

THE HIGH COURT JUDGES TRAVELLING ALLOWANCE RULES, 1956<sup>1</sup>  
AS ON 16.09.2021

<sup>2</sup> S.R.O. 2401, dated the 23rd October, 1956 - In exercise of the powers conferred by section 24 of the High Court Judges (Salaries and Conditions of Service) Act, 1954 (28 of 1954), the Central Government hereby makes the following Rules, namely:-

1. These Rules may be called the High Court Judges<sup>3</sup>... Travelling Allowances Rules, 1956.

<sup>4</sup>(1A. Definitions - In these rules, unless the context otherwise require, -)

<sup>5</sup>(a) "full wagon" means -

- (1) between places connected by rail
- (a) By goods train- any quantity upto the maximum carrying capacity of a wagon and "wagon" means a 4-wheeler wagon only;
- (b) By passenger train or by road- the mileage allowance will be limited to the amount chargeable for 6000 kilograms by goods train;

(2) between places not connected by rail. 6,000 kilograms]

<sup>5</sup>(aa) headquarters' means-

- (i) in relation to a Judge directed by the Chief Justice to perform his normal duties for a period exceeding three months at a place other than the principal seat of the High Court, such place; and
- (ii) in other cases, the principal seat of the High Court;

(b) 'Judge' includes an acting Judge and an additional Judge.]

<sup>6</sup>(c) 'mileage allowance' means the road mileage, allowance at the rate notified by the concerned Director of Transport for Taxi/autorikshaw.]

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

<sup>7</sup>(a) When travelling by railway, -

- (i) to a reserved two-berth compartment of the highest class including air-conditioned and if one such compartment is not available, then to a reserved four -berth compartment of the highest class (but excluding air conditioned);
- (ii) if such a compartment is provided, to take his wife along with him without payment of the fare; and
- (iii) to the fares at the lowest class rates actually paid for servants not exceeding two in number;]

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1. These were brought into force in the State of Sikkim vide Notification No. S.O. 212(E) dated 16.9.1975.
2. Published in the Gazette of India, 1956 Pt.II Section 3, p.1762
3. Omitted by S.R.O. 708, dated 28.2.1957
4. Subs. by GSR 48, dated 9.1.1958.
5. Relettered, Ins, & Subs by GSR 344(E) dated 12.5.1976.
6. Subs by GSR 1194(E) dated 7.11.1986
7. Ins. by GSR 344(E) dated 12.5.1976

- (b) when travelling by a steamer service, to one reserved first-class cabin, if available or to the fare actually paid for himself, and the fares at the lowest class rates paid to the steamer service for servants not exceeding two in number, subject to usual deductions on account of messing charges.
  - (c) when travelling by a public air transport service, to the fare paid for himself and, if actually paid, the cost of transporting upto <sup>1</sup>(75 kilograms) of luggage by rail at passenger rates, and the railway or steamer fare of the lowest class for servants not exceeding two in number, and the expenditure actually incurred on the transport by road of servants or luggage up to a maximum of <sup>2</sup>(one-half of the rate per kilometre notified by the concerned Director of Transport for autorikshaw) of that part of journey by road for which no allowance is claimed under clause (d) of this sub-rule;
  - (d) when travelling by road, to <sup>2</sup>(road mileage allowance at the rate notified by the concerned Director of Transport) provided that -
    - (i) 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 (c) for the air journey;
    - (ii) no mileage allowance shall be admissible for journeys undertaken within a radius of <sup>1</sup>(eight kilometers) from the residence of the Judge or for a journey between such residence or temporary residence and the place of sitting of the High Court or of a Bench of the High Court; and
    - (iii) where daily allowance is admissible and is claimed for any day, no mileage allowance shall be admissible in addition in respect of any journey undertaken by road within a radius of <sup>1</sup>(eight kilometers) from the temporary residence of the Judge at the place of halt;
    - (iv) no such allowance shall be payable in cases where the Judges use transport provided at Government expense;
- <sup>3</sup>(dd..... (ddd)

