. Revision of Pension after authorisation-** (i) Subject to the provisions of rule 3 and Rule 6, Pension once authorised after final assessment shall not be revised to the disadvantage of the member of the service, unless such a revision becomes necessary on account of detection of a clerical error subsequently;

Provided that no revision of pension to the disadvantage of the pensioner shall be ordered by any Authority without the concurrence of the Department of Personnel and Training, if the clerical error is detected after a period of two years from the date of occurrence of such error.

(ii) For the purpose of sub rule (i), the pensioner concerned shall be served with a notice by the sanctioning authority requiring him to refund the excess payment of pension within a period of two months from the date of receipt of notice by him.

(iii) In case the pensioner fails to comply with the notice, the authority competent to sanction pension/family pension shall, by order in writing, direct that such excess payment, shall be adjusted in instalments by short payments of pension in future in one or more instalments as such authority may direct.

**28. Miscellaneous:-** (1) The amount of pension shall be rounded off to next higher rupee.

(2) The retirement benefits under these Rules shall be drawn in rupees in India only.

(3) Application for the grant of retirement benefits under these Rules shall be made in such form as may be prescribed by the Central Government.

(4) The [ ]<sup>2</sup> payment of retirement benefits admissible under these Rules shall be regulated by such procedural instructions as may be issued by the Central Government.

(5) A pension under these Rules shall be payable from the date on which the member of the service quits service or from the date of his application for pension whichever is later:

Provided that where satisfactory explanation is forthcoming for the delay in making an application for pension, the State Government may allow the pension to take effect from the date on which the member of the service quits service.

(6) The claim of a member of the service to the retirement benefits shall be regulated by the rules in force at the time when the member of the service resigns, retires or is retired or discharged from service or where the member of the service dies while in service immediately before death.

<sup>1</sup> Inserted vide DP&T Notification No. 25011/24/97-AIS(II)A dt 19.12.97 (GSR No. 717E dt 9.12.97).

<sup>2</sup> Omitted vide DP&AR Notification No. 25011/13/80-AIS(II) dt 11.9.80 (GSR No. 978 dt 27.9.80).

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(7) The authorities competent to retire a member of the service on different kinds of retirement benefits shall be those indicated in 'Schedule 'K'.

**29. Interpretation:-** If any question arises as to the interpretation of these Rules, the Central Government shall decide the same.

**30. Repeal:-** All rules corresponding to these rules in force immediately before the commencement of these rules are hereby repealed.

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<sup>1</sup> Substituted vide DP&AR Notification No. 25011/7/82-AIS(I) dt 24.3.83 (GSR No. 293 dt 9.4.83) .

<sup>1</sup>SCHEDULE-A – [Deleted]

<sup>2</sup>SCHEDULE-B– [Deleted]

**SCHEDULE-C**

**(a) FORM OF MEDICAL CERTIFICATE IN INDIA.**

The form of the certificate to be given respecting a member of the Service in India is as follows:-

“Certified that we have carefully examined A, B, son of C.D. .... holding the post of .....under the Government ..... His age is by his own statement ..... years and by appearance about ..... years. We consider A.B. to be completely and permanently incapacitated for further service of any kind in the Indian Administrative Service/Indian Police Service in consequence of (here state disease or cause). His incapacity does not appear to us to have been caused by irregular or intemperate habits.

**NOTE:-** (If the incapacity is obviously the result of intemperance, substitute for the last sentence: “ In our opinion his incapacity is the result of irregular or intemperate habits”).

(If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made). “We are of opinion that A.B. is fit for further service of a less laborious character than that which he has been doing (or may, after residing for ..... months, be fit for further services of a less laborious character than that which he has been doing”).

**(b) FORM OF MEDICAL CERTIFICATE IN COUNTRIES  
OUTSIDE INDIA.**

The form of the medical certificate given by the Medical Board attached to the Indian Mission abroad in respect of a member of the Service in a station outside India is as follows:-

“ We have carefully examined A.B ..... taking into account all the facts of the case as well as his present condition, we consider that A.B. is permanently incapacitated for further service in India”.

**NOTE:-** (If the incapacity is obviously the result of intemperance add the following sentence at the end:-

“ In our opinion his incapacity in the result of irregular or intemperate habits”).

<sup>1</sup> Deleted vide DP&AR Notification No. 25011/14/79-AIS(II) dt 1.9.79 wef 31.3.79 (GSR No. 151 dt 15.9.79)

<sup>2</sup> Deleted wef 31.12.72 vide DP&AR Noti. No. 33/12/73-AIS(II) dt 24.1.75 read with No. 25011/29/75 dated 30.1.76

**THE ALL INDIA SERVICES (DEATH-CUM-RETIREMENT BENEFITS) RULES 1958.**

**APPENDICES**

**SCHEDULE-D.**

**NOMINATION FOR DEATH- cum- GRATUITY (WHEN THE MEMBERS OF THE SERVICE HAS A FAMILY AND WISHES TO NOMINATE ONE MEMBER THEREOF).**

I hereby nominate the person mentioned below who is a member of my family and confer on him the right to receive any death-cum-retirement gratuity that may be sanctioned by State Government in the event of death while in service and the right to receive on my death, any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Name and address of nominee	Relationship with the member of the service	Age	Contingencies on the happening on which the nomination shall be come invalid.	Name, address and relationship of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the member of the service or the nominee dying after the death of the member of the service but before receiving payment of gratuity.	Amount or share of gratuity payable to each.
(1)	(2)	(3)	(4)	(5)	(6)

This nomination supersedes the nomination made by me earlier on ..... which stands cancelled.

Dated this ..... day of ..... 198... at .....

Witnesses to Signature:

1) .....

2) .....

**Signature of the member of the Service.**

**THE ALL INDIA SERVICES (DEATH-CUM-RETIREMENT BENEFITS) RULES 1958.**

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**SCHEDULE-E.**

**NOMINATION FOR DEATH-cum- RETIREMENT GRATUITY**

(When the members of the service has a family and wishes to nominate more than one member thereof).

I hereby nominate the persons mentioned below, who are members of my family, and confer on them the right to receive, to the extent specified below, any death-cum-retirement gratuity that may be sanctioned by State Government in the event of my death while in service and the right to received on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death:-

Name and address of nominee	Relationship with the member of the service	Age	Amount or share of gratuity payable to each	Contingencies on the happening on which the nomination shall be come invalid.	Name, address and relationship of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the member of the service or the nominee dying after the death of the member of the service but before receiving payment of gratuity	Amount or share of gratuity payable to each.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

This nomination supersedes the nomination made by me earlier on ..... which stands cancelled.

