

SUPREME COURT JUDGES (TRAVELLING ALLOWANCE) RULES, 1951

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SUPREME COURT JUDGES (TRAVELLING ALLOWANCE) RULES, 1951

¹ Gaz. of India, Pt. II, s. 8, p. 642. S.R.O. 621, dated the 30th April, 1951.- In pursuance of article 125 of, and sub-paragraph (4) of paragraph. 9 of Part D of the Second Schedule the Constitution, the President is pleased to make the following rules, namely:-

1. . :-

(i) These rules may be called the Supreme Court Judges (Travelling Allowance) Rules, 1951.

(ii) They shall be deemed to have come into force on the 26th January, 1950.

2. . :-

In these rules unless the context otherwise requires 'Judge' means a Judge of the Supreme Court and includes the Chief Justice, an acting Chief Justice and Judge appointed under article 128 of the Constitution.

3. . :-

When a Judge of a High Court is appointed to be a Judge of the Supreme Court, he is entitled in respect of his journey to join his new post to draw travelling allowance at the rates and to enjoy travelling facilities specified in rule 7 of the High Court Judges (Part A States) Travelling Allowance Rules, 1950.

4. . :-

(i) When a Government servant, appointed to be a Judge, travels by railway to join his post, he may, at his option and in lieu of drawing travelling allowance under the rule governing a journey on transfer applicable to him, travel in a reserved first class compartment.

(ii) A Government servant who avails himself of this concession must pay to Government the fare which he would have paid if no accommodation had been reserved and must, in addition, pay in cash to the station master of the Station from which the journey commences, the fares for any members of his family accompanying him, whether they share his reserved accommodation or not. When Government pays full tariff rates for the accommodation, all such fares shall be credited to Government.

5. . :-

When a person not already in Government service is appointed to be a Judge, he may, when travelling by railway to join his post, travel in a reserved first class compartment on the conditions prescribed in sub-rule (ii) of rule 4 :

Provided that, if any such person is appointed to be the Chief Justice, he may travel in an inspection carriage.

6. . :-

When a person, who has held the office of a Judge of the Supreme Court or of the Federal Court, is requested to sit and act as a Judge of the Supreme Court under article 128 of the Constitution he may, when travelling by railway to join his temporary post or on vacating it, travel in a reserved first class compartment subject to the conditions prescribed in sub-rule (2) of rule 7.

7. . :-

(1) When a Judge travels on duty, he is entitled:-

(a) when travelling by railway, to one reserved first class compartment and the fares at the lowest class rates actually paid for servants not exceeding four in number-'

Provided that the Chief Justice or an acting Chief Justice will, if he so chooses, be ordinarily provided with an inspection carriage, in which case however, the Chief Justice or the acting Chief Justice shall not be entitled to any fares for the servants;

(b) when travelling by a public air transport services, to the fare paid for himself and, if actually paid, the cost of transporting up to two maunds of luggage by rail at passenger rates, or steamer and the railway or steamer fares of the lowest class for servants not exceeding four in number, and the expenditure actually incurred on the transport by road of servants or luggage up to a maximum

(c) when travelling by road, to an allowance at the rate of one rupee per mile:

Provided that no such allowance shall be payable in respect of that portion of a journey by road for which a public air transport service provides its own transport and the fare for which journey is included in the air fare paid under clause (b) for the air journey;

(d) to a travelling allowance limited to the actual expenses incurred by the Judge not exceeding one-half of first class railway fare in the case of rail journeys;

Provided that no such allowance shall be admissible where the Chief Justice or an acting Chief Justice travels in an inspection carriage;

(e) to a daily allowance in respect of any period of halt on duty outside Delhi or such other place as may for the time being be the headquarters of the Supreme Court (including Sundays and other holidays) at the following rates, namely:-

(i) in the case of the Chief Justice or an acting Chief Justice, at the rate of Es. 16, if the Chief Justice or the acting Chief Justice stays in an inspection carriage, and at the rate of Rs. 25, if he stays in any hotel or other place;

(ii) in the case of a Judge, at the rate of Rs. 16 ;

(f) to the expenditure, if any actually incurred on the transport by passenger train or steamer at owner's risk of a motor oar, and the fare at the lowest class rate actually paid to a railway or steamer service in respect of one driver or cleaner for the oar ;

(g) to the actual freight paid for the transport of personal effects not exceeding the freight chargeable for transporting by goods train personal effects weighing 60 maunds ;

Provided that no freight shall be payable for any personal effects which are capable of being carried in an inspection carriage.

(2) If any persons (other than servants) accompany a Judge in the

accommodation reserved for him under sub-rule (1), fares shall be payable by him on their account, and the fares so paid shall, if full tariff rates have been paid by Government for the reserved accommodation, be credited to Government.

(3) For the purpose of sub-rule (1) of this rule -

(a) all journeys to and from headquarters shall be deemed to commence and terminate at the Judge's residence at headquarters or as the case may be, at an out-station. For short journeys by road within five miles of the Judge's residence at headquarters no mileage allowance will be admissible unless the Judge actually proceeds to a place outside the five-mile radius. At an outstation, no mileage allowance in addition to a daily allowance to which a Judge may be entitled, will be admissible for short road journeys within five miles of the Judge's temporary residence;

(b) "actual expenses" mean the ordinary and normal expenses incidental to the journey and include any charge for a ferry, payment of tolls, amount spent on transport of camp equipment but do not include such other charges as hotel charges, rent for occupying a traveller's bungalow, cost of refreshments, charges for carriage of stores or conveyance or presents to coachmen or tips to bearers or any other allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture and the employment of additional servants;

(c) when the period of halt during the day (a day being counted from midnight to midnight) is not less than six hours, it shall count as one day and if it is less than six hours, it shall count as half day;

(d) when the period of continuous halt at any place exceeds ten days, but does not exceed thirty days, daily allowance shall be admissible at full rate for the first ten days and at three-fourths of the rates for any subsequent days.

8. . :-

(1) When a Judge-

(a) proceeds on, or returns from, leave, or

(b) proceeds on, or returns from vacation spent in or outside India, or

(c) retires from service, or

(d) proceeds to join another post after resigning office, he may, when travelling in a railway, travel in a reserved first class compartment subject to the conditions prescribed in ² [clause (ii) of rule 4]:

Provided that the Chief Justice may travel in an inspection carriage, if one is available.

(2) The facilities provided under this rule will be available up to and from the place of embarkation or disembarkation or the place where the Judge ordinarily resides in India, as the case may be.

Subs. by S. R. O. 820, dated the 9th March, 195-1 for "sub-rule (2) of rule 7".