

**THE SUPREME COURT JUDGES (TRAVELLING
ALLOWANCES) ORDINANCE, 1976**

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**¹THE SUPREME COURT JUDGES (TRAVELLING
ALLOWANCES) ORDINANCE, 1976**

ORDINANCE NO. XXX OF 1976

[14th May, 1976]

An Ordinance to determine travelling allowances payable to the Judges of the Supreme Court.

WHEREAS it is expedient to determine travelling allowances payable to the Judges of the Supreme Court and for matters connected therewith;

NOW, THEREFORE, in pursuance of the proclamations of the 20th August, 1975 and the 8th November, 1975 and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

1. This Ordinance may be called the Supreme Court Judges (Travelling Allowances) Ordinance, 1976. Short title
 2. In this Ordinance, unless there is anything repugnant in the subject or context, “Judge” means a Judge of a Division of the Supreme Court, and includes the Chief Justice and an Additional Judge of such Court. Definition
 3. Travelling allowances of a Judge travelling on duty in Bangladesh shall be determined in accordance with the provisions of sections 4 to 9. Travel on duty
- Explanation.-** The expression “travelling on duty” shall include travels within Bangladesh during vacation of a Judge, not being a vacation Judge,-
- (a) for doing duty during vacation in the Supreme Court;
 - (b) for performing the functions of the office or post to which he may be appointed during his period of service as Judge; and
 - (c) for returning after doing such duty or performing such functions to the place from where the journey was undertaken for the purpose.

¹ The Ordinance was declared void and non est by the Appellate Division of the Supreme Court of Bangladesh in Civil Petition for leave to Appeal Numbers 1044 and 1045 of 2009 and subsequently the Ordinance has been made effective as an Act of Parliament by ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন), ধারা ৪।

Travel by
railway

4. When travelling by railway, a Judge shall be entitled to-

- (1) (a) a first class two-berth compartment or 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 pays for himself;
- (2) the reimbursement of fare for two servants, if actually paid, at the lowest class rate; and
- (3) the reimbursement of the expenses actually incurred in carrying luggage, not exceeding ¹[one hundred and twelve kilograms], exclusive of free allowance.

Travel by
steamer

5. 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, if actually paid, at the lowest class rate, subject to usual deductions on account of messing charges, if any; and
- (3) the reimbursement of the expenses actually incurred in carrying luggage, not exceeding ²[one hundred and twelve kilograms], exclusive of free allowance.

Travel by
railway or
steamer in
reserved
accommodation

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

Travel by road

7. When travelling by road, a Judge shall be entitled to mileage allowance at the rate of ³[taka one per kilometre].

¹ The words “one hundred and twelve kilograms” were substituted for the words “three maunds” by section 2 of the Supreme Court Judges (Travelling Allowances) (Amendment) Ordinance, 1984 (Ordinance No. III of 1984).

² The words “one hundred and twelve kilograms” were substituted for the words “three maunds” by section 3 of the Supreme Court Judges (Travelling Allowances) (Amendment) Ordinance, 1984 (Ordinance No. III of 1984).

³ The words “taka one per kilometer” were substituted for the words “Taka one and paise fifty per mile” by section 4 of the Supreme Court Judges (Travelling Allowances)(Amendment) Ordinance, 1984 (Ordinance No. III of 1984).

8. (1) When travelling by air, a Judge shall be entitled to- Travel by air

- (a) the reimbursement of one air fare actually paid by him;
- (b) the reimbursement of the actual cost of transporting luggage up to ¹[forty-five kilograms] inclusive of free luggage allowance admissible on a ticket; and
- (c) the reimbursement of fare for two servants by rail, steamer or bus, if actually paid, at the lowest class rate, subject to usual deductions on account of messing charges, if any.

(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 to in the case of a railway journey.

(4) The following certificate of the Judge should be appended to every travelling allowance bill for his travels 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 refreshments, hotels or staging bungalows, other than what is included on that account in air fare itself.”

9. (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. Transport of Conveyance

(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-section (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 “forty-five kilograms” were substituted for the words “one hundred pounds” by section 5 of the Supreme Court Judges (Travelling Allowances) (Amendment) Ordinance, 1984 (Ordinance No. III of 1984).

Daily Allowance

¹[10. A Judge shall be entitled to daily allowance at the rate of taka four hundred *per diem* in respect of any period of halt on duty including holidays, outside the headquarters of the Supreme Court.]

Travel when not on duty

11. When proceeding on or returning from leave, or when returning to resume duty after vacation spent outside Bangladesh, or when returning to his place of residence after retirement, a Judge shall be entitled for journeys in Bangladesh,-

- (a) if he travels by railway or steamer, to a first class two-berth compartment or a coupe compartment in an air-conditioned coach, or a 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.

Travel by a person being a Government servant to join post when appointed as Judge

12. (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 a Government servant on transfer and his travelling allowances shall be determined accordingly.