Dated this ..... day of ..... 198 at .....

Witnesses to Signature:

1) .....

2) .....

**Signature of the member of the Service.**

<sup>1</sup> Substituted vide MHA Notification No. 29/7/60-AIS(II) dt 31.12.62

**THE ALL INDIA SERVICES (DEATH-CUM-  
RETIREMENT BENEFITS) RULES 1958.**

**APPENDICES**

**<sup>1</sup>SCHEDULE-H**

**NOMINATION FOR FAMILY PENSION**

I, hereby nominate the persons mentioned below, who are members of my family, to receive in the order shown below the family pension which may be granted by State Government in the event of my death after completion of 10 years of qualifying service.

Name and address of nominee	Relationship with the member of service	Age	Whether married or unmarried
(1)	(2)	(3)	(4)

This nomination supersedes the nomination made by me earlier on ..... which stands cancelled.

Dated this ..... day of ..... 198 at .....

Witnesses to Signature:

- 1) .....
- 2) .....

**Signature of the member of the  
Service.**

N.B.- The officer should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

<sup>1</sup> Substituted vide MHA Notification No. 29/7/60-AIS(I) dt 31.12.62.



APPENDICES

SCHEDULE-I

DECLARATION FORM

Whereas the .....( here state the designation of the officer sanctioning the advance) has consented provisionally, to advance to me the sum of Rs..... a month/Rs..... in anticipation of the completion of the enquiries necessary to enable the Government to fix the amount of gratuity/pension/death-cum-retirement gratuity/family pension, payable to me <sup>1</sup>(as the nominee/legal heir of Thiru.....).

I hereby acknowledge that, in accepting this advance I fully understand that any gratuity/pension/death-cum-retirement gratuity/family pension payable to me is subject to revision on the completion of the necessary formal enquiries and I promise to base on objection to such revision on the ground that the provisional gratuity/pension/death-cum-retirement gratuity/family pension now to be paid to me exceeds the gratuity/pension/death-cum-retirement gratuity/family pension which may be finally sanctioned to me. I further promise to repay any amount advanced to me in excess of the gratuity/pension/death-cum-retirement gratuity/family pension that may be finally sanctioned to me.

Signature.....

Designation (if a Government Servant)

Station .....

Date

.....  
Witness Signature:  
(with address)

1) .....

2) .....

Signature of the member of the service.

<sup>1</sup> The words may be omitted where inapplicable.

**THE ALL INDIA SERVICES (DEATH-CUM-  
RETIREMENT BENEFITS) RULES 1958.**

**APPENDICES**

**<sup>1</sup>SCHEDULE-J**

*[See rule 22B(11) (i)]*

**DETAILS OF FAMILY**

Name of the member of the Service :  
 Designation :  
 Date of Birth :  
 Date of appointment :  
 Details of members of my family as on :

S.No.	Name of the member of Family <sup>2</sup>	Date of Birth	Relationship with the officer	Remarks
(1)	(2)	(3)	(4)	(5)

<sup>1</sup> Inserted vide DP&AR Notification No. 25011/7/82-AIS(II) dt 24.3.83.

<sup>2</sup> The words may be omitted where inapplicable.

APPENDICES  
SCHEDULE-K

Authorities competent to retire a member of the service on various kind of retirement benefits.

Nature of Retirement Benefits	Authority Competent to Retire
(1)	(2)
(i) Proportionate pension under rule 7 and death-cum-retirement gratuity where admissible.	Central Government
(ii) Invalid gratuity or pension under rule 13 and death-cum-retirement gratuity where admissible.	State Government after obtaining the concurrence of the Central Government.
<sup>1</sup> (iii) Superannuation pension or gratuity under sub-rule (4) of rule 16 and death-cum-retirement benefits where admissible.	State Government
(iv) Retiring pension under rule 17 <sup>2</sup> [read with rule 16(2), 16(2A)] and death-cum-retirement gratuity where admissible	State Government
(iv-a) Retiring pension under rule 17 <sup>3</sup> [read with rule 16(3)] and death-cum-retirement gratuity where admissible.	Central Government in consultation with the State Government concerned.
(v) Family Pension under rule 22, <sup>4</sup> 22A and 22B and death-cum-retirement gratuity where admissible.	State Government.

<sup>1</sup> Substituted wef 30.8.65 vide Notification No. 29/10/64-AIS(II) dt 1.9.65.

<sup>2</sup> Substituted vide MHA Notification No. 29/47/60-AIS(II) dt 20.1.68.

<sup>3</sup> Added vide Notification No. 29/50/64-AIS(II) dt 19.6.65.

<sup>4</sup> Substituted /inserted/modified vide Notification No. 25011/7/82-AIS(II) dt 24.3.83.

**THE ALL INDIA SERVICES (DEATH-CUM-RETIREMENT BENEFITS) RULES 1958.**

**APPENDICES**

**'SCHEDULE L**

*(See sub-rule (1) and (2) of rule 26)*

**FORM OF APPLICATION TO ACCEPT COMMERCIAL EMPLOYMENT**

1. Name( in block letters) :
2. Date of retirement :
3. Ministry/Department/Office in which the officer served during the last three years preceding retirement (with duration) :

Name of the Ministry/ Department/ Office	Post held	Duration	
		From	To

Note: Before granting permission a 'no objection' would be obtained from the Cadre Controlling Authority and from the office from where the officer retired.

4. Post held at the time of retirement and period for which held :
5. Pay scale of the post and pay drawn by the Officer at the time of retirement :
6. Pensionary benefits:

Pension expected/sanctioned (commutation, if any, should be mentioned)	Gratuity, if any
--	------------------

7. Details regarding commercial employment proposed to be taken up :
  - (a) Name of the firm/company/co-operative Society, etc. :
  - (b) Type of business carried out and products being manufactured or services being provided by the firm/ company/co-operative Society, etc. :
  - (c) Whether the officer had during the last three years of his official career, any dealings with the firm company / cooperative Society, etc. :

<sup>1</sup> Substituted vide notification no. 26013/3/2006-AIS(II), dated 12/1/2007 .

