

ORDER NO. 4 OF 1965

**HIGH COURT JUDGES (TRAVELLING ALLOWANCES)
ORDER, 1965**

[Gazette of Pakistan, Extraordinary, 16th August, 1965]

No.F.24 (1)/65.-Pub.-The following order made by the President on the 11th August, 1965, is hereby published for general information:-

Whereas paragraph 2 of the second part of the Second Schedule to the Constitution provides that every judge of a High Court shall be entitled to such privileges and allowances, and to such rights in respect of leave of absence and pension, as may be determined by the President:

Now, therefore, in exercise of the powers conferred to the aforesaid paragraph, the President is pleased to make the following Order to determine the travelling allowances to which Judge of a High Court shall be entitled, namely:-

1. **Short title and commencement.**- This Order may be called the **High Court Judges (Travelling Allowances) Order, 1965.**
2. **Definition:-** In this Order, unless there is anything repugnant in the subject or context, "JUDGES" means a Judge of a High Court, and an Additional Judge of such Court.
3. **Travel on Duty:-** Travelling allowance of a Judge, travelling on duty in Pakistan shall be determined in accordance with paragraphs 4 to 10.

Explanation:

The expression "travelling on duty" shall include travels within Pakistan during vacation by a Judge not being a vacation Judge.

- (i) for doing duty during vacation in the High Court of which he is the Judge.
- (ii) for performing the functions of the office or post to which he may be appointed during the period of services as Judge, and
- (iii) for returning after doing such duty or performing such functions to the place from where the journey was undertaken for the purpose.

[Notified as President's Order 4 of 1965 in the Gazette of Pakistan (Extraordinary dated the 16th of August, 1965 and amended by President's Order 2 of 1974, notified in the Gazette of Pakistan (Extraordinary) dated the 13th of April, 1974, amended by President's Order No. 4 of 1981 as notified in the Gazette of Pakistan (Extraordinary) dated 15th July 1979 and 21st March, 1981 and amended by President's Order No.11 of 1982, notified in the Gazette of Pakistan (Extraordinary) dated 28th July, 1982, and further amended by President's Order No.3 of 1986 as notified in the Gazette of Pakistan (Extraordinary dated 4th December, 1986.)

(2)

4. **Travel by Railway.** When travelling by Railway, a Judge shall be entitled to:

- (1) (a) a first class two-berth compartment in a coupe-compartment in an air-conditioned coach reserved on High Official Requisition, without payment of any fare for himself, or

(b) the reimbursement of one first class fare, including Air Condition Surcharge, if any, he actually pays for himself.
- (2) the reimbursement of fare for two servants, or in the case of Judge who was holding office immediately before the commencement of this Order, for such number of servants as was admissible to him immediately before such commencement, if actually paid, at the lowest class rate, and
- (3) the reimbursement of the expenses actually incurred in carrying luggage, not exceeding 112 Kilo-grams, exclusive of free allowance.

5. **Travel by Steamer.** When travelling by Steamer, a Judge shall be entitled to :-

- (1) (a) a first class cabin reserved on High Official Requisition, without payment of any fare for himself or

(b) the reimbursement of one first class fare he actually pays for himself.
- (2) the reimbursement of fare for two servants, or in the case of a Judge who was holding office immediately before the commencement of this Order, for such number of servants as was admissible to him immediately before such commencement, if actually paid, at the lowest class rate, subject to usual deductions on account of messing charges; and
- (3) the privileges specified in clause (3) of Paragraph 4.

6. **Travel by Railway or Steamer in Reserved Accommodation.**

Any person (other than the servants) travelling with a Judge in reserved accommodation allowed under Para 4 and 5 shall pay the usual fare by purchase of first class ticket.

(3)

7. **Travel by Road.** When travelling by road, a Judge shall be entitled to mileage allowance at the rate of ² [~~three rupees and fifty paise~~] ³ [six rupees]⁴[twelve rupees] only per kilometer.

