

ACT AND RULES GOVERNING

THE SERVICE

SERVICE CONDITIONS

OF

SUPREME COURT JUDGES

(As modified upto 01.01.2007)

MINISTRY OF LAW AND JUSTICE  
(DEPARTMENT OF JUSTICE)

THE SUPREME COURT JUDGES  
(SALARIES AND CONDITIONS OF SERVICE)

ACT, 1958.

{Act 41 of 1958 }

LIST OF AMENDING ACTS

1. The Supreme Court Judges (Conditions of Service) Amendment Act, 1971 ( 77 of 1971).
2. The Supreme Court Judges (Conditions of Service) Amendment Act, 1976 ( 36 of 1976).
3. High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1980 ( 57 of 1980).
4. High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1985 ( 36 of 1985).
5. High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986 ( 38 of 1986).
6. High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1988 ( 20 of 1988).
7. High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1989 ( 32 of 1989).
8. Supreme Court Judges (Conditions of Service) Amendment Act, 1991 (211 of 1991).
9. The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1994 (2 of 1994 ).
10. The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1996 ( 18 of 1996 ).
11. The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1998 ( 18 of 1998 ).
12. The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1999 ( 7 of 1999 ).
13. Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2003(8 of 2003).

LIST OF ABBREVIATIONS USED

1. Ins. .... for inserted
2. s. .... for section
3. Subs. .... for substituted
4. Omit. .... for omitted
5. w.e.f. .... for with effect  
from

THE SUPREME COURT JUDGES  
(SALARIES AND CONDITIONS OF SERVICE)  
ACT, 1958.

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THE SCHEDULE

1THE SUPREME COURT JUDGES  
(SALARIES AND CONDITIONS OF SERVICE)

ACT 1958

( 41 of 1958 )

( 17th October, 1958 )

An Act to regulate salaries and certain conditions of service of the Judges of the Supreme Court.

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows :

CHAPTER I

PRELIMINARY

1. This Act may be called the Supreme Court Judges Short  
1(Salaries and Conditions of Service) Act, 1958. title
2. In this Act, unless the context otherwise Defin  
requires.-- ition
- (a) `Acting Chief Justice' means a Judge appointed under Article 126 of the Constitution to perform the duties of the Chief Justice of India;
- (b) `Actual Service' includes --
- (i) time spent by a Judge on duty as a Judge or in the performance of such other functions as he may, at the request of the President of India, undertake to discharge;
- (ii) Vacations;
- (c) `Chief Justice' means the Chief Justice of India, but does not include any acting Chief Justice;
- (d) `High Court' means the High Court for a State;
- (e) `Judge' means a Judge of the Supreme Court and includes the Chief Justice and an acting Chief Justice;
- (f) `prescribed' means prescribed by rules made under this Act;
- (g) `service as a Judge in India' means service rendered either in the Federal Court or in any such Court and in one or more of the High Courts, and `Judge in India' and `service for pension as a Judge in India' shall be construed accordingly;

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1.Subs. by Act 18 of 1998 w.e.f. 1.1.1996

(h) 'service for pension' includes--

- (i) actual service;
- (ii) time spent by a Judge of a High Court in attending the sittings of the Supreme Court as an ad-hoc Judge under Article 127 of the Constitution, if he is subsequently appointed as a Judge;
- <sup>1</sup>(iii) the amount, actually taken, of each period of leave on full allowances at a rate equal to the monthly rate of the salary;

(i) 'vacation' means such period or periods during a year as may be fixed as vacation by or under the rules of the Supreme Court made with the prior approval of the President.

CHAPTER II  
L E A V E

Kinds of Leave admissible to a Judge 3.(1) Subject to the provisions of this Act, leave granted to a Judge may be at his option either:

- (a) Leave on full allowances<sup>1</sup> (including commuted leave on half allowances converted into leave on full allowances on medical certificate); or
- (b) Leave on half allowances; or
- (c) Leave partly on full allowances and partly on half allowances.

(2) For the purposes of this Chapter, any period of leave on full allowances shall be reckoned as double that period of leave on half allowances.

