



Appendix F

The High Court Judges Travelling Allowance Rules, 1956

S.R.O. 2401, dated 23rd October, 1956. — In exercise of the powers conferred by Sec. 24 of the High Court Judges (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 ^{1[1]}[* * *] Traveling Allowance Rules, 1956.

2. ^{2[2]}1-A. Definitions. — In these rules, unless the context otherwise requires, —

(a) "Full wagon" means —

(1) between places connected by rail

(a) *By goods train* — any quantity up to the maximum carrying capacity of a wagon and "wagon" mean a 4-wheeler wagon only;

(b) *By passenger train or by road* — the mileage allowance will be limited to the amount chargeable for 6,000 kilograms by goods trains;

(2) between places not connected by rail 6000 kilograms.]

^{3[3]}[(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.

^{4[4]}[(c)] "Mileage allowance" means the road mileage allowance at the rate notified by the concerned Director of Transport for Taxi/ Autorickshaw.]

2. (1) When a Judge travels on duty, he is entitled —

^{5[5]}[(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, than 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 rate 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 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 fair paid for himself and, if actually

^{1[1]}. Words "Para A States" omitted by S.R.O. 708 dated 28-2-1957.

^{2[2]}. Rules 1A substituted by G.S.R. 48 dated 9-1-1959.

^{3[3]}. Clause (a) inserted and original clause (a) relettered as cl. (aa) by G.S.R. 344(E) dated 18-5-1976.

^{4[4]}. Inserted by G.S.R. 194(E) dated 7-11-1986.

^{5[5]}. Substituted by G.S.R. 344 (E) dated 18-5-1976.

paid, the cost of transporting up to ^{6[6]}[75 kilograms] of luggage by rail at passenger rates, or steamer and the railway or steamer fares of 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 ²[one-half of the rate per kilometre notified by the concerned Director of Transport of autorickshaw] of that part of the journey by road for which no allowance is claimed under Cl. (d) of this sub-rule;

- (d) when travelling by road, to ²[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 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 Cl. (c) for the air journey;
- (ii) no mileage allowance shall be admissible for journey undertaken within a radius of ²[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 to respect of any journey undertaken by road within a radius of ²[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;

^{7[7]}[* * *]

- ^{8[8]}[(e) to a daily allowance at the rate of ^{9[9]}[Rs. 600/-] 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 daily allowance for each completed day, that is, reckoned from mid-night to midnight;
- (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 headquarters shall be reckoned as two days and daily allowance shall be calculated for each day as in Cl. (ii).

Provided further that—

- ^{10[10]}[(i) when a Judge is required to perform functions outside his normal duties in localities away from his headquarters he may, subject to such conditions as the President may in each case determine be granted daily allowance not exceeding ^{11[11]}[Rs. 1000] and transport charges not exceeding ⁵[Rs. 1000] and transport charges not exceeding ^{12[12]}[Rs. 50] per day in respect of specially expensive localities like Bombay, Calcutta, Madras, Delhi, Hyderabad, Ahmedabad, Bangalore or any other locality so declared hereafter by the

^{6[6]}. Substituted by G.S.R. 194(E) dated 7-11-1986.

^{7[7]}. Clause (dd) and (ddd) omitted by G.S.R. 344(E) dated 18-5-1976.

^{8[8]}. Substituted by G.S.R. 344(E) dated 18-5-1976.

^{9[9]}. Substituted for "Rs. 250" by G.S.R. 151(E) dated 24-2-1999.

^{10[10]}. Substituted by G.S.R. 1194(E) dated 7-11-1986.

^{11[11]}. Substituted for "Rs. 250" and "Rs. 400" by G.S.R. 151(E) dated 24-2-1999.

^{12[12]}. Substituted for "Rs. 20" by G.S.R. 151(E) dated 24-2-1999.



President and shall also be entitled to Government accommodation at the same rates as for Government servants];

- (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 ^{13[13]}[Rs. 1000].
- (iii) when a Judge is required to perform similar functions, where 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 ^{14[14]}[Rs. 600] 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 expense of the Central or State Government or any autonomous industrial or commercial undertakings 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 ^{15[15]}[passenger train at railway's risk or by air at owner's risk whichever is risk] 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.

