

# The High Court Judges Travelling Allowance Rules, 1956

UNION OF INDIA

India

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### Rule

### THE-HIGH-COURT-JUDGES-TRAVELLING-ALLOWANCE-RULES-1956 of 1956

- Published on 23 October 1956
- Commenced on 23 October 1956
- [This is the version of this document from 23 October 1956.]
- [Note: The original publication document is not available and this content could not be verified.]

The High Court Judges Travelling Allowance Rules, 1956 Published in the Gazette of India, Part II, Section 3, page 1762. Last Updated 18th July, 2018 S.R.O. 2401, dated 23rd October, 1956. - In exercise of the powers conferred by section 24 of the High Court Judges (Salaries and Conditions of Services) 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 [\*\*\*] [Omitted by S.R.O. 708, dated 28th February, 1957.] Travelling Allowances Rules, 1956. [1-A. Definitions. [Substituted by G.S.R. 48, dated 9th January, 1959.]- In these rules, unless the context otherwise requires.](a)[ "Full wagon" means - [Inserted by G.S.R. 344(E), dated 18th May, 1976 (w.e.f. 18th May, 1976)](1)between places connected by rail(a)By goods train - any quantity up to 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][av)] [Re-lettered as Cl. (aa), by G.S.R. 344(E), dated 18th May, 1976 (w.e.f. 18th May, 1976)] 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;(c)[ `mileage allowance' means the road mileage, allowance at the rate notified by the concerned Director of Transport for Taxi/Autorickshaw.] [Inserted by G.S.R. 194(E), dated 7th November, 1986 (w.e.f. 7th November, 1986)]