**THE ALL INDIA SERVICES (DEATH-CUM-RETIREMENT BENEFITS) RULES 1958.**

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- (d) Duration and nature of the official dealings with the firm/company/co-operative Society, etc. :
- (e) Name of the job/post offered by the firm/company/co-operative Society, etc. :
- (f) Whether post was advertised, if not, how was offer made (attach details of the advertisement, and a copy of the offer of appointment, if any). :
- (g) Description of the duties of the job/post. :
- (h) Remuneration offered for post/job. :
- (i) If proposing to set up a practice, indicate :
- (i) professional qualification/in the field of practice, :
- (ii) nature of proposed practice. :
9. Any information which the applicant desires to furnish in support of his request. :

10. Declaration :- :

I hereby declare that-

- (i) The employment which I propose to take up will not involve activities prejudicial to India's foreign relations, national security and domestic harmony. It will not involve conflict of interest with the policies of the office(s) held by the me during the last three years and the interest represented or work undertaken by the organisations I propose to join and will not bring me into conflict with the working of the Government.
- (ii) I have not been privy to sensitive or strategic information in the last three years of service which is directly related to the areas of interest or work of the organisation which I propose to join or the areas in which I propose to practice/consult.
- (iii) My service record is clear, particularly with respect to integrity and dealings with Non-Government Organisations.

I agree to withdraw from the Commercial Employment in case of any objection by the Government.

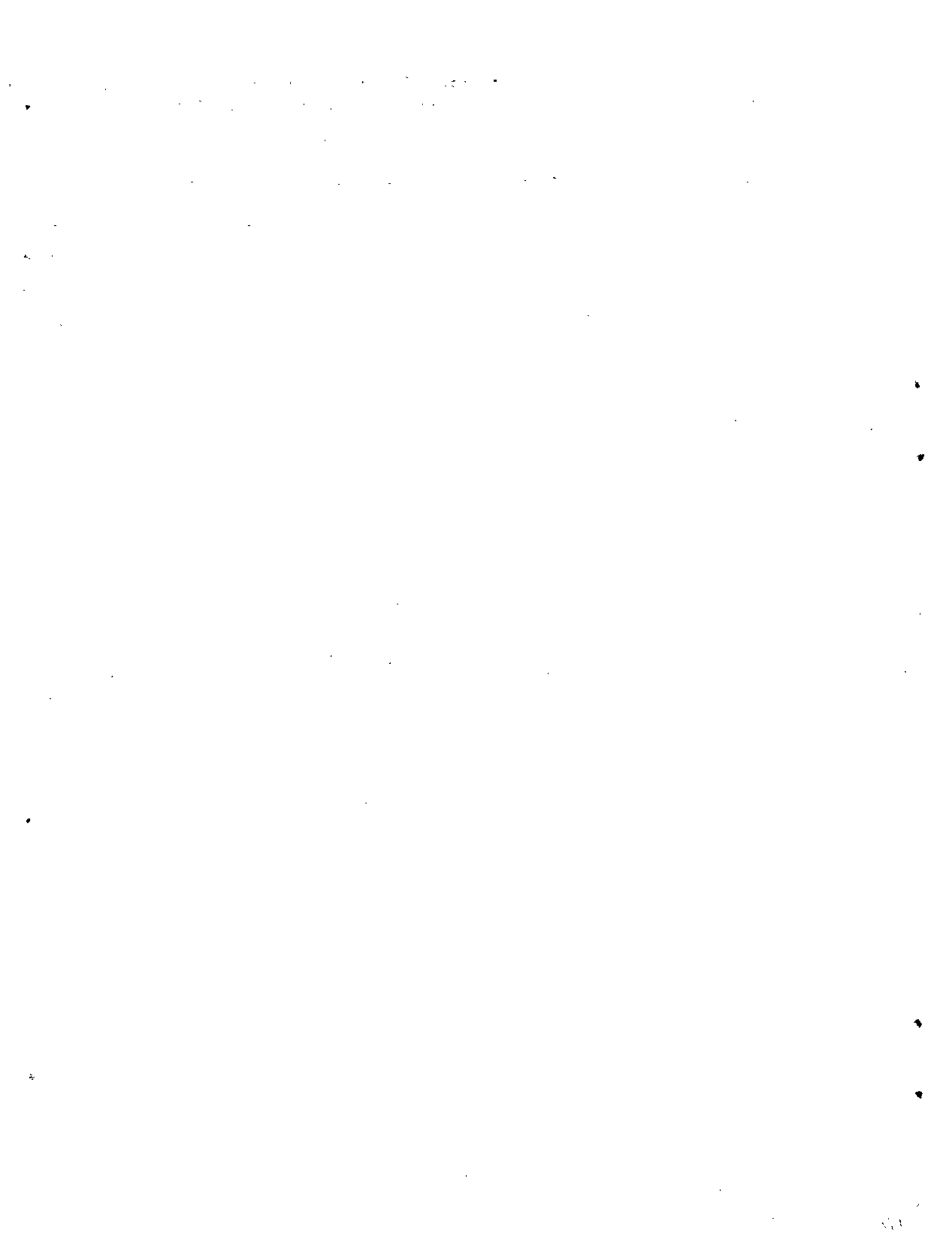
Address:

Place:

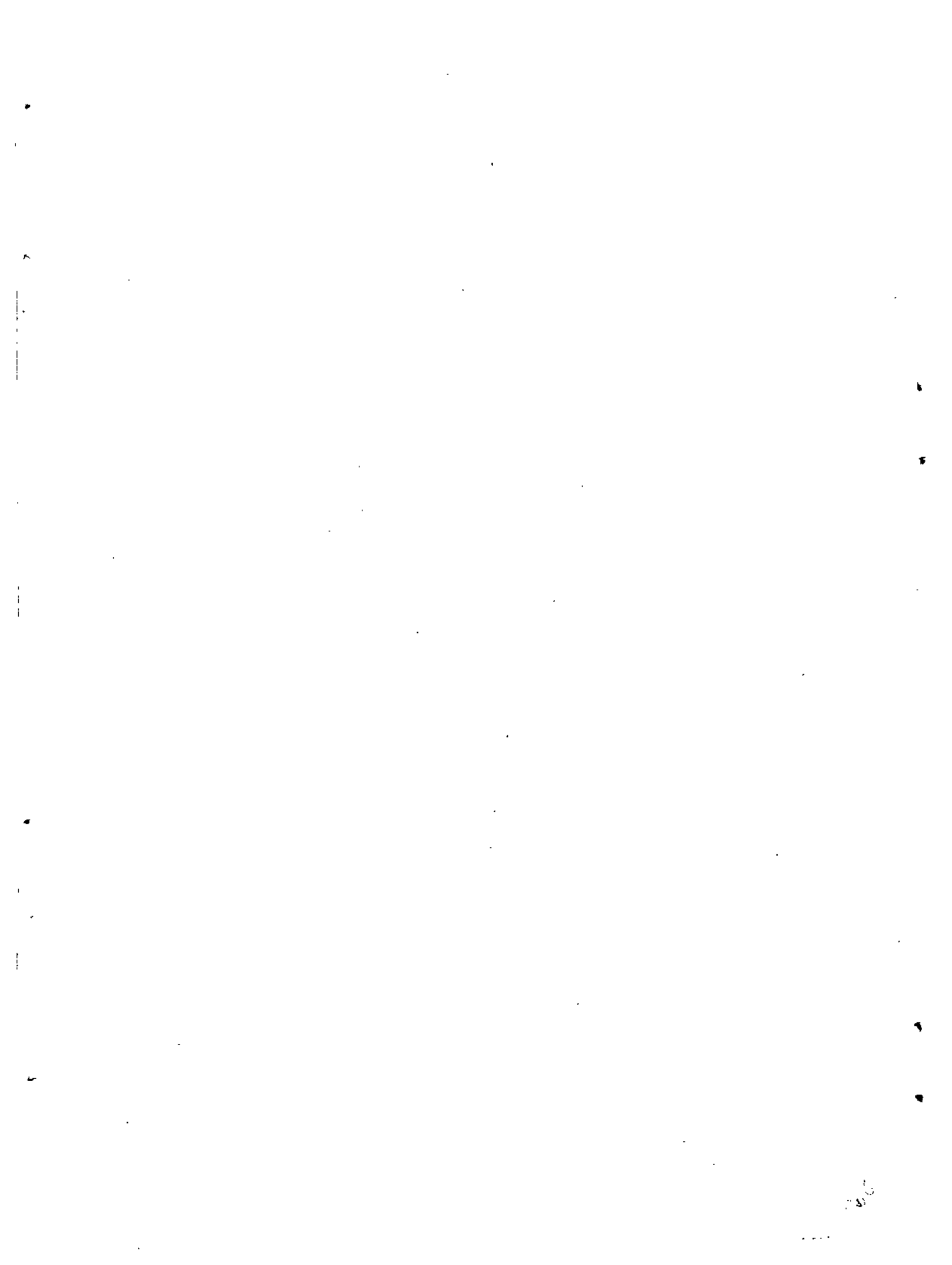
Dated:

**Signature of the applicant.**

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**APPENDIX-V**  
**THE PENSIONS ACT, 1871**





## APPENDIX-V

### THE PENSIONS ACT, 1871

(Act No.XXIII of 1871).

*(An Act to consolidate and amend the law relating to pensions and grants by Government of money or land revenue).*

*(Preamble:- Whereas it is expedient to consolidate and amend the law relating to pensions and grants by Government of money or land revenue; it is hereby enacted as follows:-*

#### PRELIMINARY

**Short Title:-** (a) This Act may be called The Pensions Act. 1871.

**Extent of Act:-** It extends to the whole of India except the territories which immediately before the 1<sup>st</sup> November, 1956, were comprised in Part B States.

**2. Enactments Repealed, Savings of Rules:-** (Repealed by the Repealing Act, 1938 (1 of 1938) S.2 and Schedule).

**3. Interpretation Section:-** In this Act, the expression "Grant of money or land revenue" includes anything payable on the part of Government in respect of any right, privilege, perquisite or office.

**3.A. Definition:-** The expression "the appropriate Government" means in relation to Union pensions, the Central Government and in relation to other pensions, the State Government.

#### II. RIGHTS TO PENSIONS

**4. Bar of suits relating to pensions:** Except as hereinafter provided, no Civil Court shall entertain any suit relating to any pension or grant of money or land revenue conferred or made by the Government or by any former Government, whatever may have been the consideration for any such pension or grant, and whatever may have been the nature of the payment, claim or right for which such pension or grant may have been substituted.

**5. Claims to be made to Collector or other Authorised Officer:-** Any person having a claim relating to any such pension or grant may prefer such claim to the Collector of the District or Deputy Commissioner or other Officer authorized in this behalf by the appropriate Government and such Collector, Deputy Commissioner or other Officer shall dispose of such claim in accordance with such rules as the Chief Revenue authority may, subject to the general control of the appropriate Government, from time to time prescribe in this behalf.

**6. Civil Court Empowered to take cognizance of such Claims:-** A Civil Court otherwise competent to try the same, shall take cognizance of any such claim upon receiving a certificate from such Collector, Deputy Commissioner or other Officer authorized in that behalf that the case may be so tried, but shall not make any order or decree in any suit whatever by which the liability of Government to pay any such pension or grant as aforesaid is affected directly or indirectly.

7. Pensions for lands held under grants in perpetuity.- Nothing in Sections 4 and 6 applies to:-

(1) any inam of the class referred to in Section 1 of Madras Act No.IV of 1862;

(2) Pensions heretofore granted by Government in the territories respectively subject to the Lieutenant:- Governor of Bengal and the North Western Provinces, either wholly or in part as an indemnity for loss sustained by the resumption by a Native Government of lands held under sanads purporting to confer a right in perpetuity. Such pensions shall not be liable to resumption on the death of the recipient, but every such pension shall be capable of alienation and descent, and may be used for and recovered in the same manner as any other property.

### III. MODE OF PAYMENT

8. **Payment to be made by Collector or other Authorized Officer:-** All pensions or grants by Government of money or land revenue shall be paid by the Collector or the Deputy Commissioner or other authorized officer, subject to such rules as may, from time to time, be prescribed by the Chief Controlling Revenue authority.

9. **Savings of rights of grantees of land revenue:-** Nothing in Sections 4 and 8 shall affect the right of a grantee of land revenue, whose claim to such grant is admitted by Government to recover such revenue from the persons liable to pay the same under any law for the time being in force for the recovery of the rent of land.

10. **Commutation of Pensions:-** The appropriate Government may, with the consent of the holder, order the whole or any part of his pension or grant of money or land revenue to be commuted for a lump sum on such terms as may deem fit.

### IV. MISCELLANEOUS

11. **Exemption of Pension from Attachment:-** No pension granted or continued by Government on political considerations or on account of past services or present infirmities or as a compassionate allowance, and no money due or to become due on account of any such pension or allowance shall be liable to seizure, attachment or sequestration by process of any court at the instance of a creditor, for any demand against the pensioner or in satisfaction of a decree or order of any such Court.