^{16[16]}[(1A) When a Judge of the High Court at Bombay is required to proceed on circuit from ^{17[17]}[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 highest class of accommodation, excluding air conditioned;
- (ii) for journey by air, by a public air transport service:

Provided that the duration of ⁵[the circuit concerned] is not less than ^{18[18]}[fifteen days] at a time].

^{19[19]}[(1B) 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 journeys by rail and 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 services:

Provided that the duration of circuit at Indore or Gwalior or Jabalpur is not less than ^{20[20]}[fifteen days] at a time.]

^{21[21]}[(1C) when a Judges 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 journeys by rail and in case not travelling in the reserved compartment, in the highest class of accommodation, excluding air-conditioned;

^{13[13]}. Substituted for "Rs. 400" by G.S.R. 151(E) dated 24-2-1999.
^{14[14]}. Substituted for "Rs. "250" by G.S.R. 151(E) dated 24-2-1999.
^{15[15]}. Substituted by G.S.R. 914(E) dated 6-9-1988.
^{16[16]}. Inserted by G.S.R. 784(E) dated 2-5-1970.
^{17[17]}. Substituted by G.S.R. 344(E) dated 18-5-1976.
^{18[18]}. Substituted by G.S.R. 717(E) dated 4-12-1990.
^{19[19]}. Inserted by G.S.R. 1539 dated 4-9-1970.
^{20[20]}. Substituted by G.S.R. 717(E) dated 4-12-1990.
^{21[21]}. Inserted by G.S.R. 841 dated 21-6-1972.

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

Provided that the duration of circuit at Imphal or Agartala or at such other Bench is not less than ¹[fifteen days] at a time.]

²²[22] [(1D) 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 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 Jodhpur or Jaipur is not less than ¹[fifteen days] at a time.

²³[23] [(1E) 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 ¹[fifteen days] at a time].

²⁴[24] [(1F) 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 journey 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 is 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 ²⁵[25] [fifteen days] at a time.]

(2) If any person ²⁶[26] [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 on their account, and the fares so paid shall, if full tariff rates have been paid by Government for the reserved accommodation, be credit 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;

²⁷[27] [(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 return 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.]

²⁸[28] [(iii) "actual expenses" means the ordinary and normal expenses incidental to the journey and includes any charges for a ferry, payment of tolls, amount spent on transport of camp

²²[22]. Inserted by G.S.R. 502 dated 23-3-1979.

²³[23]. Inserted by G.S.R. 870 dated 5-8-1980.

²⁴[24]. Inserted by G.S.R. 1295(E) dated 18-12-1986.

²⁵[25]. Substituted by G.S.R. 717(E) dated 4-12-1990.

²⁶[26]. Substituted by G.S.R. 344(E) dated 18-5-1976.

²⁷[27]. Inserted by G.S.R. 1769 dated 18-9-1968.

²⁸[28]. Inserted by G.S.R. 730 dated 4-5-1965.

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, ^{29[29]}[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, ^{30[30]}[5, 6 and 7D] a reserved compartment means a two-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 reserved compartment of the highest class, ¹[including air-conditioned] and subject to the conditions prescribed in sub-rule (2) and 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

^{31[31]}[(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) and rule 3;

¹[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 Services (Medical Attendance) Rules, 1954, as applicable to such Judge under the High Court Judges Rules, 1956, he shall be entitled to draw 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.]

^{32[32]}[Provided that a Judge of the Delhi High Court shall draw the same travelling allowance as is admissible for such journey to a member of the All 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 ^{33[33]}[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 ^{34[34]}[including air-conditioned];

(ii) members of his family not travelling in the reserved compartment or cabin, in the highest class of accommodation ³[including air-conditioned];

^{35[35]}[(b) when travelling by the road—

^{29[29]} Substituted by G.S.R. 719(E) dated 3-11-1995.

^{30[30]} Substituted by G.S.R. 784 dated 2-5-1970.

^{31[31]} Clause (c) omitted and clause (d) re-lettered as clause (c) by G.S.R. 891 dated 19-3-1969.

^{32[32]} Inserted by G.S.R. 344(E) dated 18-5-1976.

^{33[33]} Substituted by G.S.R. 48 dated 9-1-1959.

^{34[34]} Substituted by G.S.R. 1007 dated 14-10-1985.