(2) Such person may, at his option and in lieu of drawing travelling allowances under sub-section (1) claim the same privileges as are specified in section 13.

Travel by a person not being a Government servant to join post when appointed as Judge

13. 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 a 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 condition surcharge, if any, he actually pays for himself; and
- (b) the reimbursement of the first class fares, if actually paid, for his wife and children, including his step-children, ordinarily residing with him;

¹ Section 10 was substituted by section 2 of the Supreme Court Judges (Travelling Allowances)(Amendment) Act, 2002 (Act No. V of 2002).

- (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 reimbursement of the cost of carrying personal effects not exceeding ¹[two thousand two hundred fifty-nine kilograms] by road or by goods train or steamer at owner's risk; and
- (e) the reimbursement of the cost of carrying his own motor car by passenger train or steamer at owner's risk;

(2) If he travels by air, he shall be entitled to-

- (a) the reimbursement of his actual air fares at first class rate paid for himself, his wife and children, including step-children, ordinarily residing with him;
- (b) 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;
- (c) the reimbursement of the cost of carrying his own motor car by passenger train or steamer at owner's risk.

²[13A. (1) A Judge on transfer shall be entitled to a joining time to enable him to join the new post to which he is appointed.

Joining time on transfer

(2) The period of joining time to which a Judge is entitled shall be determined as follows:-

- (a) for preparation, six days; and
- (b) for the journey, one day for every twenty-four hours or fraction thereof spent in the journey.

(3) Notwithstanding anything contained in this section, the authority ordering posting of a Judge may, in any case, curtail or extend the period of joining time.

¹ The words "two thousand two hundred fifty-nine kilograms" were substituted for the words "sixty maunds" by section 7 of the Supreme Court Judges (Travelling Allowances)(Amendment) Ordinance, 1984 (Ordinance No. III of 1984).

² Sections 13A and 13B were inserted by section 8 of the Supreme Court Judges (Travelling Allowances)(Amendment) Ordinance, 1984 (Ordinance No. III of 1984).

Travel on
transfer

13B. (1) Travelling allowances of a Judge travelling on transfer shall be determined in accordance with the following provisions.

(2) When travelling by railway, a Judge shall be entitled to-

- (a) a first class two-berth compartment or coupe-compartment in an air-conditioned coach reserved on High Official Requisition without payment of any fare for himself, or the reimbursement of the fare, if any, he pays for himself;
- (b) two extra fares of the highest class for himself; and
- (c) the reimbursement of the fares of the highest class paid for the members of his family.

(3) When travelling by steamer, a Judge shall be entitled to-

- (a) a first class or air-conditioned two-berth cabin reserved on High Official Requisition, without payment of any fare for himself; or the reimbursement of the fare, if any, he pays for himself;
- (b) two extra fares of the highest class for himself; and
- (c) the reimbursement of the fares of the highest class paid for the members of his family.

(4) When travelling by road, a Judge shall be entitled to-

- (a) the kilometre allowance at the rate of taka one per kilometre;
- (b) one extra kilometre allowance for himself;
- (c) one extra kilometre allowance if two members of his family accompany him and another extra kilometre allowance, if more than two such members accompany him; and
- (d) the reimbursement of ferry charges paid for himself and the members of his family and for the car.

(5) When travelling by air, a Judge shall be entitled to-

- (a) the reimbursement of the air fare paid for himself;
- (b) one extra air fare for himself;

- (c) the reimbursement of the air fares paid for the members of his family; and
- (d) the reimbursement of the embarkation fees paid for himself and the members of his family.

(6) A Judge on transfer shall be entitled to the reimbursement of fare for one servant, if paid, at the lowest class rate of the railway, steamer or bus by which the servant actually travelled.

(7) A Judge on transfer shall be entitled to the reimbursement of-

- (a) the expenses for carrying his own motor car, by closed railway van or steamer, at owner's risk;
- (b) the fare for one driver or cleaner for the car, if paid, at the lowest class rate of the railway, steamer or bus by which he actually travelled;
- (c) the expenses for carrying personal effects up to two thousand two hundred and fifty-nine kilograms by reserved bogie or luggage van in train or by steamer or by reserved truck; and
- (d) the expenses for carrying personal effects up to fifty kilograms excluding the free baggage admissible on each ticket while travelling by air.

(8) A Judge on transfer shall be entitled to a sum of taka two hundred for packing and crating of his personal effects.

Explanation.- In this section, a Judge's family includes, provided they are residing with and wholly dependent upon him, his wife (but not more than one wife), his legitimate children and step children.]

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

Travel by
shortest route

15. The High Court Judges (Travelling Allowances) Order, 1965 (P.O. No. 4 of 1965), and the Supreme Court Judges (Travelling Allowances) Rules, 1958, are hereby repealed.

Repeal