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1 Subs, by GSR 730 dated 4.5.1965  
2 Subs by GSR 1194(E) dated 7.11.1986  
3 Omitted by GSR 344(E) dated 12.5.1976

<sup>1</sup>[(e) to a daily allowance up-to Rs.7500/- per day for hotel or guest house accommodation, transport charges (AC taxi) of up-to 50 kms. for travel within the city and food bills not exceeding Rs.1200/- per day for the entire period of absence from headquarters, the absence being reckoned from the time of departure from headquarters to the time of return to headquarters:]

Provided that the daily allowance so admissible shall be regulated as follows:-

- (i) full allowance for each completed day, that is reckoned from mid-night to mid-night;
- (ii) for absence from headquarters for less than twenty four hours, the daily allowance shall be at the following rates, namely:-
  - (1) if the absence from headquarters does not exceed six hours, 30% of the full daily allowance;
  - (2) if the absence from headquarters exceeds six hours, but does not exceed twelve hours, 50% of the full daily allowance;
  - (3) if the absence from headquarters exceeds twelve hours, full daily allowance.
- (iii) if the date of departure from and return to headquarters fall on different dates, the period of absence from headquarter shall be reckoned as two days and daily allowance shall be calculated for each day as in clause (ii) :

Provided further that -

<sup>1</sup>[(i) when a Judge is required to perform functions outside his normal duties away from his headquarters he may, subject to such conditions as the President may in each case determine, be granted daily allowance up-to Rs.7500/- per day for hotel or guest house accommodation, transport charges (AC taxi) of up-to 50 kms. for travel within the city and food bills not exceeding Rs.1200/- per day and shall also be entitled to Government accommodation at the same rates as for Government servants of equivalent pay;]

(ii) Omitted;

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1. Subs. by GSR 631(E) dated 12.7.2018.

(iii) when a Judge is required to perform similar functions, whether part-time or wholetime in his own headquarters, he shall not be paid any allowance or charges unless the special work involves extra expenses in which case he may be granted such allowance not exceeding <sup>1</sup> (Rs.7500) per day as the President in each case determine;

(iv) <sup>7</sup>Omitted.

(f) to the expenditure, if any, actually incurred on the transport <sup>2</sup>[ by passenger train at Railway risk or by Air at owners risk, which ever is less) or steamer at owner's risk of a motor car, and the fare at lowest class rate actually paid to a Railway or steamer service in respect of one driver or cleaner for the car.

<sup>3</sup>[(1A when a Judge of the High Court at Bombay is required to proceed on circuit from <sup>4</sup> one of the four stations namely, Bombay, Nagpur, Aurangabad and Panaji to any other aforesaid station) he shall also be entitled to the expenditure actually incurred by him for the transport of his wife and dependent son or daughter-

(i) for journey by rail, and in case not travelling in the reserved compartment in the highest class of accommodation, excluding air-conditioned;

(ii) for journeys by air, by a public air transport service:

Provided that the duration of <sup>5</sup>(the circuit concerned) is not less than fifteen days at a time.

<sup>6</sup>1(B) when a Judge of the High Court of Madhya Pradesh is required to proceed on circuit from Jabalpur to Indore or Gwalior or from Indore to Jabalpur or Gwalior, or from Gwalior to Jabalpur or Indore, he shall also be entitled to the expenditure actually incurred by him for the transport of his wife and dependent son or daughter -

(i) for journey by rail, and in case not travelling in the reserved compartment in the highest class of accommodation, excluding air-conditioned;

(ii) for journeys by air, by a public air transport service:

Provided that the duration of <sup>5</sup>(the circuit concerned) is not less than <sup>5</sup>(fifteen days) at a time.

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1. Subs. by GSR No.631 (E) dt.12.7.2018
  2. Subs. by GSR 914(E) dated 9.6.1988
  3. Ins. by GSR 784 dated 12.5.1970.
  4. Subs. by GSR 887 dated 15.10.1982.
  5. Subs. by GSR 717(E) dated 4.12.1991.
  6. Ins. by GSR 1539 dated 4.9.1971.
  7. Omitted by GSR 13 (E) dated 21.12.2020.