Leave account showing the amount of leave due 4.(1) A leave account shall be kept for each Judge showing therein the amount of leave due to him in terms of leave on half allowances.

the amount of leave due (2) In the leave account of a Judge--

- (a) there shall be credited to him --
  - (i) One-fourth of the time spent by him on actual service<sup>2</sup>
  - (ii) Where the Judge, by reason of his having been detained for the performance of duties not connected with the Supreme Court, cannot enjoy any vacation with which he would otherwise have been entitled to enjoy had he not been so detained as compensation for the vacation not enjoyed, a period equal to double the period by which the vacation enjoyed by him in any year falls short of one month; and

<sup>3</sup>(iii) where the Judge was, prior to his appointment as such a Judge of a High Court, the period of leave earned by him as a Judge of the High Court. <sup>4</sup>(.....)

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1.Subs. by Act 77 of 1971,	2.Omit. by Act 77 of 1971
3.Subs.by Act 32 of 1989	w.e.f. 1.5.1958 s.3
w.e.f. 1.11.1986.	4.dele. by Act 7 of 1998
	w.e.f. 1.1.1996.

(b) there shall be debited to him all leave with allowances taken by him.

(2) This section shall be deemed to have come into force on the 1<sup>st</sup> day of May, 1958

Leave encashment. <sup>1</sup>4(A) A Judge shall be entitled in his entire service including the period of service rendered in a pensionable post under the Union or State or on re-employment, if any, to claim the cash equivalent of leave salary on his retirement in respect of the period of earned leave at his credit, to the extent of the maximum period prescribed for encashment of such leave under the All India Service (Leave) Rules, 1955.

Aggregate amount of leave. 5(1) The aggregate amount of leave which may be granted to a Judge during the whole period of his service as such shall not exceed in terms of leave on half allowances three years <sup>2</sup>(including the period credited to his leave account under sub-section (2) (a)(iii) of section 4 as leave earned by him as a Judge of a High Court) together with the aggregate of the periods, if any, credited to his leave account under sub-section 2(a)(ii) of section 4 as compensation for vacation not enjoyed.

(2) The aggregate amount of leave on full allowances which may be granted to a Judge during the whole period of his service as such shall not exceed one twenty-fourth of the period spent by him on actual service together with one-half of the aggregate periods, if any, <sup>3</sup>{credited to his leave account --

(a) under sub-section (2)(a)(ii) of section 4 as compensation for vacation not enjoyed, and

(b) under sub-section (2)(a)(iii) of section 4 as leave earned by him as a Judge of a High Court}

<sup>3</sup>(3) Subject to the provisions of sub-section (2) of section 5-A the maximum period of leave which may be granted at one time shall be, in the case of leave on full allowances, five months and in the case of leave with allowances of any kind sixteen months.

Commutation. <sup>4</sup>5(A)(1) Notwithstanding anything contained in sub-section (2) of section 5, a Judge may be permitted to commute leave on half allowances into leave on full allowances on medical certificate upto a maximum of three months during the whole period of his service as a Judge.

allowances. 5(A)(2) In computing the maximum period of leave on full allowances which may be granted at one time to a Judge under sub-section (3) of section 5, the amount of commuted leave permitted on full to him under this section shall not be taken into account.

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1. Ins. by Act 7 of 1999 w.e.f. 1.1.1996

2. Ins. by Act 77 of 1971 w.e.f. 17.10.1958 s.4(a)

3. Subs. by Act 77 of 1971 w.e.f. 17.10.1958

4. Ins. by Act 77 of 1971 s.5

Grant of 6. Subject to the maximum limit specified in sub-section leave (1) of Section 5, leave on half allowances may be granted to a not due Judge in excess of the amount at his credit--

(i) on medical certificate; or

(ii) otherwise than on medical certificate, for a period not exceeding six months or for two or more periods not exceeding in the aggregate six months during the whole period of his service as a Judge;

Provided that no such leave shall be granted if the Judge is not expected to return to duty at the end of such leave and earn the leave granted.

Special 7. Special disability leave may be granted to a Judge disabil- under such circumstances, on such allowances and for such ity leave. periods as may be prescribed.

Extra- 8. Extraordinary leave may be granted to a Judge for a ordinary period not exceeding six months, or for two or more periods not leave exceeding in the aggregate six months, during the whole period of his service as a Judge in excess of any leave permissible under the foregoing provisions of this Chapter, but no salary or allowance shall be payable in respect of such leave.