This section applies also to pensions granted or continued, after the separation of Burma from India by the Government of Burma.

12. **Assignments etc., anticipation of pension to be void:-** All assignments, agreements, orders, sales and securities of every kind made by the person entitled to any pension, pay or allowance mentioned in Section 11, in respect of any money not payable at or before the making thereof, on account of any such pension, pay or allowance, or for giving or assigning any future interest therein, are null and void.

13. **Reward to Informers:-** Whoever proves to the satisfaction of the appropriate Government that any pension is fraudulently or unduly received by the person enjoying the benefit thereof shall be entitled to a reward equivalent to the amount of such pension for the period of six months

**14. Power to make rules:-** In each state the Chief Controlling Revenue Authority may, with the consent of the appropriate Government, from time to time make rules consistent with this Act respecting all or any of the following matters:-

- (1) the place and times at which, and the person to whom, any pension shall be paid;
- (2) inquiries into the identity of claimants;
- (3) records to be kept on the subject of pensions;
- (4) transmission of such records;
- (5) correction of such records;
- (6) delivery of certificates to pensioners;
- (7) registers of such certificates.
- (8) reference to the Civil Court, under Section 6, of persons claiming a right of successions to, or participation in, pensions or grants of money or land-revenue payable by Government; and generally for the guidance of officers under this Act.

All such rules shall be published in the Official Gazette and shall thereupon have the force of law.

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**APPENDIX-VI**  
**THE HIGH COURT JUDGES**  
**(SALARIES AND CONDITIONS OF SERVICE)**  
**ACT, 1954**



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

(ACT XXVIII OF 1954)

*(As amended upto 16<sup>th</sup> March, 2009)*

**CHAPTER – I.**

**PRELIMINARY**

**1. Short title :-** This Act may be called the High Court Judges <sup>1</sup>(Salaries and Conditions of Service) Act ,1954

**2. Definition :-** (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 appointed to act as a Judge under sub-section(2) of section 222 of the Government of India Act. 1935 or under clause (2) of Article 224of the Constitution.

(c) 'Actual Service' includes:-

- (i) <sup>2</sup>[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 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 person appointed as an additional Judge under sub-section (3) of section 222 of the Government of India Act, 1935 or under clause (1) of Article 224 of the Constitution;

<sup>1</sup> Subs. by Act No. 18 of 1998.

<sup>2</sup> Justice P. Venugopal Vs. Union of India & Ors. 2003 (7) S.C.C. , 726.

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

(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 Court for a State and includes a High Court which was exercising jurisdiction 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, \*<sup>1</sup>[an acting Chief Justice, an additional Judge and an acting Judge of the High Court];

<sup>2</sup>(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) <sup>3</sup>[forty five days or the amount actually taken, of each period of leave on full allowances at a rate equal to the monthly rate of the salary]

(iii) joining time on return from leave out of India;

1. 'Prescribed' means prescribed by rules made under this Act.

2. In the calculation of service for the purpose 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.

<sup>1</sup> Subs. by Act No. 46 of 1958; an acting Chief Justice . . . . . of the High Court.

<sup>2</sup> Added by Act No. 50 of 1961; in sub-section 1 of section 2 after clause (g).

<sup>3</sup> Subs. by Act No. 78 of 1971; forty five days.



CHAPTER – II.

LEAVE

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

<sup>1</sup>(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 purpose of this Chapter, any period of leave on full allowances shall be reckoned as double that period of leave on half allowances.

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;  
<sup>2</sup>[...]

(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

<sup>3</sup>[(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 the said post, <sup>4</sup>(--- and"]

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

<sup>5</sup>4A. 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

<sup>1</sup> Subs. by Act No. 78 of 1971; leave on full allowances . . . . .or.

<sup>2</sup> Omitted by Act No. 38 of 1986; the word "and" occurring at the end.

<sup>3</sup> Ins. by Act No. 38 of 1986; after sub- clause (ii)

<sup>4</sup> Omitted by Act. No. 7 of 1999; in sec.4, in sub-section (2), in clause (a), in sub-clause (iii), the words "so, however, that such period . . . . . full allowances

<sup>5</sup> Ins. by Act No. 7 of 1999; After Section 4.

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

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.

**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 in 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.

<sup>1</sup>(3) Subject to the provisions of sub-section (2) of section 5A, 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.

**<sup>2</sup>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<sup>3</sup> 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. Specially 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 the 16th July, 1931 and who may be disabled by injury caused in or in consequence of, the due performance

<sup>1</sup> Sub. by Act No. 78 of 1971; Subject to the provisions . . . . . granted.

<sup>2</sup> Ins. by Act No. 78 of 1971; after section 5.

<sup>3</sup> \* Subs. by Act No. 46 of 1958; in section 6, or for two or more periods. . . . . six months.

of his official duties or in consequence of his official position. shall apply in relation to a Judge.

**8. Extra Ordinary leave :-**<sup>1</sup>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.

**<sup>2</sup>9. Leave allowances :-** (1) The monthly rate of leave allowances payable to a Judge while on leave on full allowances shall be <sup>3</sup>for the first forty five days of such leave a rate equal to the monthly rate of his salary, <sup>4</sup>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.

<sup>5</sup>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 <sup>6</sup>in 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.

**10. Allowances for Joining time :-** 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.

**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

<sup>1</sup> Subs. by Act No. 46 of 1958; Extraordinary leave. . . . . six months.

<sup>2</sup> [Union of India Vs. Justice S.S. Sandhawalia (Retd.) & Ors. 1994 (2) S.C.C. . 240]

<sup>3</sup> Subs. by Act No. 78 of 1971; for the first forty-five days of such leave

<sup>4</sup> Subs. by Act No. 32 of 1989; and thereafter. . . . . salary.

<sup>5</sup> Added by Act No. 57 of 1980; Provided that. . . . . salary.

<sup>6</sup> Sub. by Act No. 32 of 1989; in the case of the Chief Justice. . . . . salary.

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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.

**CHAPTER III**

**'SALARIES AND PENSIONS**

**<sup>2</sup>13A. Salaries of the Judges. :-** (1) There shall be paid to the Chief Justice of a High Court, by way of salary, <sup>3</sup>[ ninety thousand rupees per mensem. ]

(2) There shall be paid to a Judge of a High Court, by way of salary, <sup>4</sup>[eighty thousand rupees per mensem.]

**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
- (b) he has attained the age of <sup>5</sup> sixty two years, and, in the case of a Judge holding Office on the 5th day of October, 1963, sixty years or;

<sup>6</sup>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 <sup>7</sup> 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 <sup>7</sup> pensionable post under the Union or a State has elected to receive the pension payable under Part -I of the First Schedule.