^{35[35]} Substituted by G.S.R. 194(E) dated 7-11-1986.

- (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 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;
- ^{36[36]}[(e) on 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 of ¹[a full wagon of goods] and the expenditure incurred in loading and unloading such personal effects.

^{37[37]}[*Explanation.*—For the purpose of this rule and rules 7A, 7B, 7C and 7D “members of the 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 allowances as on transfer from one High Court to another.

²[7-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 ^{38[38]}[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;

^{39[39]}[* * *]

^{40[40]}[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 ^{41[41]}[or they can travel independently while travelling 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

^{36[36]} Substituted by G.S.R. 914(E) dated 6-9-1988.

^{37[37]} Substituted by G.S.R. 344(E) dated 18-5-1976.

^{38[38]} Inserted by G.S.R. 635 dated 27-7-1988.

^{39[39]} Deleted by G.S.R. 385(E) dated 10-5-1995.

^{40[40]} Inserted by G.S.R. 719 (E) dated 3-11-1995.

^{41[41]} Inserted by High Court Judges (Travelling Allowance) Second Amendment Rules 1999 dated 8-7-1999.

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 commencement of the High Court Judges (Travelling Allowance) 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.

^{42[42]} [Provided also that a Judge shall be entitled to travel by road between places not connected by Rail/air transport while availing of leave travel concession facilities with the conditions that—

- (i) the place to be visited and the Headquarters is not connected either by Rail/ Air transport;
- (ii) the mileage allowance will be admissible by the shortest route from the nearest point to the airport/railhead and only one mileage allowance would be admissible if all the Members of the family are travelling together; and
- (iii) One extra mileage allowance would be available to the family members of the Judges when travelling separately on separate dates but in no case the total number of mileage allowance shall exceed three].

"Year" means the Calendar Year, ^{43[43]} [.....]

^{44[44]} [7-B] (I) 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—

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

^{45[45]} [(i) actual first class fare for every member of the family;]

(ii) actual cost of transportation of personal effects up to ³[a full wagon].

- (b) for journeys by road—

^{46[46]} [(i) one mileage allowance for one member of the family, a second mileage allowance if two members of the family travel 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 a full wagon and the expenditure incurred in loading and unloading such personal effects.]

^{47[47]} [(c) for journeys by the modes referred to in clause (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.]

^{48[48]} [(d) a lump sum transfer grant and packing allowance at the same rate as are admissible to All India Services 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 Judge's permanent residence, in his home

^{42[42]} Inserted by G.S.R. 117(E) dated 3-3-1992.

^{43[43]} Deleted by G.S.R. 385(E) dated 10-5-1995.

^{44[44]} Original Rule 7-B omitted and Rule 7-C renumbered as 7-B by G.S.R. 1194 (E) dated 7-11-1986.

^{45[45]} Substituted by G.S.R. 344(E) dated 18-5-1976.

^{46[46]} Substituted by G.S.R. 1194(E) dated 7-11-1986.

^{47[47]} Inserted by G.S.R. 344(E) dated 18-5-1976.

^{48[48]} Inserted by G.S.R. 719(E) dated 3-11-1995.

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 Judge who dies while on leave preparatory to retirement.

^{49[49]}[7-C] When a Judge retires from service he had 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 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 effect 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, ^{50[50]}[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 ¹[including air conditioned]:

^{51[51]}[Provided that the Judge or his family members may travel by a public air transport at his option.]

(b) when travelling by road –

^{52[52]}[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:]

¹[(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 ^{53[53]}[at Railway 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 of ^{54[54]}[a full wagon] and the expenditure incurred in loading and unloading such personal effects;

^{55[55]}[(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.]

Provided that the above entitlement will lapse if the journey is not completed by the Judge within

^{49[49]}. Original clause 7-D inserted by G.S.R. 891 dated 19-3-1969, remembered as 7-C by G.S.R. 1194(E) dated 7-11-1986.

^{50[50]}. Substituted by G.S.R. 717(E) dated 4-12-1990.

^{51[51]}. Inserted by G.S.R. 717(E) dated 4-12-1990.

^{52[52]}. Inserted by G.S.R. 344(E) dated 18-5-1976.