Leave 9(1). The monthly rate of leave allowances payable to a Judge Allowan- while on leave on full allowances shall be for the first ces. forty-five days of such leave a rate equal to the monthly rate of the salary and thereafter in the case of the Chief Justice <sup>1</sup>(fifty per cent) of the monthly rate of his salary and in the case of each of the other Judges, <sup>1</sup>(fifty-five per cent) of the monthly rate of his salary.

<sup>2</sup>Provided that where leave on full allowances is granted to a Judge on medical certificate, the monthly rate of leave allowances shall for the first one hundred and twenty days of such leave be a rate equal to the monthly rate of his salary.

(2) The monthly rate of leave allowances payable to a Judge while on leave on half allowances shall be in the case of the Chief Justice, <sup>1</sup>(twenty-five per cent) of the monthly rate of his salary and in the case of each of other Judges <sup>1</sup>(twenty-seven and a half) per cent of the monthly rate of his salary.

<sup>3</sup>Provided that the monthly rate of leave allowances payable to a Judge in respect of leave credited to his leave account under sub-section (2)(a)(iii) of section 4 shall not exceed the rate of leave allowances admissible to him therefor as a Judge of High Court and shall be payable by the State Government concerned.

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1.Subs. by Act 32 of 1989 w.e.f.1.4.1986 s.6

2.Subs. by Act 57 of 1980 w.e.f. 10.12.1990 s.9

3.Subs. by Act 77 of 1971 w.e.f. 1.5.1958.

Combining 10. A Judge may be permitted to combine vacation on full leave salary with leave if --  
with vacation (a) Where the vacation consists of one continuous period the leave is taken either at the commencement or at the end of the vacation but not at both;

(b) Where the vacation is divided into two periods the leave is taken for the interval or part of the interval between the two periods, of that vacation or for the interval or part of the interval, between the second period of that vacation and the commencement of the next ensuing vacation;

Provided that no such permission to combine with leave shall be granted, if it becomes necessary to appoint an acting Chief Justice during the period of vacation or if the Judge is not expected to return to duty at the end of such leave.

Consequences of overstay- ing leave or vaca- tions. 11(1) If a Judge overstays his leave or any vacation, whether combined with leave or not, he shall receive no salary in respect of the period of his absence in excess of the leave granted to him or beyond the end of the vacation as the case may be:

Provided that, if such absence is due to circumstances beyond his control, the period thereof may be treated as leave and may be debited to his leave account.

(2) Nothing in this Act shall be construed as requiring a Judge to rejoin on the expiration of the period of leave when that period expires immediately before the commencement of a vacation, nor as authorising any acting Chief Justice to continue to hold the acting appointment during the vacation.

Authority 12. The authority competent to grant or refuse leave to a competent Judge or to revoke or curtail the leave already granted to a Judge shall be the President who shall exercise the power after consultation with the Chief Justice.

#### CHAPTER - III

##### <sup>1</sup>SALARIES AND PENSIONS

Salaries <sup>2</sup>12A(1) There shall be paid to the Chief Justice of India by way of salary, thirty three thousand rupees per mensem.

(2) There shall be paid to a Judge of the Supreme Court, by way of salary, thirty thousand rupees per mensem.

Pension 13. Subject to the provisions of this Act, a pension shall be payable in accordance with the provisions of Part-I of the schedule to a Judge of the Supreme Court on his retirement if, but only if.--

(a) (omitted)<sup>3</sup>

(b) he has attained the age of sixty-five years; or

(c) his retirement is medically certified to be necessitated by ill health.

1.Subs. by Act 18 of 1998 w.e.f. 1.1.1996

2.Ins. by Act 18 of 1998 w.e.f. 1.1.1996

3.Omitted by Act 46 of 2005 w.e.f 1.4.2004



Explanation--In this section, 'Judge' means a Judge who is not a member of the Indian Civil Service or has not held any other <sup>1</sup>(pensionable post) under the Union or a State and includes a person who was in service as a Judge on the 20th May, 1954, and also includes a Judge who being a member of the Indian Civil Service or having held any other <sup>2</sup>(pensionable post) under the Union or a State has elected to receive the pension payable under Part-I of the Schedule.