<sup>1</sup> Sub. by Act No. 18 of 1998; in Chapter III the heading "Salaries and Pensions.

<sup>2</sup> Ins. by Act No. 18 of 1998; section 13A

<sup>3</sup> Sub. by Act No. 23 of 2009. w.e.f 1.1.2006. . . . . ninety thousand rupees per mensem.

<sup>4</sup> Sub. by Act No. 23 of 2009. w.e.f 1.1.2006. . . . . eighty. . . . . per mensem.

<sup>5</sup> Sub. by Act No. 27 of 1964; sixty - two years, and, . . . . . sixty years.

<sup>6</sup> Ins. by Act No. 27 of 1964; Provided further . . . . . pension.

<sup>7</sup> Sub. by Act No. 57 of 1980; pensionable post.

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

- <sup>1</sup>(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;
- <sup>2</sup>(b) who is not a member of the Indian Civil Service but has held any other pensionable civil post under the Union or 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 .

<sup>3</sup>(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 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 a fresh 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.

<sup>4</sup>**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 Part II or Part III of the First Schedule.

**17. Extra-ordinary 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 reference 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.

<sup>1</sup> Ins. by Act No. 35 of 1976; section 15 renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered.

<sup>2</sup> [M.L.Jain Vs. Union of India] 1988 (4) S.C.C.121.

<sup>3</sup> Ins. by Act No. 35 of 1976; Notwithstanding. . . . .in his case.

<sup>4</sup> [Justice P. Venugopal Vs. Union of India & Ors. ] 2003 (7) S.C.C. , 726.

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<sup>1</sup>17-A. Family pensions and gratuities :- (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 <sup>2</sup>fifty per cent of his Salary <sup>3</sup>[ \* \* \* ] 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 day following the date of death of the Judge for a period of seven years or for a period up to the date on which the Judge would have attained the age of sixty-five years, had he survived, whichever is earlier, <sup>4</sup>and thereafter at the rate of the thirty per cent of his salary [\*\*\*].

<sup>5</sup>“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 this 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 the 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, gratuity, 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 the 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 deductions 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 --

<sup>1</sup> Section 17-A inserted by Act No. 50 of 1961. Sec.17-A renumbered as sub-sec. (1) thereof & sub-sec. (2) and (3) ins. by Act No. 35 of 1976, sub-sec. (1) and (2) again subs. by Act No. 38 of 1986.

<sup>2</sup> Sub. by Act No. 7 of 2003; fifty per cent. . . . (w.e.f.01.01.1996)

<sup>3</sup> omitted by Act No. 23 of 2009, w.e.f 1.1.2006

<sup>4</sup> Sub. by Act No. 7 of 2003; and thereafter. . . .salary (w.e. .f.01.01.1996)

<sup>5</sup> Ins. by Act No. 7 of 2003; “Provided. . . .this Act” (w.e.f.01.01.1996)

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(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 <sup>1</sup>'ten days' salary for <sup>2</sup>each completed six months period of service as a Judge.

(iii)+(.....)

*Explanation :-* In sub-section 3<sup>3</sup>, the expression 'Judge' has the same meaning as in section 14,

<sup>4</sup>**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	:	Additional 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.

<sup>5</sup>**18. Conversion of sterling pension into rupees :-** Pensions expressed in sterling only shall, if paid in India, be converted into rupees at such rate of exchange as the Central Government may, from time to time, specify in this behalf. +. . . . .

<sup>6</sup>(.....)

**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 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

<sup>1</sup> Sub. by Act No. 7 of 1999; ten days

<sup>2</sup> Sub. by Act No. 7 of 1999; each completed six months period.

<sup>3</sup> Subs. by Act No. 38 of 1986; 3.

<sup>4</sup> Inserted by Act No. 23 of 2009, w.e.f 1.1.2006.

<sup>5</sup> [R.L.Narasimhan Vs. Union of India & Anr. ] 1972 (2) S.C.C. 763

<sup>6</sup> Omitted by Act No. 46 of 1958; proviso in section 18.

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.

**<sup>1</sup>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.

**22-A. Facility of rent free house :-** <sup>2</sup>(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.

(2) Where a Judge does not avail himself of the use of an official residence, he may be paid every month an allowance of <sup>3</sup>equivalent to an amount of thirty per cent of the salary <sup>4</sup>[ plus thirty per cent of the dearness pay].

**22-B. Conveyance facilities :-** Every Judge shall be entitled to a staff car and <sup>5</sup>two hundred litres of fuel every month or the actual consumption of fuel per month, whichever is less.

**<sup>6</sup>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 fifteen thousand rupees per month and twelve thousand rupees per month respectively.

<sup>1</sup> Ins. by Act No. 38 of 1986; after section 20.

<sup>2</sup> Ins. by Act No. 35 of 1976; after section 22, new section 22-A, 22-B and 22-C.

<sup>3</sup> Subs. by Act No. 46 of 2005; equivalent to an amount. . . .

<sup>4</sup> Omitted by Act No. 23 of 2009, w.e.f 1.9.2008

<sup>5</sup> Subs. by Act No. 20 of 1996. two hundred. litres. . . .

<sup>6</sup> Sub. by Act No. 23 of 2009, w.e.f 1.9.2008.



<sup>1</sup>22-D. Exemption from liability to pay income-tax on certain perquisites 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 22A or the allowance paid to him under sub-section (2) of the section;
- (b) the value of the conveyance facilities provided to a Judge under section 22B;
- (c) the sumptuary allowance provided to a Judge under section 22C, shall not be included in the computation of his income chargeable under the head "Salaries" under section 15 of the Income-tax Act, 1961
- <sup>2</sup>(d) the value of leave travel concession provided to a Judge and members of his family.

**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 retrospective to any date not earlier than the commencement of this section.

<sup>3</sup>23-A. Vacation of High Court :- (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.

**23-B. Special Provisions in respect of continuing Judges :-** (1) In the calculation of the service for pension of a continuing Judge for the purposes of this Act, his previous service for pension as a Chief Justice or as a Judge of a former High Court in a Part B State, under the provisions of 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 or leave at the credit of a continuing Judge for the purposes 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 Judges (Part-

<sup>1</sup> Sub. by Act No. 20 of 1988; section 22-D.

<sup>2</sup> Ins. by Act No. 2 of 1994; section 22-D after clause (c).