^{53[53]}. Inserted by G.S.R. 914(E) dated 6-9-1980.

^{54[54]}. Substituted by G.S.R. 344(E) dated 18-5-1976.

^{55[55]}. Substituted by G.S.R. 1194(E) dated 7-11-1986.

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 month, or one month, as the case may be shall count from the date of retirement of the Judge:

⁵⁶[⁵⁶] Provided further that the amount of travelling allowance admissible to the Judge under clause (a) and (b) of the above rules shall be reduced by the amount claimed by the Judge as travel concession under rule 7-A if the amount claimed by the Judge as travel concession related to the journeys performed by him and the members of his family during one year preceding the date of retirement of the Judge.]

⁵⁷[⁵⁷] [* * *]

8. Repeal and Savings—(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.

⁵⁶[⁵⁶] Inserted by G.S.R. 426(E) dated 11-7-1990.

⁵⁷[⁵⁷] Rules 7-E omitted by G.S.R. 1194(E) dated 7-11-1986.

No.L-11017/1/2009-Jus.
Government of India
Ministry of Law and Justice
(Department of Justice)

..... Jaisalmer House, Mansingh Road,

New Delhi-11, the 5th July, 2012.

To

The Secretary General,
Supreme Court of India,
New Delhi.

The Registrar Generals,
All High Courts.

Subject :- The High Court Judges (Travelling Allowance) Amendment Rules, 2011 and the High Court Judges (Travelling Allowance) Amendment Rules, 2011.

Sir,

I am directed to refer to this Department's letter of even dated 11.10.2011 on the above subject and to say that some High Courts and members of Administrative Tribunals have sought further clarification on various points involving DA entitlements of Judges while on tour. The matter has been considered in consultation with the Department of Expenditure, M/o Finance.

In terms of the instructions issued by the Ministry of Finance vide O.M. No. 19030/3/2008-E.IV dated 23.09.2008 after the 6th Central Pay Commission (CPC), the Daily Allowance is now paid as reimbursement for hotel/guest house accommodation upto Rs. 5,000/- per day, reimbursement of air-conditioned taxi for upto 50 km and reimbursement of food bills not exceeding Rs. 500/- per day to government officials drawing highest Grade. Resultantly, Judges of the Supreme Court of India and the High Courts would be eligible to these rates. As per the said O.M., there is an automatic increase of 25 per cent in the rates of reimbursement for hotel accommodation charges each time Dearness Allowance on the revised pay structure increases by 50 per cent. As the Dearness Allowance has increased by 50 per cent with effect from 01.01.2011, this 25 percent increase in the reimbursement for hotel accommodation is admissible and may be allowed. Separate order regarding this increase is also being issued.

Further, it is clarified that the Ministry of Finance has not issued any orders permitting reimbursement on the basis of self-certification for purchase of food items. However, an option has been allowed vide O.M. No. 19030/3/2008-E.IV dated 22.01.2009 wherein Daily Allowance as per pre-revised rates (5th CPC) can be claimed. Thus, option can be ascertained in cases in which reimbursement poses a problem.

The specific points raised by various High Courts, regarding the Allowance for Judges while on tour, are clarified as under:-

Observations/Queries by High Courts	Clarification
1. Since the first proviso to Rule 2 (1) (e) has not been amended or touched by 2011 amendment, if it is to be understood that a Judge would be entitled to a daily allowance up to Rs.5,000/-, subject to production of vouchers, in that case, what would be the daily allowance payable to a Judge, under clause (ii) of the first proviso to Rule 2 (1)(e), i.e. 30% or 50% or 100%;	After the implementation of the 6 th CPC recommendations, daily allowance is granted in the form of reimbursement and is delinked from the number of hours of stay in a particular station and is linked to the actual amount paid on accommodation, transport and food.
2. Whether a Judge, who is not a State Guest but allowed to avail free board and lodging at the expense of the Central Government or State Government etc., would be entitled to daily allowance restricted to 25% of Rs.5,000/-;	No, Sir; only reimbursement of actual expenses incurred on hotel accommodation/guest house, transport and food subject to maximum admissible amount is permissible.
3. Whether a Judge would be entitled to 50% of Rs.5,000/- as daily allowance, if only board or lodging is allowed free;	No, Sir; permissible reimbursement is based on actual expenses incurred only. If lodging is allowed free, only boarding charges (food expenses) and taxi charges can be reimbursed. If boarding (food expenses) is allowed free, only lodging and taxi charges upto the maximum permissible limit can be reimbursed.
4. What would be the entitlement, in case of stay in a Govt. Guest House or Guest House where the Govt. funds have been invested etc., as by 2011 amendment the daily allowance has been fixed up to Rs.5, 000/- for hotel or Guest House accommodation not owned by the Government or where the Government funds have been invested or the Government has any other interest. To what amount of daily allowance a Judge would be entitled to if he/she arranges own private accommodation and food;	Reimbursement of accommodation is limited to actual expenses incurred subject to maximum amount admissible under the Rules. Similarly, reimbursement of food bills is admissible subject to the maximum amount admissible under the rules subject to production of vouchers.
5. Relating to the entitlement of the amount not exceeding Rs.500/- per day towards the food bill by a Judge, as amended by 2011 amendment, is it	No orders permitting reimbursement on the basis of self-certification towards purchase of food items have been issued. However, an option has been