<sup>3</sup>"13A Subject to the provision of this Act, a period of ten years shall be added to the service of a Judge for the purpose of his pension, who qualified for appointment as such judge under sub-clause (b) of clause (3) of article 124 of the Constitution."

Special 14. Every Judge--

Provisi-  
ons for  
pension  
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pect of  
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Who are  
members-  
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vice

- (1)(a) who is member of the Indian Civil Service shall, on his retirement be paid a pension in accordance with the provisions of Part-II of the Schedule;
- (b) who is not a member of the Indian Civil Service but has held any other <sup>2</sup>(pensionable post) under the Union or a State shall, on his retirement, be paid a pension in accordance with the provisions of Part-III of the Schedule.

Provided that every such Judge shall elect to receive the pension payable to him either under Part-I of the Schedule, or as the case may be, Part-II or Part-III of the Schedule and the pension payable to him shall be calculated accordingly.

<sup>1</sup>(2)Notwithstanding anything contained in sub-section(1), any Judge to whom that sub-section applies and who is in service on or after the 1st day of October, 1974, may, if he has elected under the proviso to that sub-section to receive the pension payable to him under Part-II or, as the case may be, Part-III of the Schedule before the date on which the Supreme Court Judges (Conditions of Service) Amendment Act, 1976, receives the assent of the President, cancel such election and elect afresh to receive the pension payable to him under Part-I of the Schedule and any such Judge who dies before the date of such assent, shall be deemed to have elected afresh to be governed by the provisions of the said Part-I if the provisions of that Part are more favourable in his case.

Power of 15. The President may, for special reasons direct that any President period not exceeding three months shall be added to the service to add to for pension of a Judge, and any such period so added shall count the ser- for pension purposes--

vice for  
pension

- (a) in the case of a Judge who has served in the Supreme Court as Chief Justice, as service as Chief Justice; and

- (b) in the case of any other Judge, as service as any other Judge.

Extra 16. Extraordinary pensions and gratuities may be granted to a ordinary Judge under such circumstances and on such scales as may be pension. prescribed.

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1.Ins. by Act 36 of 1974 . 2.Subs.by Act 57 of 1980.  
w.e.f.1.10.1974.

3.Ins. by Act 46 of 2005 w.e.f. 1.4.2004

Family pension and gratuities. <sup>1</sup>16A<sup>2</sup>(1)Where a Judge who, being in service on or after the commencement of the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986--

(a) dies before retirement, family pension calculated at the rate of <sup>3</sup>(fifty)percent of his salary <sup>7</sup>"plus fifty percent of his dearness pay" on the date of his death shall be payable to the person or persons entitled thereto and the amount so payable shall be paid from the day following the date of death of the Judge for a period of seven years or for a period upto the date on which the Judge would have attained the age of sixty-five years, had he survived, whichever is earlier, and thereafter at the rate of <sup>3</sup>(thirty percent of his salary)<sup>7</sup>"plus thirty percent of his dearness pay"; and (b) dies after retirement on attaining the age of sixty-five years, (family pension shall be <sup>3</sup>(thirty) percent of his salary)<sup>7</sup>"plus thirty percent of his dearness pay", and shall be payable to the person or persons entitled thereto.

<sup>5</sup>(c) dies after retirement after seeking premature retirement and before attaining the age of sixty-five years, family pension shall be calculated at the rate specified in clause (a) and shall be payable to the person or persons entitled thereto.

<sup>3</sup>(Provided that in no case the amount of family pension calculated under this sub-section shall exceed pension payable to the Judge under this Act)

Explanation--For the purposes of determining the person or persons entitled to family pension under this sub-section--

- (i) in relation to a Judge who elects or is eligible to receive pension under part-I of the first schedule, the rules, notifications and orders for the time being in force with regard to the person or persons entitled to family pension in relation to an Officer of the Central Civil Services Group-A, shall apply;
- (ii) in relation to a Judge who elects to receive pension under part-II or Part-III of the Schedule, the ordinary rules of his service if he had not been appointed a Judge with respect to the person or persons entitled to family pension shall apply and his service as a Judge being treated as service therein.