<sup>1</sup>(C) when a Judge of the Gauhati High Court is required to proceed on circuit from Gauhati to Imphal or to Agartala or to any other Bench of the High Court that may be constituted, or from Imphal or Agartala or any other such Bench to Gauhati or from one Bench to another Bench, he shall also be entitled to the expenditure actually incurred by him for the transport of his wife and dependent son or daughter-

- (i) for journey by rail, and in case not travelling in the reserved compartment in the highest class of accommodation, excluding air-conditioned;
- (ii) for journeys by air, by a public air transport service:

Provided that the duration of <sup>2</sup>(the circuit concerned) is not less than <sup>2</sup>(fifteen days) at a time.

<sup>3</sup>(D) when a Judge of the High Court of Rajasthan is required to proceed on circuit from Jodhpur to Jaipur or from Jaipur to Jodhpur, he shall also be entitled to the expenditure actually incurred by him for the transport of his wife and dependent son or daughter-

- (i) for journey by rail, and in case not travelling in the reserved compartment in the highest class of accommodation, excluding air-conditioned;
- (ii) for journeys by air, by a public air transport service:

Provided that the duration of the circuit at Jodhpur or Jaipur is not less than <sup>2</sup>( fifteen days) at a time.

<sup>3</sup>(E) when a Judge of the High Court of Patna is required to proceed on circuit from Patna to Ranchi or from Ranchi to Patna, he shall also be entitled to the expenditure actually incurred by him for the transport of his wife and dependent son or daughter-

- (i) for journey by rail, and in case not travelling in the reserved compartment in the highest class of accommodation, excluding air-conditioned;
- (ii) for journeys by air, by a public air transport service:

Provided that the duration of the circuit at Patna or Ranchi is not less than<sup>2</sup>( fifteen days) at a time.

<sup>4</sup>(F) when a Judge of the High Court of Calcutta is required to proceed on circuit from Calcutta to Andaman and Nicobar Islands, he shall for the journeys from Calcutta to Port Blair and back, also be entitled to the expenditure actually incurred by him for the transport of his wife and dependent son or daughter-

- (i) for journey by sea in the Deluxe Cabin of a Ship;
- (ii) for journey by M.V. Akbar in the Deluxe Class with attached toilet and;
- (iii) for journeys by air, by a public air transport service:

Provided that the duration of the circuit at Port Blair is not less than <sup>2</sup>( fifteen days) at a time.

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1. Instd. by GSR No.841 dt. 21.6.1972.
  2. Subs . by GSR No. 717(E) dated 4.12.1991.
  3. Instd. by GSR No.502 dt. 23.3.1979.
  4. Instd. by GSR No.1295(E) dt.18.12.1986.

(2) If any person <sup>1</sup>(other than wife and servants) accompany a Judge in a compartment or cabin reserved for him under sub-rule(1), fare shall be payable by him on their account, and the fare 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 this rule -

(i) 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;

(ii) a Judge shall be deemed to be travelling on duty when, during a vacation of the High Court, he proceeds from any place in India where he was spending the vacation for the purpose of doing duty in the High Court and returns to such place after completion of such duty;

<sup>2</sup>(iia) a Judge shall be deemed to be travelling on duty when, during leave or leave combined with vacation of the High Court, he proceeds from any place in India where he was spending the leave or vacation to any place or places in India for the purpose of performing duty and returns to such place or to his headquarters after completion of his duty.

Provided that in case of returns to headquarters after performing duty the travelling allowance in relation to that journey shall be restricted to what the Judge would have drawn had he returned to the place from where he proceeded.

<sup>3</sup>(iii) 'actual expenses' means the ordinary and normal expenses incidental to the journey and includes any charge for a ferry, payments of tools, amount spent on transport of camp equipment but does 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;

3. (1) 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 ordinary rules governing a journey on transfer applicable to him, travel in a reserved compartment of the highest class <sup>4</sup>including air conditioned.

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1. Subs.by GSR No.344(E) dt.12.5.1976.
  2. Instd. by GSR No.1768 dated 18.9.1968.
  3. Instd. by GSR No.730 dt. 4.5.1965.
  4. Subs.by GSR No.719 dt.3.11.1995.