<sup>3</sup> Sub. by Act No. 46 of 1958; Section 23-A and 23-B.

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B States) Order, 1953, or any other order or rule then 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 a former High Court in a Part-B State who on the 1st day of November, 1956 or on any date subsequent thereto has become or been appointed as a Judge of a High Court for a State.

**<sup>1</sup>23-C. Special Provisions in respect of Judges transferred from the High Court of Jammu & 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 of leave at his credit under this Act.

**<sup>2</sup>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 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;
- (b) Pension payable to a Judge;
- (c) Travelling allowances to a Judge;
- <sup>3</sup>(ca) use of official residence by a Judge under sub-section (1) of section 22A ;
- (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.

<sup>1</sup> Ins. by Act No. 27 of 1964; after section 23-B.

<sup>2</sup> Ins. by Act No. 35 of 1976; after section 23-C.

<sup>3</sup> Ins. by Act No. 35 of 1976; in section 24, in sub-section (2), after clause (c).

<sup>1</sup>(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.

<sup>2</sup>25. Savings :- (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 rights 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.

<sup>3</sup>(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.)

## 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 <sup>4</sup>pensionable 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 post under the Union or a State has elected to receive the pension payable under this Part.

<sup>5</sup>(2) 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 Court, <sup>6</sup>Rs. 43,890/- per annum for each completed year of service;

<sup>1</sup> Ins. by Act No. 35 of 1976; Every rule. . . . .that rule.

<sup>2</sup> Ins. by Act No. 46 of 1958; section 25 re- numbered as sub-section (1) thereof and after sub-section (1) as so re numbered sub-section (2)

<sup>3</sup> Sub section (2) of S.25 Ins. by Act 46 of 1958.

<sup>4</sup> Subs. by Act No. 57 of 1980, pensionable post.

<sup>5</sup> Subs. by Act No. 20 of 1988, In the First Schedule in Part I in Para. 2; Subject to . . . .

<sup>6</sup> Subs. by Act No.23 of 2009. , w.e.f. 1.1.2006.

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(b) for service as any other Judge in any High Court, <sup>1</sup>Rs.34,350/- per annum for each completed year of service .

(c) Provided that the pension shall in no case exceed <sup>2</sup>Rs.5,40,000/- per annum in the case of a Chief Justice and <sup>3</sup>Rs.4,80,000/- per annum in the case of any other Judge.

<sup>4</sup>(3) + Omitted

<sup>7</sup>(4) + Omitted

<sup>7</sup>(5) + Omitted

<sup>5</sup>(6) A Judge who has rendered service for pension 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.

(8) Notwithstanding anything contained in the foregoing provisions of this part, the pension payable to a Judge who has completed 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 <sup>6</sup>Rs. 5,40,000/- 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 provision of this part, then, notwithstanding anything contained in the foregoing provisions, a pension of <sup>7</sup>Rs.1,57,670/- per annum shall be payable to such a Judge:

<sup>8</sup>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 under the Union or a State.

<sup>9</sup>(10) + Omitted.

<sup>3</sup>(11) + Omitted.

<sup>1</sup> Subs. by Act No. 23 of 2009. , w.e.f. 1.1.2006.

<sup>2</sup> Subs. by Act No. 23 of 2009. , w.e.f. 1.1.2006.

<sup>3</sup> Subs. by Act No. 23 of 2009. , w.e.f. 1.1.2006.

<sup>4</sup> Para. 3 to 5 omitted by Act No. 38 of 1986; and by Act No. 20 of 1988 (w.e.f.01.11.1986).

<sup>5</sup> Subs. by Act 20 of 1988; in para. 6, A Judge who . . . . .other Judge.

<sup>6</sup> Subs. by Act No. 23 of 2009. , w.e.f. 1.1.2006.

<sup>7</sup> Subs. by Act No. 23 of 2009. , w.e.f. 1.1.2006.

<sup>8</sup> Added by Act No. 46 of 1958; in the first schedule, in part I to para 9.

<sup>9</sup> Omitted by Act No. 20 of 1988; para. 10 and 11.

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 paragraph 3.

<sup>1</sup>Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed <sup>2</sup>Rs. 5,40,000/- per annum in the case of a Chief Justice and <sup>2</sup>Rs. 4,80,000/- per annum in the case of any other Judge.

<sup>3</sup>3. 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: -

	Per annum Rs.
For seven completed years of service for pension	<sup>4</sup> Rs.34, 696/-
For eight completed years of service for pension	<sup>3</sup> Rs.41,642/-
For nine completed years of service for pension	<sup>3</sup> Rs.48,559/-
For ten completed years of service for pension	<sup>3</sup> Rs. 55,508/-
For eleven completed years of service for pension	<sup>3</sup> Rs. 62,462/-
For twelve or more completed years of service for pension	<sup>3</sup> Rs. 69,402/-

<sup>5</sup>4. Omitted.

PART III

1. The provisions of this part apply to a Judge who has held any <sup>6</sup>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

<sup>1</sup> Added by Act No. 20 of 1988; in part II to para. 2; Provided that. . . .

<sup>2</sup> Subs. by Act No. 23 of 2009. , w.e.f. 1.1.2006.

<sup>3</sup> Subs. by Act No. 46 of 1958; in Part II for para. 3; If such a Judge. . . . .

<sup>4</sup> Subs. by Act No. 23 of 2009. , w.e.f. 1.1.2006.

<sup>5</sup> Omitted by Act 20 of 1988.

<sup>6</sup> Subs. by Act No. 57 of 1980; pensionable post.

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(b) a special additional pension of <sup>1</sup>Rs.16,020/- per annum in respect of each completed year of service for pension <sup>2</sup>(. . .)

<sup>3</sup>Provided that the pension under clause (a) and the additional pension under clause (b) together shall no case exceed <sup>4</sup>Rs.5,40,000/- per annum and the case of a Chief Justice and <sup>6</sup>Rs.4,80,000/- per annum in the case of any other Judge.

<sup>5</sup>3. Omitted.

<sup>10</sup>4. Omitted

**THE SECOND SCHEDULE**

(See section 17)

**INJURY GRATUITIES AND PENSIONS**

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

**B. Children**

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

<sup>1</sup> Subs. by Act No. 23 of 2009. -, w.e.f. 1.1.2006.

<sup>2</sup> Omitted by Act No. 7 of 1999.

<sup>3</sup> Ins. by Act No. 20 of 1988; after clause (b); Provided that. . . .