<sup>6</sup>16A(2) The rules, notifications and orders for the time being in force with respect to the grant of Death-cum-Retirement Gratuity benefit to or in relation to an officer of the Central Civil Services, Class-I (including the provisions relating to deductions from the pension for the purpose) shall apply to or in relation to the grant of D.C.R.G. benefit to or in relation to a Judge, who being in service on or after the 1<sup>st</sup> day of October, 1974, retires, or dies in circumstances to which section 16 does not apply subject to the modifications :

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- 1. Inst. by Act 39 of 1976 w.e.f. 1.10.1974
  - 2. Subs. by Act 38 of 1986 w.e.f. 1.11.1986
  - 3. Subs. by Act 7 of 1999 w.e.f. 1.1.1996
  - 4. Ins. by Act 32 of 1989 w.e.f. 1.11.1986 s.7
  - 5. Ins. by Act 32 of 1989 w.e.f. 1.11.1986 s.7
  - 6. Ins. by Act 39 of 1976 w.e.f. 1.10.1974
  - 7. Ins. by Act 46 of 2005 w.e.f. 1.4.2004

(i) the minimum qualifying service for the purpose of entitlement to the gratuity shall be two years and six months;

(ii) the amount of gratuity shall be calculated on the basis of <sup>1</sup>(ten) days salary for <sup>1</sup>(each completed six months period) of service as a Judge; <sup>2</sup> ( )

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

Explanation--<sup>3</sup>{ In sub-section (2) the expression 'Judge' has the same meaning as in section 13 }.

Pension 17. If at the time of his appointment to the Supreme Court, a payable Judge is in receipt of a pension in respect of any previous to a service either as a Judge of a High Court or in any other Judge who <sup>4</sup>(Pensionable) post under the Union or a State the pension was in receipt of service in the Supreme Court equal to the difference between his original pension and the pension to which he would have been entitled under this Act, if his service in the Supreme Court had the time been rendered in continuation of the previous service for which of appoi- his original pension was granted.  
ntment as such.

Conversion 18. Pensions expressed in sterling only shall, if paid in of ster- India, be converted into rupee at such rate of exchange as the ling pen- Central Government may, from time to time, specify in this sion into behalf.

Rupees.

Commut- 19. The Civil Pensions (Commutation) Rules, for the time ation of being in force shall with necessary modifications, apply to pension Judges.

Provident 20. Every Judge shall be entitled to subscribe to the Fund. General Provident Fund (Central Services):

Provided that a Judge who is a member of the Indian Civil Service or has held any other pensionable civil post under the Union or a State shall continue to subscribe to the Provident Fund to which he was subscribing before his appointment as a Judge;

Provided further that a Judge who was appointed before the commencement of this Act may continue to subscribe to the Provident Fund to which he was subscribing immediately before such commencement.

Deposit 520A. The Deposit Linked Insurance Scheme for the time Linked being in force under the General Provident Fund (Central Insurance Services) Rules, 1960, shall apply to every Judge, whether he Scheme. subscribes to the General Provident Fund (Central Services) or any other Provident Fund referred to in section 20.

Authority 21. Save as may be otherwise expressly provided in the competent relevant rules relating to the grant of extraordinary pensions to grant and gratuities, the authority competent to grant pension to a pension. Judge under the provisions of the Act shall be the President.

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1.Subs. by Act 7 of 1999 w.e.f. 1.1.1996  
2.Omit. by Act 20 of 1988 w.e.f. 1.1.1986  
3.Subs. by Act 36 of 1986 w.e.f. 1.11.1986  
4.Subs. by Act 57 of 1980 w.e.f. 10.12.1950.  
5.Ins. by Act 38 of 1986 w.e.f. 5.9.1977

-9-  
CHAPTER IV  
MISCELLANEOUS

Travelling Allowance to a Judge. 22. A Judge shall receive such reasonable allowance to reimburse him for expenses incurred in travelling on duty within the territory of India and shall be afforded such reasonable facilities in connection with travelling as may, from time to time, be prescribed.

Facilities for rent to houses and other conditions of service 23(1) Every Judge shall be entitled without payment of rent to the use of an official residence in accordance with such free rules as may, from time to time, be made in this behalf.

<sup>1</sup>(1A) Where a Judge does not avail himself of the use of an official residence, he may be paid every month an allowance of <sup>7</sup>"equivalent to an amount of thirty percent of the salary plus thirty percent of his dearness pay".