(2) A Government servant availing 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 fare 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 will be credited to Government.

Explanation \_ For purposes of rules 3,4 <sup>1</sup>(5,6 and 7D) a reserved compartment means a two-berthed compartment or a four berthed compartment if a two-berthed compartment is not available in the train by which a Judge travels.

4. 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 compartment of the highest class <sup>2</sup> including air-conditioned and subject to the conditions prescribed in sub-rule (2) of rule 3.

5. When a Judge \_

- (a) proceeds on, or returns from leave or
- (b) proceeds on, or returns from , vacation spent <sup>3</sup> in or out side India, or <sup>4</sup>(..... )
- (c) proceeds to join another post after resigning office, he may when travelling in a railway, travel in a reserved compartment of the highest class excluding air-conditioned and subject to the conditions prescribed in sub-rule (2) of rule 3.

<sup>3</sup> 5-A When a Judge or any member of his family undertakes a journey to obtain appropriate medical attendance and treatment under the provisions of the All India Service( Medical Attendance) Rules,1954, as applicable to such Judge under the High Court Judges Rules,1956 he shall be entitled to draw the same travelling allowance as is admissible for such journey to a member of the All India Service holding the rank of Secretary to the Government of the State in which the principal seat of the High Court is situated.

<sup>5</sup>[Provided that a Judge of the Delhi High Court <sup>6</sup>(and a Judge of the Punjab and Haryana High court) shall draw the travelling allowance as is admissible for such journey to a member of the All India Service holding the rank of a Joint Secretary to the Government of India.

6. When a Judge is transferred from one High Court to another, or <sup>7</sup>(from one headquarter to another) he shall be entitled to the expenditure actually incurred by him on his journey for the transport of -

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- 1. Subs. by GSR 784 dated 2.5.1970.
  - 2. Subs.by GSR (E)dated 3.11.1995
  - 3. Ins. by GSR 730 dated 4.5.1965.
  - 4. Omt. by GSR 891 dated 19.3.1969.
  - 5. Ins. by GSR 344(E) dated 12.5.1976.
  - 6. Ins by GSR 360 dt.10.3.1981.
  - 7. Subs. by GSR 48 dt.9.1.1959.

- (a) When travelling by rail or by steamer -
- (i) the Judge himself, by a reserved compartment or cabin of the highest class,<sup>1</sup>(including air-conditioned)
  - (ii) members of his family not travelling in the reserved compartment or cabin, in the highest class of accommodation <sup>1</sup>(including air-conditioned).

<sup>2</sup>(b) when travelling by road -

- (i) one mileage allowance for the Judge himself;
- (ii) one additional mileage allowance at the rate applicable to him if two members of his family accompany him and at twice that rate if more than two members accompany him :

Provided that when any portion of the journey can be performed by by railways, the allowance claimed in respect of that portion shall not exceed the amount admissible had the Judge and the members of his family travelled on such portion by railway by the highest class (including air conditioned)<sup>1</sup> ]

- (c) when travelling by air, the Judge himself and the members of his family by a public air transport service;
- (d) personal servants, not exceeding four in number, by <sup>3</sup>(railway) or steamer or by public road transport service at lowest class rates;
- (e) <sup>4</sup>[one motor car, by passenger train at Railway's risk or by air at owner's risk, whichever is less or by steamer at owner's risk].
- (f) other personal effects not exceeding the expenditure which would be incurred in the transport <sup>5</sup>(of full wagon of goods) and the expenditure incurred in <sup>3</sup>(loading and unloading) such personal effects.
- (g) a lump-sum transfer grant and packing allowance at the same rates as are admissible to the All India Service Officer holding the post of Secretary to the Govt. of India.

<sup>5</sup>(Explanation - For the purpose of this rule and rule 7A, 7B 7C and 7D 'members of a Judge's family' means his wife, his children, his step children, parents, sisters and minor brothers normally residing with, and wholly dependent on him.)

7. Where by reason of a change in the principal seat of the High Court a Judge changes his ordinary place of residence, he is entitled to the same allowance as on transfer from one High Court to another.

