No.L-11017/1/2008-Jus.
Government of India
Ministry of Law and Justice
(Department of Justice)

.....

Jaisalmer House, Mansingh Road,
New Delhi-110 011, dated 9th January, 2009.

To

(1) The Secretary General,
Supreme Court of India
New Delhi.

(2) The Registrar Generals,
All High Courts.

Subject :- The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Ordinance, 2009.

Sir,

I am directed to enclose a copy of The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Ordinance, 2009 (No.1 of 2009), promulgated by the President of India, for your information and necessary action.

Yours faithfully,

(ANURAG BHALLA)
UNDER SECRETARY TO THE GOVT. OF INDIA
TEL.NO.23782465

Copy to :-

1. Chief Secretaries, All State Governments/UTs
2. O/o Comptroller & Auditor General of India, Bahadur Shah Zafar Marg, New Delhi.
3. O/o Chief Election Commissioner, Nirvachan Sadan, New Delhi.
4. O/o Accountant Generals, All State Governments/UTs.
5. Central Administrative Tribunal, Faridkot House, New Delhi.
6. Guard File.

(ANURAG BHALLA)
UNDER SECRETARY TO THE GOVT. OF INDIA

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—09 REGISTERED NO. DL—(N)04/0007/2003—09

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 9th January, 2009/*Pausa* 19, 1930 *(Saka)*

THE HIGH COURT AND SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT ORDINANCE, 2009

No. 1 OF 2009

Promulgated by the President in the Fifty-ninth Year of the Republic of India

An Ordinance 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.

WHEREAS a Bill 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 has been introduced in the House of the People, but has not been passed;

AND WHEREAS Parliament is not in session and the President is satisfied that the circumstances exist which render it necessary for her to take immediate action to give effect to the provisions of the said Bill;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

1. (*1*) This Ordinance may be called the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Ordinance, 2009. Short title and commencement.

(*2*) Sections 2, 3, 4, 7, 8, 9, 10 and 13 shall be deemed to have come into force on the 1st day of January, 2006 and the remaining provisions of this Ordinance, shall be deemecd to have come into force on the 1st day of September, 2008.

CHAPTER II

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

Amendment of section 13A.

2. In the High Court Judges (Salaries and Conditions of Service) Act, 1954 (hereinafter referred to as the High Court Judges Act), in section 13A,— 28 of 1954.

(*a*) in sub-section (*1*), for the words "thirty thousand rupees per mensem", the words "ninety thousand rupees per mensem" shall be substituted;

(*b*) in sub-section (*2*), for the words "twenty-six thousand rupees per mensem", the words "eighty thousand rupees per mensem" shall be substituted.

Amendment of section 17A.

3. In section 17A of the High Court Judges Act, in sub-section (*1*),—

(*a*) the words "plus fifty per cent. of his dearness pay" shall be omitted.

(*b*) the words "plus thirty per cent. of his dearness pay subject to a minimum of one thousand nine hundred and thirteen rupees per month" shall be omitted;

Insertion of new section 17B.

4. After section 17A of the High Court Judges Act, the following section shall be inserted, namely :-

Additional quantum of pension or family pension.

"17B. Every retired Judge or after his death, the family, as the case may be, shall be entitled to an additional quantum of pension or family pension in accordance with the following scale:-

Age of pensioner or family pensioner	Additional quantum of pension or family pension
From eighty years to less than eighty-five years	twenty per cent. of basic pension or family pension
From eighty-five years to less than ninety years	thirty per cent. of basic pension or family pension
From ninety years to less than ninety-five years	forty per cent. of basic pension or family pension
From ninety-five years to less than hundred years	fifty per cent. of basic pension or family pension
From hundred years or more	hundred per cent. of basic pension or family pension

Amendment of section 22A.

5. In section 22A of the High Court Judges Act, in sub-section (*2*), the words "plus thirty per cent. of the dearness pay" shall be omitted.

Substitution of new section for section 22C.

6. In the High Court Judges Act, for section 22C, the following section shall be substituted, namely:-

Sumptuary allowance.

"22C. The Chief Justice and each of the other Judges of every High Court shall be entitled to a sumptuary allowance of fifteen thousand rupees per month and twelve thousand rupees per month respectively".

7. In the First Schedule to the High Court Judges Act,— Amendment of First Schedule.

(*a*) In Part I,—

(*i*) in paragraph 2,—

(*A*) in clause (*a*), for the letters and figures "Rs.21,945", the letters and figures "Rs.43,890" shall be substituted;

(*B*) in clause (*b*), for the letters and figures "Rs.16,725", the letters and figures "Rs.34,350" shall be substituted;

(*C*) in the proviso, for the letters and figures "Rs. 2,70,000" and "Rs. 2,34,000", the letters and figures "Rs. 5,40,000" and "Rs. 4,80,000" shall, respectively, be substituted;

(*ii*) in paragraph 8, for the letters and figures "Rs.2,70,000", the letters and figures "Rs.5,40,000" shall be substituted;