8. **Travel by Air.**

- (1) When travelling by air, a Judge shall be entitled to:-
 - (a) the reimbursement of one air fare actually paid by him.
 - (b) the reimbursement of the actual cost of transporting luggage upto Forty Six Kgs. inclusive of free luggage allowances admissible on a ticket; and
 - (c) the reimbursement or fare for two servants by rail or steamer if actually paid, at the lowest class rate subject to usual deductions on account of messing charges.
- (2) In the case of return journey by scheduled flights a Judge should purchase a return ticket if this involves a saving.
- (3) In the case of air journey performed as a part of or as a link in, a journey, a Judge shall be entitled to the same privileges in respect of servants and luggage as he is entitled in the case of a railway journey.
- (4) The following certificate of the Judge should be appended to every travelling allowance bill for his travel involving air journey:-

“I certify that I have actually paid the amount of this bill and that it does not include any charge for the freight of any stores or goods, other than personal luggage or any charge for refreshment hotels or staging bungalows, other than what is included on that account in air fare itself:

9. **Transport of Conveyance.**

- (1) A Judge shall be entitled to recover the actual cost incurred by him for transport by closed Railway van or steamer, at owner's risk, of his own car, including the fare at the lowest class rate for one driver or cleaner for the car.
- (2) A Judge may hire a taxi for journeys performed on duty at the place of halt while on tour and may recover, in lieu of costs allowed under sub-para (1) the expenditure actually incurred by him on the taxi hire.

Provided that the total amount recoverable for hire charges shall not exceed the cost of transporting his own car from his Headquarters to the place of halt.

1.

The words (One rupee) substituted by P.O. No.1 of 1988, dated 18.2.1988.

2.

The words (two rupees) substituted by P.O. No.8 of 1991, shall be deemed to have taken effect on 21.8.1991.

3.

Substituted by P.O. 2 of 2006 dated: 13.6.2006 and shall be deemed to have taken effect on the first day of July, 2005.

4. Substituted by P.O. 5 of 2013 dated: 19/6/2013

(4)

9A. **Concession on Tours.** When proceeding on a tour within Pakistan, a judge may take his wife with him in his reserved accommodation by rail without payment of fare.

^{3.} [9B. When proceeding on a tour within Pakistan exceeding one month in duration, a Judge may take his wife with him on a journey by air and charge one extra fare of the class by which she actually travels, but no charge for extra luggage transported by air beyond the free allowance may be made.

Note:- A return air-ticket will be purchased for the wife, wherever possible.]

10. **Travel on Transfer.** When a Judge is transferred from one High Court to the Other, or from One Bench of the High Court to another, ¹ [or appointed to an office other than the principal seat of the High Court,] he shall:-

- (1) When travelling to the place of transfer by Railway or steamer, be entitled to the same privileges to which a person appointed to be a Judge is entitled under paragraph '14'.
- (2) When travelling to the place of transfer by air, be entitled to:-
 - (a) the reimbursement of his air fare actually paid.
 - (b) the reimbursement of air fare for his wife and children, including his step-children ordinary residing with him.
 - (c) the reimbursement of the fares, if actually paid, for personal servants, not exceeding three in number, by road, rail or steamer, at the lowest class rate;
 - (d) the cost of carriage of personal effects not exceeding four thousand and five hundred kilograms if he has a family and two thousand two hundred and forty kilograms if he has no family at the rate of paisa ² [0.083] per kilometer per kilogram (or ² [paisa 1.66] per kilometer per unit of twenty kilograms) from the residence of the Judge at the old station to his residence at the new station, irrespective of the mode by which the personal effects are carried and without being required to produce receipts in support of his claim of cost of transportation of personal effects;
 - (e) the reimbursement of the cost of carrying his own motor car by passenger train or steamer at owner's risk; and

^{1.} The words inserted by P.O. 1 of 1988, S.3 dated 18.2.1988

^{2.} The words [0.05] and [one paisa], substituted by P.O. 8 of 1991, S.3 w.e.f. 21.8.1991.