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- 1. Subs by GSR 1007 dated 14.10.1985
  - 2. Subs.by GSR 1194 dt. 7.11.1986
  - 3. Subs. by GSR 730 dt. 4.5.1965
  - 4. Subs. by GSR 914(E) dt.6.9.88.
  - 5. Subs. by GSR 344(E) dt.12.5.1976.

17-A. Notwithstanding anything contained in rule 5, a Judge of the High Court shall be entitled to leave travel concession for himself, his wife and dependent members of his family for visiting any place in India (including permanent residence in his home State) during his leave, twice a year, in accordance with the rules applicable in this regard to a member of the Indian Administrative Service holding the rank of Secretary to the Government of the State in which the principal seat of the High Court is situated.

Explanation - For the purpose of this rule, 'leave' shall include vacation <sup>2</sup>(any of the gazetted holidays, closed holiday and Sunday)

Provided that a Judge of the Delhi High Court and a Judge of the Punjab and Haryana High Court shall be entitled to leave travel concession under this rule twice a year, for visiting a place any where in India (including home town) in accordance with the rules applicable in this behalf to a member of the Indian Administrative Service holding the rank of a Joint Secretary to the Government of India;

<sup>3</sup> Provided that a Chief Justice and a transferred Judge shall be entitled to an additional (third) leave travel concession to visit his permanent residence in his home state in a year.

Provided further that a Judge and his wife shall have the option to travel by air or by air-conditioned first class when travelling by railway, dependent members of the family shall also be allowed to travel with either of them by air or air-conditioned first class, when the Judge or his wife travels on leave travel concession <sup>4</sup> (or they can travel independently) while traveling by air.

Explanation-I For the purpose of this rule and for rules 7-B and 7-C.

Permanent residence in the home State "means (i) in the case of a person who has held a judicial office in the territory of India, such place as may have been recorded in his service records as the place at which his permanent residence is located, and (ii) in any other case, the place which has been declared by a Judge of a High Court before the commencement of the High Court Judges (Travelling Allowance) Amendment Rules, 1966, as the place at which his permanent residence is located or where no such declaration has been made, such place as the Judge of a High Court may within one year from the commence of the High Court Judges(T.A.) Amendment Rules 1966, or from the date of his appointment, whichever is later, declare to be the place at which his permanent residence is located and the declaration so made shall not be changed unless the Central Government having regard to the exceptional circumstances of the case permits such change.

Provided that not more than one such change shall be permitted by the Central Government during the period of service of a Judge of a High Court.

<sup>5</sup>(... ..)

"Year" means the 'calendar Year', provided that in the event of the return journey falling in the succeeding calendar year such journey shall be deemed to have been performed in the year in which the outward journey had commenced.

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1. Subs. by GSR 1194 dated 7.11.1986.
  2. Ins. by GSR 435(E) dt.10.5.1995
  3. Ins. by GSR 719(E) dt.3.11.1995.
  4. Ins. by GSR (E) dt .1999.
  5. Deleted by GSR 385(E) dt.10.5.1995(w.e.f.10.5.1995)

<sup>1</sup> 7-B In case of a Judge who dies while in service, the members of his family shall be entitled to the following expenses for travel, by the shortest route from the headquarters of the Judge at the time of his death, to his permanent residence in his home State, provided that such journey is completed within six months from the date of death of the Judge :-

(a) for journey by rail or by steamer or both.

<sup>2</sup>(i) actual first class fare for every member of the family;

(ii) actual cost of transportation of personal effects up to <sup>2</sup>(a full wagon).

(b) for journey by road -

<sup>3</sup>(i) one mileage allowance for one member of the family, a second mileage allowance if two members of the family and a third mileage allowance if more than two members of the family of the deceased Judge travel at the rate applicable to such Judge on the date he was last on duty.

(ii) actual cost of transportation of personal effects limited to the expenditure which would be incurred in the transportation of <sup>2</sup>(a full wagon) and the expenditure incurred in loading and unloading such personal effects.

