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MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 8th January, 1999/Pausa 18, 1920 (Saka)

The following Act of Parliament received the assent of the President on the 8th January, 1999, and is hereby published for general information:—

THE HIGH COURT AND SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT ACT, 1998

No. 7 OF 1999

[*8th January, 1999.*]

An Act further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 1998.

(*2*) Sections 4, 6, 9 and 11 shall be deemed to have come into force on the 1st day of January, 1996 and the remaining provisions of this Act shall come into force at once.

CHAPTER II
AMENDMENT OF THE HIGH COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1954

28 of 1954.

Amendment of section 4.

2. In the High Court Judges (Salaries and Conditions of Service) Act, 1954 (hereinafter referred to as the High Court Judges Act), in section 4, in sub-section (*2*), in clause (*a*), in sub-clause (*iii*), the words "so, however, that such period shall not exceed two hundred and forty days in terms of leave on full allowances" shall be omitted.

Insertion of new section 4A.

3. After section 4 of the High Court Judges Act, the following section shall be inserted, namely:—

Leave encashment.

"4A. 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.".

Amendment of section 17A.

4. In section 17A of the High Court Judges Act,—

(*a*) in sub-section (*1*),—

(*i*) for the words "fifty per cent.", the words "sixty per cent." shall be substituted;

(*ii*) for the words "three hundred and seventy-five rupees", the words "twelve hundred and seventy-five rupees" shall be substituted;

(*b*) in sub-section (*3*), in clause (*ii*),—

(*i*) for the words "twenty days' ", the words "ten days' " shall be substituted;

(*ii*) for the words "each completed year", the words "each completed six months period" shall be substituted.

Amendment of section 22A.

5. In section 22A of the High Court Judges Act, in sub-section (*2*), for the words "two thousand five hundred rupees", the words "ten thousand rupees" shall be substituted.

Amendment of the First Schedule.

6. In the First Schedule to the High Court Judges Act,—

(*a*) in Part I,—

(*i*) in paragraph 2,—

(*A*) in clause (*a*), for the letters and figures "Rs. 4,500", the letters and figures "Rs. 14,630" shall be substituted;

(*B*) in clause (*b*), for the letters and figures "Rs. 3,430", the letters and figures "Rs. 11,150" shall be substituted;

(*C*) in the proviso, for the letters and figures "Rs. 54,000" and "Rs. 48,000", the letters and figures "Rs. 1,80,000" and "Rs. 1,56,000" shall respectively be substituted;

(*ii*) in paragraph 8, for the letters and figures "Rs. 54,000", the letters and figures "Rs. 1,80,000" shall be substituted;

(*iii*) in paragraph 9, for the letters and figures "Rs. 15,750", the letters and figures "Rs. 51,190" shall be substituted;

(*b*) in Part II,—

(*i*) in the proviso to paragraph 2, for the letters and figures "Rs. 54,000" and "Rs. 48,000", the letters and figures "Rs. 1,80,000" and "Rs. 1,56,000" shall respectively be substituted;

(*ii*) in paragraph 3, for the figures "3,466", "4,150", "4,851", "5,545", "6,240" and "6,933", the figures "11,265", "13,520", "15,766", "18,022", "20,280" and "22,533" shall respectively be substituted;

(*c*) in Part III,—

(*i*) in paragraph 2,—

(*A*) in clause (*b*),—

(*a*) for the letters and figures "Rs. 1,600", the letters and figures "Rs. 5,200" shall be substituted;

(*b*) the portion beginning with the words "but in no case such additional or special pension" and ending with the words, letters and figures "shall exceed Rs. 8,000 per annum" shall be omitted;

(*B*) in the proviso, for the letters and figures "Rs. 54,000" and "Rs. 48,000", the letters and figures "Rs. 1,80,000" and "Rs. 1,56,000" shall respectively be substituted.

CHAPTER III

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

41 of 1958

7. In the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (hereinafter referred to as the Supreme Court Judges Act), in section 4, in sub-section (*2*), in clause (*a*), in sub-clause (*iii*), the words "so, however, that such period shall not exceed two hundred and forty days in terms of leave on full allowances" shall be omitted. Amendment of section 4.

8. After section 4 of the Supreme Court Judges Act, the following section shall be inserted, namely:- Insertion of new section 4A.

"4A. A Judge shall be entitled in his entire service, including the period of service rendered either as a Judge of a High Court or in a pensionable post under the Union or a 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.". Leave encashment.

9. In section 16A of the Supreme Court Judges Act,— Amendment of section 16A.

(*a*) in sub-section (*1*),—

(*i*) in clause (*a*), for the words "fifty per cent.", the words "sixty per cent." shall be substituted;

(*ii*) in clause (*b*), for the words "twenty-five per cent.", the words "thirty per cent." shall be substituted;

(*b*) in sub-section (*2*), in clause (*ii*),—

(*i*) for the words "twenty days' ", the words "ten days' " shall be substituted;

(*ii*) for the words "each completed year", the words "each completed six months period" shall be substituted.

10. In section 23 of the Supreme Court Judges Act, in sub-section (*1A*), for the words "three thousand rupees", the words "ten thousand rupees" shall be substituted. Amendment of section 23.

11. In the Schedule to the Supreme Court Judges Act,— Amendment of the Schedule.

(*a*) in Part I,—

(*i*) in paragraph 2,—

(*A*) in clause (*b*), for the letters and figures "Rs. 1,235", "Rs. 37,500" and "Rs. 3,150", the letters and figures "Rs. 4,020", "Rs. 1,21,880" and "Rs. 10,240" shall respectively be substituted;

(*B*) in the proviso, for the letters and figures "Rs. 60,000", the letters and figures "Rs. 1,98,000" shall be substituted;

(*ii*) in the proviso to paragraph 3, for the letters and figures "Rs. 54,000", the letters and figures "Rs. 1,30,000" shall be substituted;

(*iii*) in paragraph 5, for the letters and figures "Rs. 19,700", the letters and figures "Rs. 64,030" shall be substituted;

(*b*) in Part II,—

(*i*) in paragraph 2,—

(*A*) in clause (*b*), for the letters and figures "Rs. 3,454", the letters and figures "Rs. 11,265" shall be substituted;

(*B*) in the proviso, for the letters and figures "Rs. 60,000" and "Rs. 54,000", the letters and figures "Rs. 1,98,000" and "Rs. 1,80,000" shall respectively be substituted;

(*c*) in Part III,—

(*i*) in paragraph 2,—

(*A*) in clause (*b*),—

(*a*) for the letters and figures "Rs. 1,600", the letters and figures "Rs. 5,200" shall be substituted;

(*b*) the portion beginning with the words "but in no case such additional or special pension" and ending with the words, letters and figures "shall exceed Rs. 8,000 per annum" shall be omitted;

(*B*) in the proviso, for the letters and figures "Rs. 60,000" and "Rs. 54,000", the letters and figures "Rs. 1,98,000" and "Rs. 1,80,000" shall respectively be substituted.

RAGHBIR SINGH,
Secy. to the Govt. of India.

IndiaCode

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