<sup>4</sup> Subs. by Act No. 23 of 2009. -, w.e.f. 1.1.2006.

<sup>5</sup> Omitted by Act 20 of 1988. Para. 3 and 4.

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GOVERNMENT OF INDIA'S DECISIONS

(1) On a question having been raised whether there is any time limit prescribed for the exercise of option under the proviso to Section 15 of the High Court Judges (Conditions of Service) Act, 1954, the Government of India have stated that no time limit has so far been prescribed and that they however, feel that the option should be exercised by the Judge before the date of retirement.

It would not be permissible for a High Court Judge to revise his decision after he has once made it under the proviso stated above. The papers relating to his election should be kept with the Accounts Officer, i.e., the Accountant-General of the State.

(Government of India, Ministry of Home Affairs. Letter No. 11/53/54- Judicial, dated. 8<sup>th</sup> August 1955, addressed to all State Governments dated G.I.M.H.A. Letter No. 11/53/54- Judicial, dated 6<sup>th</sup> April 1956).

(2) The Government of India have, in consultation with the Comptroller and Auditor-General of India, prepared a form of application for settling the pension and/or gratuity claims of Judges of High Courts. (vide form appended to) Instructions for preparing the pension papers are set out on the top of the application form.

The Registrar of the High Court should prepare the pension papers and forward his report in the prescribed form to the Accountant-General six months in advance of the date on which the Judge is due to retire. The Accountant-General will verify the claim and forward his report to the Secretary to the Government of India in the Ministry of Home Affairs at least one month before the date of his retirement. The Accountant-General should send to the State Government and the Registrar of the High Court a copy of his letter addressed to the Government of India. Even if the provisional information so furnished does not involve any revision of the report, the Accountant-General will, as soon as the Judge retires, send to the Secretary to the Government of India in the Ministry of Home Affairs his final report as to the amount of pension and/or gratuity admissible to the Judge. It is only on receipt of this final report that the sanction of the President will be obtained and communicated by the Home Ministry to the State Government with a copy to the Accountant-General of the State concerned. The State Government should inform the Judge and the High Court.

(3) the words "the pension to which he is entitled under the ordinary rules of his service" in paragraph 2 of Part.III of the First Schedule to the High Court Judges (Conditions of Service) Act, 1954, refer to the quantum of pension and not to the age of superannuation or other conditions of service in regard to pensions. Since the pension has to be calculated on the basis of the emolument which he would have received in "his service" until his actual retirement as a Judge.

**THE HIGH COURT JUDGES (SALARIES AND  
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(G.I.M.H.A., Lr.No. D. 2463/60 Judl. I, dated 23<sup>rd</sup> July 1960 addressed to the Accountant-General, Madras)

(4) While calculating the pension admissible to a Judge with reference to paragraph 2 of Part.III of the First Schedule to the High Court Judges (Conditions of Service) Act, 1954, the entire service up to his retirement as a Judge and emoluments which he would have drawn in his service until his retirement as a Judge should be taken in account. To calculate the pension on the basis of emoluments which he draw or would have drawn till the age of 55 only would amount to not giving effect or full effect to the direction to treat his service as a Judge as service to which the Judge belonged prior to his appointment as Judge of the High Court.

(5) It is not considered necessary to introduce the procedure prescribed in the G.I., M.F., (Department of Expenditure) O.M. No. 25 (31) EV/70, dated 29<sup>th</sup> July 1960 regarding submission of pensioners photographs in the case of High Court Judges.

G.I.M.H.A., Lr.No.16/4/61 Judl. I, dated 17<sup>th</sup> February 1961.)

**FORMS.****INSTRUCTIONS.**

1. This application form for pension should be submitted six months in advance of the date on which the Judge is due to retire. It will be forwarded by the Registrar of the High Court to the Accountant-General/ Comptroller of the State, who after necessary scrutiny will forward his report in a separate letter at least one month before the date of retirement to the Secretary to the Government of India, in the Ministry of Home Affairs, with a copy to State Government and Registrar of the High Court concerned.

2. If after the pension report was made by the Audit Officer any event occurs which necessitates the recalculation of the amount of pension, the Registrar of the High Court should promptly report the fact to the Audit Officers, if no such event has occurred the fact shall nevertheless be reported to the Audit Officer within a week from the date on which the Judge retires.

3. Even if the information so furnished does not involve any revision of the report, a final report must be sent by the Audit Officer to the Secretary to the Government of India, in the Ministry of Home Affairs, before the pension is sanctioned.



THE HIGH COURT JUDGES (SALARIES AND  
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APPENDICES

APPLICATION FOR PENSION AND/OR GRATUITY IN RESPECT OF A  
JUDGE OF A HIGH COURT.

1. Name of Judge (Block Letters) :
2. Father's Name :
3. (a) Residence, showing village and District / Taluks :  
(b) Present Address :
4. Date of Birth (of Judge by Christian Era) :
5. Name of High Court from which the Judge retires :
6. Details of Service under any State of or Union Government :
7. Details and period of service qualifying for pension :  
(a) Period of service in other pensionable posts under Union or State Government. : Y M D  
(b) Period of service as High Court Judge : Y M D
8. Provision under which pension/gratuity is being claimed :
9. Particulars of pension rules elected under the provisio to Section 15 of the High Court Judges (Conditions of Services) Act, 1954 :
10. Proposed Pension \* :
11. Proposed Gratuity \* :
12. Date from which pension is to Commence :
13. Place of payment (Government Treasury or Sub-Treasury)
14. Three specimen signatures on a separate sheet
15. Signature of Judge

Dated:

Signature of Registrar.

Name of the High Court.

\*\*\*

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

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(G.I.M.H.A., Lr.No. D. 2463/60 Judl. I, dated 23<sup>rd</sup> July 1960  
addressed to the Accountant-General, Madras)

(4) While calculating the pension admissible to a Judge with reference to paragraph 2 of Part.III of the First Schedule to the High Court Judges (Conditions of Service) Act, 1954, the entire service up to his retirement as a Judge and emoluments which he would have drawn in his service until his retirement as a Judge should be taken in account. To calculate the pension on the basis of emoluments which he draw or would have drawn till the age of 55 only would amount to not giving effect or full effect to the direction to treat his service as a Judge as service to which the Judge belonged prior to his appointment as Judge of the High Court.

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G.I.M.H.A., Lr.No.16/4/61 Judl. I, dated 17<sup>th</sup> February 1961.)

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The index has been compiled solely for the purpose of assisting references, No expression used in it should be considered in any way as interpreting the rules.

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