<sup>2</sup>(c) for journeys by the modes referred to in clauses (a) and (b), daily allowance at the same rates as are admissible to a Judge when he travels on duty and the provisions of clauses (d) of sub-rule (1) of rule 2 shall, as far as may be, apply.

<sup>4</sup>(d) a lump-sum transfer grant and packing allowance at the same rates as are admissible to All India Services officer holding the post of Secretary to the Government of India.

(2) the expenses specified in sub-rule(1) shall also be admissible for travel by a member of the family of the deceased Judge from the headquarters of the Judge at the time of death to a place other than his permanent residence in his home State or from such other place, as the member happens to be at the time of the Judge's death, to a place other than the Judges' permanent residence, in his home State, provided that the journey is completed within six months from the date of death of the Judge and the total expenses claimed for such journey do not exceed the amount which would have been admissible had such member travelled from the headquarter of the Judge to his permanent residence in his home State.

(3) Nothing in this rule shall apply in the case of Judge who dies while on leave preparatory to retirement.

<sup>2</sup>( . . . . . )

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1. Renumbered as 7-B by GSR 1194(E) dt.7.11.86.
  2. Subs/omit by GSR 344(E) dt.12.5.1976
  3. Ins. by GSR 1194(E) dt. 7.11.1986.
  4. Ins. by GSR 719(E) dt.3.11.1995.

17-C. When a Judge retires from service, he and the members of his family shall be entitled to the following expenses for travel and for the transportation of personal effects from the place in which he was on duty prior to his retirement to the permanent residence in his home state declared for the purpose of rule 7-A, 7-B or 7-C. If a Judge wishes to settle down at a place other than the permanent residence in his home State declared for the purpose of rules 7-A, 7-B and 7-C the amount reimbursable to him on account of the expenditure actually incurred by him on his journey and the journey of the members of his family and for the transportation of personal effects shall be that which would have been admissible to him had he actually proceeded to his permanent residence in his home State or the amount reimbursable for journey to a place other than the permanent residence in his home State, whichever is less. The precise entitlement as aforesaid under these rules shall be as follows namely ;

(a) when travelling by rail or by steamer -

(i) the Judge himself may travel by a reserved compartment or cabin of the highest class,<sup>2</sup>(including air-conditioned). The members of the family of the Judge may also travel in such reserved compartment or cabin with the Judge.

(ii) members of his family not travelling in the reserved compartment or cabin, may travel in the highest class of accommodation <sup>2</sup>(including air-conditioned).

<sup>2</sup>[Provided that the Judge or his family members may travel by a public air transport at his option.]

(b) when travelling by road -

<sup>3</sup> one mileage allowance for the Judge , a second mileage allowance if two members of his family travelling with him and a third mileage allowance if more than two members travel with him at the rate applicable to such Judge on the date he was last on duty.

Provided that when any portion of the journey can be performed by rail, the allowance claimed in respect of that portion shall not exceed the amount admissible had the Judge and the members of his family travelled on such-portion by rail by the highest class, excluding air-conditioned.

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1. Renumbered from 7-D to 7-C by GSR 1194(E) dt.7.11.1986.
  2. Subs/Ins by GSR 717(E) dt.4.12.1991.
  3. Ins. by GSR 1194(E) dt.7.11.1986.

- <sup>1</sup>[(bb) the Judge and every member of his family shall be entitled to a daily allowance in respect of the journeys by the modes referred to in clauses (a) and (b) , at the same rates as are admissible to a Judge when he travels on duty and the provisions of clause (c) of sub-rule(1) of rule 2 shall ,as far as may be, apply.
- (c) for transportation of one motor car, by passenger train <sup>2</sup>( at Railway's risk) or steamer at owner's risk; and
- (d) for transportation of other personal effects,not exceeding the expenditure which would be incurred in the transport <sup>3</sup> (of a full wagon of goods) and the expenditure incurred in <sup>1</sup>(loading and unloading) such personal effects;
- (e) a lump-sum transfer grant and packing allowance at the same rates as are admissible to All India Service Officers holding the post of Secretary to the Govt. of India.

