

The High Court Judges Rules, 1956

UNION OF INDIA

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Rule THE-HIGH-COURT-JUDGES-RULES-1956 of 1956

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The High Court Judges Rules, 1956 Published in the Gazette of India, 1956, Part II Section 3, page 106. Last Updated 9th August, 2019 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 (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 [***] [Omitted by S.R.O. 707, dated 28th February, 1957.] Rules, 1956. [1-A. Definition. [Inserted by S.R.O. 707, dated 28th February, 1957] - 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 (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. [Provided that, in the case of a Judge of the High Court of Delhi, [and a Judge of the High Court of Punjab and Haryana] [Inserted by G.S.R. 497(E), dated 13th March, 1970.] 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 provisions 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.[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 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 (Schedules/ Tribal Area) Allowance][Explanation. - For the purpose of this proviso, it is hereby clarified that Special Compensatory (Remote Locality) Allowance shall be deemed to be admissible from 1st July, 1982] [Inserted by Notification No. G.S.R. 565(E), dated 7.8.2019.].[2-A. Residence of Judges. [Inserted by G.S.R. 1015, dated 21st July, 1979 (w.e.f. 1st October, 1974)]- 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.] [Inserted by Notification No. G.S.R. 394(E), dated 1.7.2004]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. [***] [The certain words omitted by G.S.R. 299 (E), dated 18th March, 1987 (w.e.f. 18th March, 1987.)][2-B. Free furnishing. [Rule 2-B, Substituted by G.S.R. 720(E), dated 3rd November, 1995 (w.e.f. 3rd November, 1995.)]- 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. 8,00,000/- (Rupees eight lakhs only)] [Substituted by G.S.R. 1175(E), dated 4th November, 1986 (w.e.f. 4th November, 1986)] and in the case of other Judges shall not exceed [Rs. 6,00,000/- (Rupees six lakhs only)] [Substituted '(Rs.3,00,000/-) (Rupees Three Lakh only)' by Notification No. G.S.R. 239(E), dated 19.3.2018]]

2.

-C. 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 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 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.[2-D. [Inserted by G.S.R. 1175(E), dated 4th November, 1986.]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.][2-E Free Water and Electricity. [Rule 2-E, Inserted by G.S.R. 299(E), dated 18th March, 1987 (w.e.f. 18th March, 1987.)]- Every Judge, irrespective of the fact whether he resides in an official residence or not shall be entitled to re-imbursement of charges on account of water and electricity consumed at his residence not exceeding [3600 kilolitres of water] and [10,000] [The figure 7000, Substituted by G.S.R. 558(E), dated 29th June, 1994(w.e.f. 29th June, 1994)] 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 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.