required to produce the vouchers as it is not possible on the part of Judge to ask for vouchers for purchase of each and every food items, which includes vegetables. The Judges of this High Court are required to visit the other permanent Benches frequently and they stay in the High Court Guest Houses and arrange for their own food.	allowed vide Department of Expenditure O.M. No.19030/3/2008-E.IV dated 22.01.2009, wherein Daily Allowance as per pre-revised rates (5 th CPC) can be claimed. The Judges can avail of this option as a complete package for a particular tour undertaken by them for discharging the official duty.
6. When a Judge stays outside the State in a star hotel and pays Rs.5000/- towards hotel accommodation and Rs.500/- towards food, then on such private accommodation, the Judge's DA will be limited to Rs.5000/- and if the answer is in the negative then what would be the specific amount towards boarding, lodging and DA?	Reimbursement is permissible on the basis of actual expenses incurred subject to maximum admissible amount irrespective of the government or private accommodation.
7. Is Daily Allowance at the rate of 50% of Rs.5,000/- per day admissible when Judges are required to discharge their judicial/official normal duties outside the Headquarters, as clarified vide letter dated 11.10.2011.	After the implementation of the Sixth Central Pay Commission's recommendations, Daily Allowance is regulated as per actual expenses incurred. There is, however, an option to claim the pre-revised rates of DA available vide O.M. dated 22.01.2009 as mentioned above.
8. Suppose a Judge proceeded to Delhi and stayed in Orissa Bhavan/Orissa Nivas for a day and paid Rs.300/- towards accommodation charges and also paid Rs.200/- towards food. Now, question arises as to in such a situation what would be the ratio of payment and actual amount towards Daily Allowance?	There is no ratio applicable after 6 th CPC for payment of DA. If DA is claimed as per revised rates, reimbursement of actual expenditure incurred is allowed, subject to the prescribed ceilings.
9. Applicability of the provision relating to increase of daily allowance by 25%, payable to the officers of the Govt. of India, in terms of the Office Memorandum dated 23.9.2008 (para.6 thereof) whenever the dearness allowance payable on the revised pay structure goes up by 50% to the High Court Judges under the 1956 Rules, needs to be clarified.	A separate order for extending the benefit of 25% increase in the rates of daily allowance in the case of Judges is being issued.

2. The daily allowance of Judges may be settled in accordance with the above clarifications.

3. This issues with the approval of Department of Expenditure, Ministry of Finance vide I.D.No.42409/2012 dated 06.06.2012.

Yours faithfully,



(P.P. Gupta)

Under Secretary to the Government of India

Copy to :-

1. The Chief Secretary, All States/Govt. of NCT of Delhi and Chandigarh Administration.
2. Accountant Generals of all State Governments/UTs.
3. The Pay and Accounts Officer, Supreme Court of India, New Delhi.
4. The Pay and Accounts Officer No.XIV, Government of NCT of Delhi, Fire Station Building, Shanker Road, New Delhi.
5. O/o Comptroller & Auditor General of India, Bahadur Shah Zafar Marg, New Delhi.
6. O/o Chief Election Commissioner, Nirvachan Sadan, New Delhi.
7. Central Administrative Tribunal, Principal Bench, 61/35, Copernicus Marg, New Delhi.
8. The Ministry of Finance, D/o Expenditure (E.IV. Branch), North Block, New Delhi – w.r.t. their ID referred to above.
9. Guard File.