Provided that the above entitlement will lapse if the journey is not completed by the judge within six months from the date of his retirement. Members of his family may follow him within six months or precede him by not more than one month. The period of six months,or one month, as the case may be shall count from the date of retirement of the Judge.

<sup>4</sup>(Proviso deleted..... )

<sup>5</sup>(..... )

8. Repeal and Savings -(1) The High Court Judges (Part-A State) Travelling Allowance Rules,1950, are hereby repealed.

(2) Notwithstanding such repeal, nothing contained in these rules shall have effect so as to give to a Judge who is serving as such at the commencement of these rules less favourable terms in respect of his travelling and daily allowances than those to which he would be entitled if these rules had not been made.

[ Ministry of Home Affairs ]  
File No. 11/45/55-Judl.I

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1. Ins. by GSR 344(E) dt.12.5.1976.
  2. Ins. by GSR 914(E) dt.6.9.1980.
  3. Subs. by GSR 34(E) dt.12.5.1976.
  4. Deleted by GSR 621(E) dt.1.09.1999.
  5. Omitted by GSR 1194(E) dt.7.11.1986.

[ Ministry of Home Affairs ]  
File No. 11/45/55-Judl.I

Foot Note: Principal Rules published vide Notification  
No.S.R.O.2401, dated 23rd October, 1956,  
Gazette of India dated 27th October, 1956,  
Part II; Section 3, page 1762 and  
subsequently amended by :

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|------|--------------|-------------------|
| (1)  | SRO 708      | dated 28.2.1957.  |
| (2)  | GSR 48       | dated 9.1.1959.   |
| (3)  | GSR 730      | dated 4.5.1965 .  |
| (4)  | GSR 943      | dated 8.6.1966.   |
| (5)  | GSR 1768     | dated 18.9.1968.  |
| (6)  | GSR 891      | dated 19.3.1969.  |
| (7)  | GSR 784      | dated 2.5.1970 .  |
| (8)  | GSR 1539     | dated 4.9.1971.   |
| (9)  | GSR 841      | dated 21.6.1972.  |
| (10) | GSR 212 (E)  | dated 16.9.1975.  |
| (11) | GSR 344 (E)  | dated 12.5.1976.  |
| (12) | GSR 991      | dated 28.7.1978.  |
| (13) | GSR 502      | dated 23.3.1979.  |
| (14) | GSR 870      | dated 5.8.1980.   |
| (15) | GSR 1044     | dated 23.9.1980.  |
| (16) | GSR 360      | dated 10.3.1981.  |
| (17) | GSR 532      | dated 27.5.1982.  |
| (18) | GSR 887      | dated 15.10.1982. |
| (19) | GSR 1007     | dated 14.10.1985. |
| (20) | GSR 1194 (E) | dated 7.11.1986.  |
| (21) | GSR 1295 (E) | dated 18.12.1986. |
| (22) | GSR 635      | dated 27.7.1988.  |
| (23) | GSR 914 (E)  | dated 9.9.1988.   |
| (24) | GSR 426 (E)  | dated 11.7.1990.  |
| (25) | GSR 717 (E)  | dated 4.12.1991.  |
| (26) | GSR 117      | dated 3.3.1992.   |
| (27) | GSR 385 (E)  | dated 10.5.1995.  |
| (28) | GSR 719 (E)  | dated 3.11.1995.  |
| (29) | GSR 268 (E)  | dated 3.7.1996.   |
| (30) | GSR 151 (E)  | dated 24.2.1999.  |
| (31) | GSR 506 (E)  | dated 8.7.1999.   |
| (32) | GSR 621 (E)  | dated 1.9.1999.   |
| (33) | GSR 412 (E)  | dated 16.6.2005.  |

THE HIGH COURT JUDGES RULES, 1956<sup>1</sup>

(As on 16.09.2021)

<sup>2</sup>S.R.O. 224 dated the 24th January, 1956--In exercise of the powers conferred by sections 23 and 24 of the High Court Judges (<sup>3</sup>Salaries and 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 <sup>4</sup>(.....) Rules, 1956.

<sup>5</sup>(1A. Definition--In these rules, 'Judge' includes an acting Judge and an Additional Judge.)

