

No.5(28)-E.III(B)/68.
Government of India
Ministry of Finance
Department of Expenditure

New Delhi-2, the 12th August, 1970.

OFFICE MEMORANDUM

Subject:- Policy in regard to the fixation of pay and other terms of retired Judges of the Supreme Court and High Court on their appointment on Commissions/Committees of Enquiry.

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The undersigned is directed to refer to this Ministry's Office Memorandum No.5(9)-E.III(B)/65 dated the 26th July, 1965, according to which retired Supreme/High Court Judges on their re-employment may be allowed pay, which, together with pension and pension equivalent of other forms of retirement benefits, may exceed Rs.3000/- but shall not exceed the last pay drawn before retirement.

2. Of late, it has been noticed that terms proposed for retired Judges for serving on Commissions/Committees under various Ministries are not uniform not only in regard to pay but also in regard to other perquisites. In order to regulate the terms and conditions of re-employed Supreme/High Courts Judges on a uniform basis, it has been decided to lay down the following terms for all such re-employed Judges in future:-

- (i) Retired Supreme and High Courts Judges on their re-employment on a whole-time basis may be allowed pay which, together with pension and pension equivalent of other forms of retirement benefits may be equal to the last pay drawn at the time of their retirement.
- (ii) They may be provided with Private accommodation at ceiling rental of 30% of their pay for which the re-employed High Court Judges will be required to pay rent under F.R.45-A but the re-employed Supreme Court Judge will get such accommodation rent free on the same basis as they were entitled to as serving Judges.
- (iii) No house rent allowance will be admissible to a re-employed Judge, if he lives in his own house or a house owned by his wife or son.
- (iv) The re-employed Judges will be entitled to Travelling Allowance and Daily Allowances on the same basis as they were entitled to

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at the time of their retirement. In addition they may be allowed the facility of temporary Government accommodation wherever available on payment of normal rent at outstations, of the class to which Government servants of the Highest class are eligible.

- (v) If the quantum of work does not justify whole-time employment or in cases where a re-employed Judge wishes to make his headquarters the place, where he has taken up residence after retirement instead of the headquarters of the Commission/Committee, there should be no whole-time appointment and accordingly no salary would be admissible. In cases of such part-time employment, the re-employed Judges will be eligible to get travelling allowance and facility of temporary Government accommodation while on tour in connection with the Commission/Committee, as admissible under (iv) above and daily allowance at the following rates:-

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| (a) Retired Chief Justice of India | Rs. 120/- per day. |
| (b) Retired Chief Justice of High Court or retired Judge of Supreme Court. | Rs. 100/- per day. |
| (c) Retired Judge of High Court | Rs. 90/- per day. |

This daily allowance will be admissible only for the actual days spent on the Commission's/Committee's work, and no other concession by way of board/lodging or transport will be admissible. If the place of normal residence happens to be the same as the headquarters of the Commission/Committee and no salary is given, a 'per diem' honorarium equal to the above rates, may be allowed.

Ministries may decide future and pending cases in the light of these orders but cases already finalised will not be reopened.

Sd/-Kirpa Singh.
Deputy Secretary to the Govt. of India.

To

All the Ministries/Departments of the Government of India etc.etc.