

THE FIRST SCHEDULE

(See sections 14 and 15)

PENSIONS OF JUDGES

PART I

¹[1. The provisions of this Part apply to a Judge who has not held any other pensionable post under the Union or a State or a Judge who having held any other pensionable post under the Union or a State has elected to receive the pension payable under this Part.]

²[2. Subject to the other provisions of this Part, the pension payable to a Judge to whom this Part applies ³*** for pension shall be,—

(a) for service as Chief Justice in any High Court, ⁴[Rs.43,890] per annum for each completed year of service;

(b) for service as any other Judge in any High Court, ⁵[Rs.34,350] per annum for each completed year of service:

Provided that the pension under this paragraph shall in no case exceed ⁶[Rs.5,40,000] per annum in the case of a Chief Justice and ⁷[Rs.4,80,000] per annum in the case of any other Judge].

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⁹[6. A Judge who has rendered service for pension both as Chief Justice and other Judge in any High Court may claim that any period of service of less than a completed year rendered by him as Chief Justice, or any portion of any such period, shall be treated for the purposes of paragraph 2 as service rendered by him as other Judge].

7. For the purposes of this Part, service as an acting Chief Justice of a High Court or as an *ad hoc* Judge of the Supreme Court, shall be treated as though it were service rendered as Chief Justice of a High Court.

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¹¹[Provided that nothing in this paragraph shall apply—

(a) to an additional Judge or acting Judge; or

(b) to a Judge who at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Union or a State.]

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1. Subs. by Act 13 of 2016, s. 17, for paragraph 1 (w.e.f. 5-4-2016).

2. Subs. by Act 20 of 1988, s. 4, for para 2 (w.e.f. 1-11-1986).

3. The words “and who has completed not less than seven years of service” omitted by Act 13 of 2016, s. 17 (w.e.f. 5-4-2016).

4. Subs. by Act 23 of 2009, s. 7, for “Rs. 21,945” (w.e.f. 1-1-2006).

5. Subs. by s. 7, *ibid.*, for “16,725” (w.e.f. 1-1-2006).

6. Subs. by s. 7, *ibid.*, for “Rs. 2, 70, 000” (w.e.f. 1-1-2006).

7. Subs. by s. 7, *ibid.*, for “Rs. 2, 34, 000” (w.e.f. 1-1-2006).

8. Omitted by Act 20 of 1988, s. 4 (w.e.f. 1-11-1986).

9. Subs. by s. 4, *ibid.*, for para 6 (w.e.f. 1-11-1986).

10. Omitted by Act 13 of 2016, s. 17 (w.e.f. 5-4-2016).

11. Added by Act 46 of 1958, s. 10 (w.e.f. 1-11-1996).

12. Omitted by Act 20 of 1988, s. 4 (w.e.f. 1-11-1986).

13. Part II omitted by Act 13 of 2016, s. 17 (w.e.f. 5-4-2016).

PART III

1. The provisions of this Part apply to a Judge who has held any ¹[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 being treated as service therein for the purpose of calculating that pension; and

(b) a special additional pension of ²[Rs. 16,020] per annum in respect of each completed year of service for pension, ^{3***}

⁴[Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed ⁵[Rs. 5,40,000] per annum in the case of a Chief Justice and ⁵[Rs.4,80,000] per annum in the case of any other Judge.]

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1. Subs. by Act 57 of 1980, s. 6, for "Civil Pensionable post".

2. Subs. by Act 23 of 2009, s. 7, for "Rs. 7,800" (w.e.f. 23 of 2009).

3. Certain words omitted by s. 6, *ibid.* (w.e.f. 1-1-1996).

4. Ins. by Act 20 of 1988, s. 4 (w.e.f. 1-11-1986).

5. Subs. by Act 23 of 2009, s. 7, for "Rs. 2, 70,000" and "Rs. 2, 34,000" (w.e.f. 1-1-2006).

6. Omitted by Act 20 of 1988, s. 4 (w.e.f. 1-11-1986).