## 2.

(1) When a Judge travels on duty, he is entitled : (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 spouse 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; (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 actually 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 (75 kilograms) of luggage by rail at passenger rates, or steamer and the railway or steamer fares 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 (one-half of the rate per kilometer notified by the concerned Director of Transport for auto-rickshaw) of that part of the journey by road for which no allowance is claimed under clause (d) of this sub-rule; (d) when travelling by road, to (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 (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 (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 uses transport provided at Government expense; [\*\*\*] [Clauses (dd) and (ddd), omitted by G.S.R. 344(E), dated 18th May, 1976 (w.e.f. 18th May, 1976)] (e) [ 10 a daily allowance up to [Rs. 7500/- per day for hotel or guest house accommodation, transport charges (AC taxi) as per actual expenditure commensurate with official engagements for travel within the city and food bills not exceeding Rs. 1200/-] [Substituted by G.S.R. 330 (E), dated 15th April, 2011.] 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) [ 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) as per actual expenditure commensurate with official engagements for travel within the city and food bills not exceeding Rs. 1200/-] [Substituted by G.S.R. 330 (E), dated 15th April, 2011.] per day and shall also be entitled to Government accommodation at the same rates as for Government servants of equivalent pay]; (ii) [\*\*\*] [Clause (ii) omitted by G.S.R. 330 (E), dated 15th April, 2011.] (iii) if the date of departure from and return to headquarters fall on different dates, the period of absence from headquarters shall be reckoned as two days and daily allowance shall be calculated for each day as in clause (ii) Provided further that - (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 exceeding [Rs. 7500/- per day for hotel or guest house accommodation, transport charges (AC taxi) as per actual expenditure commensurate with official engagement for travel within the city and food bills not exceeding Rs. 1200/-] [Substituted by G.S.R. 1194(E), dated 7th November, 1986 (w.e.f. 7th November, 1986)] per day and shall also be entitled to Government accommodation at the same rates as for Government servants of equivalent pay".](ii)when a Judge is required to perform his normal duties away from his headquarters and in specially expensive localities like Bombay, Calcutta or any other locality so declared hereafter by the President, he may be granted a daily allowance of [Rs. 1000] [Substituted by G.S.R. 151(E), dated 24th February, 1999(w.e.f. 24th February, 1999)](iii)when a Judge is required to perform similar functions, whether part-time or whole time 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 [Rs. 7500/-] [Substituted 'Rs. 5000/-' by Notification No. G.S.R. 631(E), dated 10.7.2018 (w.e.f. 23.10.1956).] per day as the President in each case determine;(iv)when a Judge is a State Guest or is allowed to avail free board and lodging at the expenses of the Central or State Government or any autonomous industrial or commercial undertaking or corporation or a statutory body or a local authority, in which Government funds have been invested or in which Government have any other interest, the daily allowance shall be restricted to 25 per cent of the amount admissible or sanctioned; and if only board or lodging is allowed free, the Judge may draw daily allowance at one-half of the admissible rate.(f)to the expenditure, if any, actually incurred on the transport by [passenger train at Railway risk or by Air at owners risk, whichever is less] [Substituted by G.S.R. 914(E), dated 6th September, 1988 (w.e.f. 6th September, 1988)] 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.[(1-A) when a Judge of the High Court at Bombay is required to proceed on circuit from [one of the four stations namely, Bombay, Nagpur, Aurangabad and Panaji any other aforesaid station] [Inserted by G.S.R 784(E), dated 2nd May, 1970 (w.e.f. 2nd May, 1978)] 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 journeys 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 concerned) is not less than (fifteen days) at a time.][(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-When a Judge of the High Court of M.P.....(i)for journeys by rail 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 circuit at Indore or Gwalior or Jabalpur is not less than [fifteen days] [Inserted by G.S.R. 1539, dated 4th September, 1970.] at a time.][(1-C) When a Judge of the Gauhati High Court is required to proceed on circuit from Gauhati to Imphal or to Agartalla or to any other Bench of the High Court that may constituted, or from Imphal or Agartalla or to 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-When a Judge of the Gauhati High Court.....(i)for journeys 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 circuit at Imphal or Agartalla or at such other Bench is not less than \* (fifteen days) at a time.][1-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 circuit at Jodhpur or Jaipur is not less than (fifteen days) at a time.][1-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 journeys 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 circuit at Patna or Ranchi is not less than (fifteen days) at a time.(1-F) [When a Judge of the High Court of Calcutta is required to proceed on circuit from Calcutta to the 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 journeys by sea in the Deluxe Cabin of a Ship;(ii)for journeys 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 (fifteen days) at a time.][1-G) When a Judge of the High Court of Madras is required to proceed on circuit from Chennai to Madurai or from Madurai to Chennai, 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 concerned is not less than fifteen days at a time.] [Inserted by Notification No. G.S.R. 412(E) dated 16.6.2005](2)If any person \* (other than wife and servants) accompany a Judge in a compartment or cabin reserved for him under sub-rule (1), fares shall be payable by him or 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 purposes 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;(iii)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.][iii][ `actual expenses' means the ordinary and normal expenses incidental to the journey and includes any charge for a ferry, payment 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.

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, including air conditioned.(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 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 will be credited to Government.Explanation - For purposes of rules 3, 4, (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 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 (in or) outside India, or(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 rule3]:

### 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 to holding the rank of Secretary to the Government of the State in which the principal seat of the High Court is situated:][Provided that a Judge of the Delhi High Court (and a Judge of the Punjab and Haryana High Court) shall draw the same 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 (from one headquarters to another) he shall be entitled to the expenditure actually incurred by him on his journey for the transport of - (a) When travelling by rail or by steamer - (i) the Judge himself, by a reserved compartment or cabin of the highest class including air-conditioned (ii) members of his family not travelling in the reserved compartment or cabin in the highest class of accommodation including air-conditioned. (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 journeys can be performed by railway, 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.) (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 (railway) or steamer or by public road transport service at lowest class rates; (e) [one motor car, by passenger train at Railway's risk or by Air at owners 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 (a full wagon of goods) and the expenditure incurred in (loading and unloading) such personal effects. (g) a lump sum transfer grant and packing allowance at the same rate as are admissible to the All India Service Officers holding the post of Secretary to the Government of India. [Explanation [Substituted by G.S.R. 344(E), dated 18th May, 1976 (w.e.f. 18th May, 1976)] - For the purpose of this rule and rules 7A, 7B, 7C and 7D, 'members of a Judges' family' means his wife, his children, his stepchildren, 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. [7-A] [Substituted by G.S.R. 194 (E), dated 7th September, 1986] 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 @ (any of the gazetted holidays. closed holidays and Sundays:) 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 anywhere 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; [\*\*\*] [Deleted by G.S.R. 385(E), dated 10th May, 1995 (w.e.f. 10th May, 1995)] 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. [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.Explanation - "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." [Inserted by G.S.R. 719 (E), dated 3rd November, 1995 (w.e.f. 3rd November, 1995)][\*\*\*] [Omitted by G.S.R. 1194 (E), dated 7th November, 1986][7-B] [Renumbered by G.S.R. 1194 (E), dated 7th November, 1986](1)In the 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 :-[7-C] [Added by G.S.R. 891, dated 19th March, 1969]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 purposes 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 purposes of rules 7-A, 7-B and 7-C, the amount of 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 steamer-(i)the Judge himself may travel by a reserved compartment or cabin of the highest class, [including air conditioned] [Substituted by G.S.R 717(E) dt. 04-12-1991]. 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 reserved compartment or cabin may travel in the highest class of accommodation [including air conditioned] [Substituted by G.S.R 717(E) dt. 04-12-1991][Provided that the Judge or his family members may travel by a public air transport at his option.] [Inserted by G.S.R 717(E) dated.04-12-1991](b)When travelling by road-One mileage allowance for the Judge, a second mileage allowance if two members of the family travelling with him and a third mileage allowance if more than two members of his family 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;(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] [Clause (bb), Inserted by G.S.R. 344 (E), dated 18th May, 1976 (w.e.f. 18th May, 1976)](c)for transportation of one motor car, by passenger train 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 of [a full wagon] [Subsituted by G.S.R. 344(E) dated 12-05-1976(w.e.f. 18th May, 1976)] and the expenditure incurred in loading and unloading such personal effects;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 proceed 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. Provided further that the amount of travelling allowance admissible to the Judge [under Cls. (a) and (b)] [Substituted by G.S.R. 268(E), dated 18th May, 1976 (w.e.f. 18th May, 1976)] shall be reduced by the amount claimed by the Judge as travel concession [under rule 7-A] [Substituted by G.S.R. 268(E), dated 18th May, 1976 (w.e.f. 18th May, 1976)] if the amount claimed by the Judge as travel concession related to the journeys performed by him and the members of his during one year proceeding the date of retirement of the Judge. [\*\*\*] [Omitted by G.S.R. 344(E) dated 12-05-1976] (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 Government of India. (a) for journey by rail or steamer or both. - (i) [actual first class fare, for every member, of the family.] [Substituted by G.S.R. 344(E), dated 18th May, 1976 (w.e.f. 18th May, 1976)] (ii) actual cost of transportation of personal effects up to [a full wagon] [Substituted by G.S.R. 344(E), dated 18th May, 1976 (w.e.f. 18th May, 1976)] (b) for journeys by road. - (i) [one mileage allowance for one member of the family, a second mileage allowances if two members of the family travel and a third mileage allowance if more than two member of the family of the deceased Judge travel, at the rate applicable to such Judge on the date he was last on duty.] [Substituted by G.S.R. 1194(E), dated 7th November, 1986 (w.e.f. 7th November, 1986)] (ii) actual cost of transportation of personal effects limited to the expenditure which would be incurred in the transportation of [a full wagon] [Substituted by G.S.R. 344(E), dated 18th May, 1976 (w.e.f. 18th May, 1976)] and the expenditure incurred in loading and uploading such personal effects. (c) [for journeys by the modes referred to in Cls. (a) and (b), daily allowances at the same rates as are admissible to a Judge when he travels on duty and the provision of Cl. (e) of sub-section (1) of rule 2 shall, as far as may be, apply.] [Inserted by G.S.R. 344(E), dated 18th May, 1976 (w.e.f. 18th May, 1976)] (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 his 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 Judge's 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 headquarters of the Judge to his permanent residence in his home State. (3) Nothing in this rule shall apply in the case of a Judge who dies while on leave preparatory to retirement. [\*\*\*] [Omitted by G.S.R. 621(E) dated 01.09.1999] [\*\*\*] [Omitted by G.S.R. 1194(E) dated 07-11-1986.]

## 8. Repeal and Saving.

(1) The High Court Judges (Part - A States) 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.