2. Conditions of Service in certain cases-- The conditions of service of a Judge of a High Court for which no express provision has been made in the High Court Judges (<sup>3</sup>Salaries and 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 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.

<sup>6</sup>(Provided that, in the case of a Judge of the High Court of Delhi, <sup>7</sup>(and a Judge of the High Court of Punjab and Haryana <sup>8</sup> .....)) 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.

<sup>9</sup>[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 provisions as applicable to a Union Deputy Minister shall apply;

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1. Published in the Gazette of India, 1956, Pr.II Sec.3, p.106
  2. These rules were extended to the State of Sikkim on 16.5.1975 vide Notification Nos.208(E) and S.O. 210(E) dated 16.5.1975.
  3. Ins. by Amendment Act 7 of 1999 w.e.f. 1.1.1996.
  4. Omitted by SRO 707 dated 28.2.1957.
  5. Ins. by S.R.O. No.707 dated 28.2.1959
  6. Ins. GSR 497 dated 13.3.1970
  7. Ins. by GSR 562 dated 21.3.1979 w.e.f. 1.11.1966.
  8. Omitted by GSR 698(E) dt.31.7.92.
  9. Subs. by GSR No.1175(E) dated 4.11.1986.

(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.

<sup>1</sup>(Provided also that where at the request of the President any Judge undertakes 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)

" Provided further that a judge of the High Court shall also be entitled to 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 only one of the following Special Compensatory Allowances which ever is advantageous, namely: -

- (i) Special Compensatory (Remote Locality) Allowance
- (ii) Special Compensatory (Hill Area) Allowance
- (iii) Special Compensatory (Bad Climate) Allowance
- (iv) Special Compensatory (Schedules/Tribal Area) Allowance".

<sup>6</sup>Explanation--For the purpose of this proviso, it is hereby clarified that Special Compensatory (Remote Locality) Allowance shall be deemed to be admissible from 1<sup>st</sup> July, 1982.

<sup>2</sup>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. <sup>3</sup>( )

<sup>4</sup>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 <sup>5</sup>{(Rs.8,00,000/-) (Rupees eight Lakh only)} and in the case of other Judges shall not exceed <sup>5</sup>{(Rs.6,00,000/-) (Rupees six Lakh only)}.

2C. Rent for overstay--(1) Where a Judge occupies an Official residence beyond the period specified in rule 2-A, he 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.

1. Ins. by GSR 336(E) dated 11.7.1972
2. Ins. by GSR 1015 dated 21.7.1979 w.e.f. 1.10.1974.
3. Omitted by GSR 299(E) dated 18.3.1987
4. Subs. by GSR 717(E) dated 4.12.1991
5. Subs. by GSR 239(E) dated 19.3.2018
6. Ins. By GSR 565(E) dated 7.8.2019.

(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 2-A, 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.

12D. A Judge of a High Court may nominate any other person to receive the arrears of pension payable to him in accordance with the provisions of the Payment of Arrears of Pension (Nomination) Rules, 1983.

22.E Free Water and Electricity--Every Judge, irrespective of the fact whether he resides in an official residence or not shall be entitled to re-imbusement of charges on account of water and electricity consumed at his residence not exceeding <sup>3</sup>( 3600 kiloliters of water and 10,000 units of Power 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 passage 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 India 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.11/39/54-Judl. }

1.Subs. by GSR 1175(E) dated 4.11.1986 (F.No.24/20/86-Jus.)

2.Ins. by GSR 299(E) dated 18.3.1987.

3.Subs. by GSR 558(E) dated 30.6.1994 w.e.f. 29.6.1994.

{ Ministry of Home Affairs No.11/39/54-Judl. }

FOOT NOTE: Principal Rules published by  
Notification No. S.R.O. 224 dated the 24th  
January, 1956,-- Gazette of India, 1956  
Part-II 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. 3365(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.S.R. 698(E) dated 4.12.1991
10. G.S.R. 588(E) dated 30.6.1994
11. G.S.R. 720(E) dated 3.11.1995
12. G.S.R. 394(E) dated 1.7.2004.