(2) Every Judge and the members of his family shall be entitled to such facilities for medical treatment and for accommodation in hospitals as may from time to time be prescribed.

(3) The conditions of service of a Judge for which no express provision has been made in this Act shall be such as may be determined by rules made under this Act.

<sup>3</sup>(4) Sub-sections (1), (2) and (3) shall be deemed to have come into force on the 26th day of January, 1950, and sub-section (1A) shall be deemed to have come into force on the 9th day of May, 1986, and any rule made under any of the said sub-sections may be made so as to be retrospective to any date not earlier than the commencement of the respective sub-section.

Convey-  
ance facilities 423A <sup>5</sup>Every Judge shall be entitled to a staff car and <sup>6</sup>(two) hundred litres <sup>6</sup>(fuel) per month or the actual consumption of fuel whichever is less.

Sumptuary Allowance . 23B. The Chief Justice and each of the other Judge shall be entitled to a sumptuary allowance of <sup>7</sup>(ten thousand rupees per month and <sup>7</sup>(seven thousand and five hundred) rupees per month, respectively.

Medical facilities for retired Judges. 23C. Every retired Judge shall, with effect from the date on which the Supreme Court Judges (Conditions of Service) Amendment Act, 1976, receives the assent of the President, be entitled, for himself and his family, to the same facilities as respects medical treatment and on the same conditions as a retired Officer of the Central Civil Services Class-I and his family, are entitled under any rules and orders of the Central Government for the time being in force.

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1. Ins. by Act 211 of 1991 s.2 w.e.f. 9.5.1986.
  2. Subs. by Act 7 of 1999 w.e.f. 1.1.1996
  3. Subs. by Act 211 of 1991 s.2(b)
  4. ns. by Act 36 of 1976 w.e.f. 1.10.1974
  5. Subs. by Act 38 of 1986 w.e.f. 1.11.1986
  6. Subs. by Act of 1997 w.e.f. 11.1.1996
  7. Subs. by Act 46 of 2005 w.e.f. 1.4.2004

Exemption from liability to pay income tax on certain perquisites or allowances. <sup>1</sup>23D. Notwithstanding anything contained in Income-tax Act, 1961,--

- (a) the value of rent free official residence provided to a Judge under sub-section (1) of section 23;
- (b) the value of conveyance facilities provided to a Judge under section 23-A;
- (c) the sumptuary allowance provided to a Judge under section 23-B;
- <sup>2</sup>(d) the value of Leave Travel Concession provided to a Judge and Members of his family.

shall not be included in the computation of his income chargeable under the head 'Salaries' under section 15 of the Income-tax Act, 1961.

Power to make rules. 24(1) The Central Government may, by notification in the Official Gazette make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely;

- (a) leave of absence of Judge, including special disability leave;
- (b) pension payable to a Judge, including extraordinary pensions and gratuities;
- (c) travelling allowance to a Judge;
- (d) use of official residence by a Judge;
- (e) facilities for medical treatment and other conditions of service of a Judge;
- (f) any other matter which has to be, or may be prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in Session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter, have effect only in such modified form or be of no effect, as the case may be so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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1.Subs. by Act 20 of 1988 w.e.f. 1.11.1986 s.6  
2.Ins. by Act 2 of 1994 w.e.f. 1.11.1986

Saving      Nothing contained in this Act shall have effect so as to give to a Judge who is serving as such at the commencement of this Act less favourable terms in respect of his privileges and allowances or his right in respect of leave of absence (including leave allowances) or pension than those to which he would have been entitled if this Act had not been passed.

THE SCHEDULE

( SEE SECTION 13 AND 14 )  
PENSIONS OF JUDGES

PART - I

1. The provisions of this part apply to a Judge who is not a member of the Indian Civil Service or has not held any other <sup>1</sup>(pensionable) post under the Union or a State and also apply to a person who was in service as a Judge on the 20<sup>th</sup> May, 1954, and to a Judge who, being a member of the Indian Civil Service or having held any other <sup>1</sup>(pensionable) posts under the Union or a State, has elected to receive the pension payable under this part.

