

HIGH COURT JUDGES RULES, 1956

CONTENTS

1. Short title
- 1A. Definition
2. Condition of Service in certain cases
- 2A. Residence of Judges
- 2B. Free furnishing
- 2C. Rent for overstay
- 2D. Nomination
- 2E. Free Water and Electricity
3. Passage benefits
4. Decision of questions

HIGH COURT JUDGES RULES, 1956

¹1. Published in the Gazette of India, 1956, Pt. II, Sec. 3, p. 106 2S.R.O. 224, dated the 24th January, 1956--In exercise of the powers conferred by section 23 and 24 of the High Court Judges (Conditions of Service) Act, 1954, (28 of 1954), the Central Government hereby makes the following rules, namely :-

1. Short title :-

These rules may be called the High Court Judges ¹ Rules, 1956.

1. Omitted by SRO 707 dt. 28-2-57

1A. Definition :-

(-In these rules, 'Judge' includes an acting Judge and an Additional Judge.)

2. Condition of Service in certain cases :-

The conditions of service of a High Court for which no express provision has been made in the High Court Judges (Conditions of Service) Act, 1954, shall be, and shall from the commencement of the Constitution be deemed to have been, determined by the rules for the time being applicable to a member of the Indian Administrative Service holding the rank of Secretary to the Government of the State in which the principal seat of the High Court is situated: ¹[Provided that, in the case of a Judge of the

High Court of Delhi, ²(and a Judge of the High Court of Punjab and Haryana ³....) the conditions of service shall be determined by the rules for the time being applicable to a member of the Indian Administrative Service on deputation to the Government of India and holding the rank of Joint Secretary to the Government of India stationed at New Delhi]. [Provided further that, in respect of facilities for medical treatment and accommodation in hospitals :-- (a) in the case of Judges of the High Courts other than the Delhi High Court and the Punjab and Haryana High Court, the rules and provisions as applicable to a cabinet Minister of the State Government in which the principal seat of the High Court is situated shall apply; (b) in the case of Judges, other than the Chief Justices, of the Delhi High Court and the Punjab and Haryana High Court, the rules and provision's as applicable to a Union Deputy Minister shall apply: (c) in the case of the Chief Justices of Delhi High Court and the Punjab and Haryana High Court the rules and provisions as applicable to a Union Cabinet Minister shall apply.]
NOTE :-Cases of reimbursement of medical charges decided before the commencement of these rules shall not be reopened unless it is specifically so desired by the Judge concerned; 8 Subs. by GSR 1175(E) dated 4.11-86 (Ins. by GSR.. 562 dt. 21-4-79) ⁴(Provided also that where at the request of the President any Judge under take to discharge any function outside his normal duties in any locality away from his headquarters, the President may, having regard to the nature of such function and locality, determine the facilities that may be afforded to such Judge including accommodations, transport and telephone so long as he continues to discharge such function , either without any payment or at a concessional rate).

⁵ "Provided further that a Judge of the High Court shall also be entitled any one of the following Special Compensatory Allowances, at the same rates as applicable to a member of the Indian Administrative Service holding the rank of Secretary to the Government of the State in which the principal seat of the High Court situate, with the condition that an option can be exercised to claim any one of the following Special Compensatory Allowances whichever is advantageous, namely:

(i) Special Compensatory (Remote Locality) Allowance.

(ii) Special Compensatory (Hill Area) Allowance.

(iii) Special Compensatory (Bad Climate) Allowance.

(iv) Special compensatory (Scheduled / Tribal Area) Allowance."

1. Omitted by GSR 698(E) dt. 31-7-1992

2. Ins. by GSR 497 dt. 13-3-70

3. Ins. by GSR 562 dt. 21-3-1979 w.e.f. 1-11-66 w.e.f. 31-7-1992

4. Ins. by GSR 336(E) dated 11-7-1972

5. Rule 2, after the last proviso the proviso -shall be inserted, by the High Court Judges (Amendment) Rules, 2004

2A. Residence of Judges :-

Each Judge who avails himself of the use of an official residence, shall be entitled to without payment of rent to the use of a furnished residence throughout his term of office and for a period of one month immediately thereafter, and no charge shall fall on the Judge personally in respect of the maintenance of such residence. This concession shall also be admissible to the members of the family of a Judge, who dies while in service for a period of one month immediately after his death. Explanation-for the purposes of this rule and rules 2-B and 2-C-(A) 'Official Residence' means accommodation owned or taken on hire by requisition or otherwise by Government and allotted to a Judge free of rent; (b) 'maintenance' in relation to an official residence, includes the payment of local rates and taxes. ¹ (.)

1. Omitted by OSR 299(E) dt. 18-3-1987

2B. Free furnishing :-

The value of free furnishing (including electrical appliances) provided free of rent in the Official residence allotted to the Chief Justice shall not exceed Rs. 1,00,000 (Rupees One Lakh only) and in the case of other Judges shall not exceed Rs.70,000 (Rupees Seventy Thousand Only).

2C. Rent for overstay :-

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

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

2D. Nomination :-

A Judge of a High Court may nominate any other person to receive the arrears of pension payable to him in accordance with the provision of the payment of arrears of pension (Nomination) Rules, 1983.

2E. Free Water and Electricity :-

Every Judge, irrespective of the fact whether he resides in an official residence or not shall be entitled to reimbursement of charges on account of water and electricity consumed at his residence not exceeding rupees twelve thousand per annum.

3. Passage benefits :-

(i) A Judge who is a member of the Indian Civil Service and whose domicile at the date of his appointment to that Service was elsewhere than in India, shall have the rights in respect of passages for himself, his wife and children if any, as under the rules of that service, he would have had if he had not been appointed a Judge, his service as Judge being treated as service for the purpose of determining those rights. (ii) Any other Judge whose domicile at the date of his appointment as Judge was elsewhere than in Asia shall have the same rights in respect of passages for himself, his wife and children, if any, as under the rules for the time being applicable to persons who become members of the Indian Civil Service on that date, would have had, if he had become a member thereof on that date, and if his service as Judge were treated as service therein for the purpose of determining those rights : Provided that, in the case of a Judge who was, before appointment to a High Court in India, a Judge of a former Indian High Court, the date of his appointment and his service as such Judge shall be treated as the date of appointment and his service as Judge respectively for the purpose of this sub-rule and any passages taken by him as such Judge shall be treated as passages taken under these rules. NOTE -.-The passage benefits provided in

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

4. Decision of questions :-

If any question arises about the interpretation of the provisions of these rules, the decision of the Central Government thereon shall be final. [Ministry of Home Affairs No. 11/39/94-Judl.) FOOT NOTE :-Principal Rules published by Notification No. S.R.O. 224 dated the 24th January. 1956-Gazette of India, 1956 Part-11 Section 3. page 106. Subsequently amended by : 1. S.R.O. 707 dated 28-2-1957 2. G.S.R. 497 dated 13-3-1970 3. G.S.R. 336(E) dated 11-7-1972 4. G.S.R, 562 dated 21-4-1979 5. G.S.R.1015 dated 21-7-1979 6. G.S.R. 1175(E) dated 4-11-1986 7, G.S.R 299(E)dated 18-3-1987 8. G.S.R. 718(E) dated 4-12-1991 9. G.SR. 698(E) dated31-7-1992