^{3.} Section 9B, added by P.O. 1 of 1999, dated 10.3.1999.

(5)

3. irrespective of the mode of travel, be granted a transfer grant of ¹ [equal to one month's pay] if he has a family and ¹ [half month's pay] if he has no family.

Explanation:- In this clause, "family" means wife and children, including step-children, of a Judge actually residing with him.

11. **Daily Allowance.**

- (1) A Judge shall be entitled to daily allowance at the rate of ² [~~four hundred and ninety~~] ⁵ [~~one thousand~~] ⁶ [~~two thousand~~] ⁷ [four thousand] rupees per diem in respect of any period of halt on duty including Fridays and other holidays, outside the headquarters of the High Court, or, if he belongs to a particular Bench of the High Court, outside the headquarters of the Bench to which he belongs:

Provided that a special rate of daily allowance at ³ [~~six hundred and five~~] ⁵ [~~twelve hundred~~] ⁶ [~~twenty four~~] ⁷ [forty four] rupees per diem shall be admissible at Bahawalpur, Hyderabad, Islamabad, Karachi, Lahore, ⁴ [Faisalabad] Multan, Peshawar, Quetta and Rawalpindi.

- (2) A Judge who stays in an hotel, Inspection bungalow or Inspection lodge or in a guest house, rest house or residential club shall, in addition to the daily allowance mentioned in sub-paragraph (1), be allowed reimbursement of actual single room rent, subject to the production of receipts or vouchers of the hotel, Inspection bungalow, Inspection lodge, guest house, rest house or residential club, upto the following maxima per day:-
- (a) Localities where special rate of daily allowance is admissible.- three times the amount of special daily allowance.
- (b) Other localities.- Equal to one and one-half times the amount of daily allowance.

^{1.} The words Rs.2,000 and Rs.1000, substituted by words Rs.4,000 and Rs.2,000 by P.O. 1 of 1988 dated 18.2.1988 and again substituted by P.O. 8 of 1991, S.3 (w.e.f. 21.8.1991).

^{2.} The words [one hundred and ten] substituted by P.O. 1 of 1988, dated 18.2.1988 as [one hundred and forty] and again substituted by P.O. 8 of 1991, S.3 dated 21.8.1991, and words (two hundred and eighty) substituted by P.O. 7 of 1997, dated 28.5.1997, and the words (three hundred and eighty) substituted by P.O. No.3 of 2002 and shall be deemed to have taken effect on 1.12.2001.

^{3.} The words [one hundred and thirty] substituted by P.O. 1 of 1988, dated 18.2.1988 as [one hundred and sixty five] and again substituted by P.O. 8 of 1991, S.4 dated 21.8.1991, and the words (three hundred and thirty) substituted by P.O.7 of 1997, and the words (four hundred and forty) substituted by P.O. No. 3 of 2002 and shall be deemed to have taken effect on 1.12.2001.

^{4.} The words [Lyalpur] substituted by P.O. 1 of 1988, dated 18.2.1988.

^{5.} Substituted by P.O. 1 of 2005, dated 1.12.2005 and shall be deemed to have taken effect on the 12th day of July 2005.

^{6.} Substituted by P.O. 5 of 2009, dated 29.4.2009.

^{7.} Substituted by P.O. 5 of 2013 dated: 19/6/2013.

(6)

- (3) Daily allowance for each calendar day shall be admissible for the period of absence on duty from headquarters, including the time spent in transit.
- (4) Not more than one daily allowance shall be admissible on any calendar day, a fraction of a calendar day being reckoned as a calendar day.

Explanation:-

In this sub-paragraph "calendar day" means a day beginning on one midnight and ending on the next midnight.

- (5) In the case of departure from headquarters, the rate of daily allowance during transit shall be the same as admissible at the station of immediate destination and in the case of return to headquarters, the rate shall be the one admissible at the last station of temporary duty before return to headquarters.
- (6) The period of absence from headquarters shall commence from the time of departure of the Judge from his office or residence, as the case may be, till the time of his return to his office or residence, as the case may be.
- (7) The period of forced delays in transit shall be treated as part of the total transit period.
- (8) Extra daily allowance for arrival at and departure from the place of temporary duty shall not be admissible.