(P.P. Gupta)

Under Secretary to the Government of India

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NOTIFICATION

New Delhi, the 10th July, 2018.

G.S.R. 631(E).-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 further to amend the High Court Judges Travelling Allowance Rules, 1956, namely:-

1. (1) These rules may be called the High Court Judges Travelling Allowance Amendment Rules, 2018. (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the High Court Judges Travelling Allowance Rules, 1956, in rule 2; in sub-rule (1), in clause (e):-
 - (i) for the portion beginning with the letters and figures "Rs. 50001-" and ending with the letters and figures "Rs. 50001-" the following shall be substituted, namely:-

"Rs. 75001- 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. 12001-".
 - (ii) In the second proviso:-
 - (a) In clause (i), for the portion beginning with letter and figures "Rs. 50001-" and ending with the letters and figures "Rs. 50001-", the following shall be substituted, namely:-

"Rs. 75001- 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/-";
 - (b) In clause (iii), for the letters and figures "Rs. 50001-" the letters and figures "Rs. 75001-" shall be substituted.

[F. No. L-11017/1/2018-Jus.]

SUSHMA T AISHETE, Jt. Secy.

Foot Note: The Principal rules were published vide Notification number S.R.O. 2401, dated 23rd October, 1956 in the Gazette of India dated 27th October, 1956, in Part II, Section 3, page 1762 and subsequently amended by:-

1. G.S.R. 708, dated 28.2.1957
2. G.S.R. 48, dated 9.1.1959
3. G.S.R. 730, dated 4.5.1965
4. G.S.R. 943, dated 8.6.1966
5. G.S.R. 1768, dated 19.9.1968
6. G.S.R. 891, dated 19.3.1969
7. G.S.R. 784, dated 2.5.1970
8. G.S.R. 1539, dated 4.4.1971
9. G.S.R. 841, dated 21.6.1972
10. G.S.R. 344 (E), dated 12.5.1976
11. G.S.R. 991, dated 28.7.1978
12. G.S.R. 502, dated 23.3.1979
13. G.S.R. 870, dated 23.9.1979
14. G.S.R. 1044, dated 5.8.1980
15. G.S.R. 260, dated 10.3.1981
16. G.S.R. 532, dated 27.5.1982
17. G.S.R. 887, dated 15.10.1982
18. G.S.R. 1007, dated 14.10.1985
19. G.S.R. 1194(E), dated 7.11.1986
20. G.S.R. 1295 (E), dated 18.12.1986
21. G.S.R. 635, dated 27.7.1988
22. G.S.R. 914(E), dated 9.9.1988
23. G.S.R. 426, dated 11.7.1990
24. G.S.R. 717 (E), dated 4.12.1991
25. G.S.R. 117, dated 3.3.1992
26. G.S.R. 385(E), dated 10.5.1995
27. G.S.R. 719(E), dated 3.11.1995
28. G.S.R. 268(E), dated 3.7.1996
29. G.S.R. ISI (E), dated 24.2.1999
30. G.S.R. 330(E), dated 15.4.2011.

MINISTRY OF LAW AND JUSTICE

(Department of Justice)

NOTIFICATION

New Delhi, the 21st December, 2020

G.S.R. 13(E).—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 further to amend the High Court Judges Travelling Allowance Rules, 1956, namely:—

1. (1) These rules may be called the High Court Judges Travelling Allowance Amendment Rules, 2020.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the High Court Judges Travelling Allowance Rules, 1956, in rule 2, in sub-rule (1), in clause (c), in the second proviso, clause (iv) shall be omitted.

[F.No. L-11016/1/2020-Jus.-I]

NIRAJ KUMAR GAYAGI, Jt. Secy.