(*iii*) in paragraph 9, for the letters and figures "Rs.76,785", the letters and figures "Rs.1,57,670" shall be substituted;

(*b*) In Part II,—

(*i*) in the proviso to paragraph 2, for the letters and figures "Rs.2,70,000" and "Rs.2,34,000", the letters and figures "Rs.5,40,000" and "Rs.4,80,000" shall, respectively, be substituted;

(*ii*) in paragraph 3, for the figures "16,898", "20,280", "23,649", "27,033", "30,420" and "33,799", the figures "34,696", "41,642", "48,559", "55,508", "62,462" and "69,402" shall, respectively, be substituted;

(*c*) In Part III, in paragraph 2,—

(*A*) in clause (*b*), for the letters and figures "Rs.7,800", the letters and figures "Rs.16,020" shall be substituted;

(*B*) in the proviso, for the letters and figures "Rs.2,70,000" and "Rs.2,34,000", the letters and figures "Rs.5,40,000" and "Rs.4,80,000" shall, respectively, be substituted.

CHAPTER III

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

41 of 1958.

8. In the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (hereinafter referred to as the Supreme Court Judges Act), in section 12A ,— Amendment of section 12A.

(*a*) in sub-section (*1*), for the words "thirty-three thousand rupees per mensem", the words "one lakh rupees per mensem" shall be substituted;

(*b*) in sub-section (*2*), for the words "thirty thousand rupees per mensem", the words "ninety thousand rupees per mensem"

shall be substituted.

Amendment of section 16A.

9. In section 16A of the Supreme Court Judges Act, in sub-section (*1*),—

(*i*) in clause (*a*), the words "plus fifty per cent. of his dearness pay" and "plus thirty per cent. of his dearness pay" shall be omitted;

(*ii*) in clause (*b*), the words "plus thirty per cent. of his dearness pay" shall be omitted;

Insertion of new section 16B.

10. After section 16A of the Supreme Court Judges Act, the following section shall be inserted, namely:-

Additional quantum of pension or family pension.

"16B. Every retired Judge or after his death, the family, as the case may be, shall be entitled to an additional quantum of pension or family pension in accordance with the following scale:-

Age of pensioner or family pensioner	Additional quantum of pension or family pension
From eighty years to less than eighty-five years	twenty per cent. of basic pension or family pension
From eighty-five years to less than ninety years	thirty per cent. of basic pension or family pension
From ninety years to less than ninety-five years	forty per cent. of basic pension or family pension
From ninety-five years to less than hundred years	fifty per cent. of basic pension or family pension
From hundred years or more	hundred per cent. of basic pension or family pension

Amendment of section 23.

11. In section 23 of the Supreme Court Judges Act, in sub-section (*1A*), the words "plus thirty per cent. of the dearness pay" shall be omitted.

Amendment of section 23B.

12. In section 23B of the Supreme Court Judges Act, for the words "ten thousand" and "seven thousand five hundred", the words "twenty thousand" and "fifteen thousand" shall, respectively, be substituted.

Amendment of the Schedule.

13. In the Schedule to the Supreme Court Judges Act,—

(*a*) in Part I,—

(*i*) in paragraph 2,—

(*A*) in clause (*b*), for the letters and figures "Rs.6,030", "Rs.1,82,820" and "Rs.15,360", the letters and figures "Rs.12,180", "Rs.3,69,300" and "Rs.31,030" shall, respectively, be substituted;

(*B*) in the proviso, for the letters and figures "Rs.2,97,000", the letters and figures "Rs.6,00,000" shall be substituted;

(*ii*) in the proviso to paragraph 3, for the letters and figures "Rs.2,70,000", the letters and figures "Rs.5,40,000" shall be substituted;

(*b*) in Part II, in paragraph 2, in clause (*b*), for the letters and figures "Rs.16,898", the letters and figures "Rs.33,795" shall be substituted;

(*c*) in Part III, in paragraph 2,—

(*A*) in clause (*b*), for the letters and figures "Rs.7,800", the letters and figures "Rs.16,020" shall be substituted;

(*B*) in the proviso, for the letters and figures "Rs. 2,97,000" and "Rs.2,70,000", the letters and figures ""Rs. 6,00,000" and "Rs.5,40,000" shall, respectively, be substituted.

CHAPTER IV

TRANSITIONAL PROVISION

Arrears.

14. The difference of salary, pension and family pension payable to a Judge of High Court or to his family, as the case may be, under the High Court Judges Act or a Judge of the Supreme Court or his family, as the case may be, under the Supreme Court Judges Act as amended by this Ordinance and the salary, pension or family pension payable to such Judge or his family, as the case may be, but for this Ordinance shall be paid in two installments, the first installment of forty per cent. to be paid during the current financial year 2008-09 and the remaining sixty per cent. to be paid in the financial year 2009-10.

PRATIBHA DEVISINGH PATIL,
President.

T. K. VISWANATHAN,
Secy. to the Govt. of India.

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