12. **Travel When Not On Duty.**- While proceeding on or returning from leave, or when returning to resume duty after vacation spent outside Pakistan, or when returning to his place of residence after retirement, a Judge shall be entitled for journeys in Pakistan.

- (a) If he travels by railway or steamer, to a first class two-berth compartment in an air-conditioned coach, or first class cabin, reserved on High Official Requisition, without payment of any fare for himself; and
- (b) If he travels by air, to the reimbursement of one air fare actually paid by him.

13. **Travel by a Person being a Government Servant to join post when appointed as a Judge.**

- (1) When a person already in Government service on being appointed as a Judge, travels to join his post, he shall be deemed to be Government servant on transfer and his travelling allowances shall be determined accordingly.

(7)

- (2) Such person may, at his option and in lieu of drawing travelling allowance under sub-paragraph (1) claim the same privileges as are specified in paragraph 14.

14. **Travel by a person not being a Government Servant to join the post when Appointed as a Judge.**

When a person not already in Government service is appointed to be a Judge, he shall, when travelling to join his post, be entitled:-

- (1) If he travels by rail or steamer, to:-
- (a) (i) a-first class two-berth compartment or coupe compartment in an air-conditioned coach, or a first class cabin, reserved on High Official Requisition, without payment of any fare for himself; or
 - (ii) the reimbursement of the actual first class fare including air-conditioned Surcharge if any, he actually pays for himself;
 - (b) the reimbursement of the first class fares, if actually paid, for his wife and children, including his step-children, ordinarily residing with him and;
 - (c) the privileges specified in sub-clause (c) (d) and (e) of clause (2) of paragraph 10, and
- (2) If he travels by air to the privileges specified in clause (2) of paragraph 10.

14.A. **Travelling Allowance for Journey on Retirement.**

- (1) A Judge shall be allowed travelling allowance to the extent specified below, in respect of the journey from the place of his last posting to his home, town, performed during leave preparatory to retirement or on or after retirement:
- (i) When travelling by railway or by steamer, to the privileges under sub-clause (a) (b) and (c) of clause (1) of paragraph 14;
 - (ii) When travelling by air, to the reimbursement of his air fare actually paid and the reimbursement of air fare for his wife and children, including step-children, ordinarily residing with him; and

(8)

- (iii) Cost of transportation of personal effects to the extent admissible to him immediately before retirement for journey or transfer.
- (2) Advance payment for expenditure as in sub-paragraph (1) shall be made and be treated as final payment.
- (3) The home town shall be determined either according to the entries pertaining to the permanent address of the Judge in the records of the High Court or according to the declaration made by him for that purpose.
- (4) The term "retirement" shall mean retirement on attaining the age of super-annuation, or on completing the prescribed service limit, or on invalid pension.

15. **Travel by Shortest Route.**

When a journey can be performed by two or more routes travelling allowance should be claimed by the shortest or the cheapest route.

HIGH COURT JUDGES (TRAVELLING ALLOWANCE)

ORDER 4 OF 1965

TABLE OF CONTENTS

Section	Title	Page
1	Short title and commencement	1
2	Definition	1
3	Travel on Duty	1
4	Travel by Railway	2
5	Travel by Steamer	2
6	Travel by Railway or Steamer in Reserved Accommodation	2
7	Travel by Road	3
8	Travel by Air	3
9	Transport of Conveyance	3
9A	Concession of Tours	4
9B	Tour within Pakistan (Amendment)	4
10	Travel on Transfer	4
11	Daily Allowance	5
12	Travel when not on duty	6
13	Travel by a person being a Government servant to join the post when appointed as a Judge.	6
14	Travel by a person not being a Government servant to join the post when appointed as a Judge.	7
14A	Travelling Allowance for journey on retirement	7
15	Travel by Shortest route	8