Foot Note: The principal rules were published vide notification number S.R.O. 2401, dated the 23rd October, 1956 in the Gazette of India, dated the 27th October, 1956, in Part II, Section 3, page 1762 and subsequently amended by:—

1. G.S.R. 708, dated 28.2.1957
2. G.S.R. 48, dated 9.1.1959
3. G.S.R. 730, dated 4.5.1965
4. G.S.R. 943, dated 8.6.1966
5. G.S.R. 1768, dated 19.9.1968
6. G.S.R. 891, dated 19.3.1969
7. G.S.R. 784, dated 2.5.1970
8. G.S.R. 1539, dated 4.4.1971
9. G.S.R. 841, dated 21.6.1972
10. G.S.R. 344 (E), dated 12.5.1976
11. G.S.R. 991, dated 28.7.1978
12. G.S.R. 502, dated 23.3.1979
13. G.S.R. 870, dated 23.9.1979
14. G.S.R. 1044, dated 5.8.1980
15. G.S.R. 260, dated 10.3.1981
16. G.S.R. 532, dated 27.5.1982
17. G.S.R. 887, dated 15.10.1982
18. G.S.R. 1007, dated 14.10.1985
19. G.S.R. 1194 (E), dated 7.11.1986
20. G.S.R. 1295 (E), dated 18.12.1986
21. G.S.R. 635, dated 27.7.1988
22. G.S.R. 914 (E), dated 9.9.1988
23. G.S.R. 426, dated 11.7.1990
24. G.S.R. 717 (E), dated 4.12.1991
25. G.S.R. 117, dated 3.3.1992
26. G.S.R. 385 (E), dated 10.5.1995
27. G.S.R. 719 (E), dated 3.11.1995
28. G.S.R. 268 (E), dated 3.7.1996
29. G.S.R. 151 (E), dated 24.2.1999
30. G.S.R. 330 (E), dated 15.4.2011
31. G.S.R. 631 (E), dated 12.7.2018

20. सा.का.नि. 715 (अ), तारीख 3.11.1995
21. सा.का.नि. 150 (अ), तारीख 24.2.1999
22. सा.का.नि. 331 (अ), तारीख 15.4.2011
23. सा.का.नि. 6330 (अ), तारीख 12.7.2018

NOTIFICATION

New Delhi, the 21st December, 2020

G.S.R. 14(E).—In exercise of the powers conferred by sub-section (1) and clauses (c) and (f) of sub-section (2) of section 24 of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (41 of 1958), the Central Government hereby makes the following rules further to amend the Supreme Court Judges (Travelling Allowance) Rules, 1959, namely:—

1. (1) These rules may be called the Supreme Court Judges (Travelling Allowance) Amendment Rules, 2020.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Supreme Court Judges (Travelling Allowance) Rules, 1959, in rule 5, in sub-rule (1), in clause (f), in the third proviso, clause (iii) shall be omitted.

[F.No. L-11016/1/2020-Jus.-I]

NIRAJ KUMAR GAYAGI, Jt. Secy.

Foot Note: The principal rules were published *vide* notification number G.S.R. 844, dated the 14th July, 1959 in the Gazette of India, dated the 25th July, 1959, in Part II, Section 3(i), page 1054 and subsequently amended by:—

1. G.S.R. 1881, dated 3.10.1968
2. G.S.R. 2010, dated 15.12.1970
3. G.S.R. 263(E), dated 27.4.1972
4. G.S.R. 579, dated 30.5.1974
5. G.S.R. 1365, dated 18.12.1974
6. G.S.R. 343(E), dated 12.5.1976
7. G.S.R. 990, dated 28.7.1978
8. G.S.R. 871, dated 5.8.1980
9. G.S.R. 1043, dated 23.9.1980
10. G.S.R. 394, dated 4.4.1981
11. G.S.R. 899, dated 28.9.1985
12. G.S.R. 484(E), dated 7.3.1986
13. G.S.R. 175, dated 8.3.1986
14. G.S.R. 1187(E), dated 6.11.1986
15. G.S.R. 636, dated 27.7.1988
16. G.S.R. 915 (E), dated 6.9.1988
17. G.S.R. 979(E), dated 18.12.1990
18. G.S.R. 716 (E), dated 4.12.1991
19. G.S.R. 378(E), dated 16.4.1993
20. G.S.R. 715(E), dated 3.11.1995
21. G.S.R. 150(E), dated 24.2.1999
22. G.S.R. 331(E), dated 15.4.2011
23. G.S.R. 330(E), dated 12.07.2018