2. Subject to the provisions of this part, the pension payable to a Chief Justice to whom this part applies <sup>5</sup>(...omitted..) shall be an amount equal to the sum of the following amounts, that is to say,--

(a) an amount equal to the pension which would have been payable to him in accordance with the scale and provisions in Part-I of the first schedule to the High Court Judges (<sup>2</sup>Salaries and Conditions of Service) Act, 1954, if his service as a Judge had been rendered as the Chief Justice of a High Court;

(b) additional amount of <sup>3</sup>(Rs.6,030/-) per annum for each completed year of service as the Chief Justice of the Supreme Court until he has become entitled to a pension of <sup>3</sup>(Rs.1,82,820/-) per annum and thereafter an additional amount of <sup>3</sup>(Rs.15,360/-) for each completed year of such service.

Provided that the aggregate amount of his pension shall in no case exceed <sup>3</sup>(Rs.2,97,000/-) per annum.

3. The pension payable to any other Judge to whom this part applies <sup>5</sup>(..... . . .Omitted..... .) shall be an amount equal to the pension which would have been payable to him in accordance with the scale and provisions in part-I of the first schedule to the High Court Judges (<sup>2</sup>Salaries and Conditions of Service) Act, 1954, if his service as a Judge had been rendered as the Chief Justice of a High Court.

<sup>4</sup>Provided that the pension under this paragraph shall in no case exceed <sup>3</sup>(Rs.2,70,000/-) per annum.

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- 1.Subs. by Act 57 of 1980 w.e.f. 10.12.1950
  - 2.Ins. by Act 18 of 1998 w.e.f. 1.1.1996
  - 3.Subs. by Act 46 of 2005 w.e.f. 1.4.2004
  - 4.Ins. by Act 20 of 1988 w.e.f. 1.11.1986 s.7(a)
  5. Omitted by Act 46 of 2005 w.e.f. 1.4.2004

4. If a Judge of the Supreme Court who has served as an acting Chief Justice thereof is subsequently appointed Chief Justice, his service as acting Chief Justice, shall, for the purposes of paragraph 2 of this part, be treated as service as Chief Justice.

5. <sup>4</sup>(. . . . . Omitted ... . . . .)

<sup>26</sup>. ( )

<sup>27</sup>. ( )

PART - II

1. The provisions of this Part apply to a Judge, who is a member of the Indian Civil Service and who has not elected to receive the pension payable under Part-I.

2. The pension payable to such a Judge shall be :

(a) the pension to which he is entitled under the ordinary rules of the Indian Civil Service, if he had not been appointed as a Judge, his service as a Judge in India being treated as service therein, and

(b) an additional pension of Rs.<sup>1</sup>(16,898) per annum for each completed year of service for pension in the Supreme Court.

<sup>3</sup>Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed Rs.<sup>1</sup>(2,97,000) per annum in the case of a Chief Justice and Rs.<sup>1</sup>(2,70,000) per annum in the case of any other Judge.

<sup>23</sup>. ( )

<sup>24</sup>. ( )

PART - III

1. The provisions of this part apply to a Judge who has held any (pensionable post) under the Union or a State ( but is not a member of the Indian Civil Service ) and who has not elected to receive the pension payable under Part-I.

2. The pension payable to such a Judge shall be -

(a) the pension to which he is entitled under the ordinary rules of his service if he had not been appointed a Judge, his service as a Judge in India being treated as service therein for the purpose of calculating that pension;

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1.Subs. by Act 46 of 2005 w.e.f. 1.4.2004.  
2.Omitted by Act 20 of 1989 w.e.f. 1.11.1986 s.7(a)  
3.Ins. by Act 20 of 1989 w.e.f. 1.11.1986  
4. Omitted by Act 46 of 2005 w.e.f. 1.4.2004



(b) a special additional pension of Rs.<sup>1</sup>(7,800) per annum in respect of each completed year of service for pension as a Judge in India;

<sup>2</sup>Provided that the pension under clause (a) and additional pension under clause (b) together with shall in no case exceed Rs.<sup>1</sup>(2,97,000) per annum in the case of a Chief Justice and Rs.<sup>1</sup>(2,70,000) per annum in the case of any other Judge.

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

<sup>3</sup>4. ( )

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1.Subs. by Act 46 of 2005 w.e.f. 1.4.2004.

2.Ins. by Act 20 of 1989 w.e.f.1.11.1986..

3.Omitted by Act 20 of 1989 w.e.f.1.11.1986 s.7(a)