

The Supreme Court Judges (Leave, Pension and Privileges) Ordinance, 1982

(Ordinance NO. XX OF 1982)

An Ordinance to provide for the leave, pension and privileges of the Judges of the Supreme Court.

WHEREAS is expedient to provide for the leave, pension and privileges of the Judges of the Supreme Court and for matters connected therewith;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

PART I

PRELIMINARY

**Short title
and
commencement**

1. (1) This Ordinance may be called the Supreme Court Judges (Leave, Pension and Privileges) Ordinance, 1982.

(2) It shall be deemed to have come into force on the 1st day of December, 1977.

Definitions

2. (1) In this Ordinance unless there is anything repugnant in the subject or context,-

(a) “actual service” means the time spent by a Judge on duty as such or in the performance of such other functions as he may be required under any law to perform or may be required by the ¹[President] to discharge and includes vacation (but excluding any time during which the Judge is absent on leave) and joining time on transfer from-

(i) the Supreme Court to the place where he is required under any law to perform any function; and

(ii) the place where he is required under any law to perform any function to the Supreme Court;

²[* * *]

(c) “Additional Judge” means a Judge appointed by the ³[President] under sub-paragraph (2) of paragraph 3 of the Schedule to the Proclamation to be an Additional Judge;

⁴[(d) “Chief Justice” means the Chief Justice of Bangladesh;]

(e) “Judge” means a Judge of a Division of the Supreme Court and includes the Chief Justice ⁵[* * *] and an Additional Judge;

(f) “Proclamation” means the Proclamation of 24th March, 1982;

(g) “Service for pension” means actual service and includes thirty days or the amount actually taken, whichever is less, of each period of leave on full salary;

(h) “Supreme Court” means the Supreme Court as was in existence immediately before the Proclamation;

(i) “Schedule” means a Schedule to this Ordinance; and

(j) “vacation” means a vacation fixed in paragraph 4(6) of the Schedule to the Proclamation.

(2) ⁶[In] the calculation of service for the purpose of this Ordinance, the previous service for any period or periods immediately before the Proclamation as Chief Justice, Judge,

Additional Judge or Acting Judge of a High Court shall be reckoned as service as a Judge

PART II

LEAVE

Kinds of leave admissible

3. (1) Subject to the provisions of this Ordinance, leave granted to a Judge may, at his option, be either-

(a) leave on full salary; or

(b) leave on half salary; or

(c) leave partly on full salary and partly on half salary.

(2) For the purpose of this part, any period of leave on full salary shall be reckoned as double the period of leave on half salary.

**Leave
account**

4. A leave account shall be kept for each Judge showing therein the amount of leave due to him in terms of leave on half salary and in such account there shall be-

(1) credited to him in two separate columns-

(a) a period equal to one-fourth of actual service; and

(b) where any duties not connected with the business of the Supreme Court are assigned to a Judge and, for reasons of such assignment, the Judge does not avail of any vacation or avails of less than thirty days of vacation in any calendar year, in addition to the leave credited under the preceding sub-clause, a further period equal to double the period by which the vacation availed of by him falls short of thirty days; and

(2) debited to him the period of leave on full or half salary granted to him:

Provided that the opening credit at the commencement of this Ordinance shall not exceed six months in the case of any Judge.

**Aggregate
amount of
leave
admissible
to a Judge**

5. (1) The aggregate amount of leave granted to a Judge during his whole period of service as such shall not exceed, in terms of leave on half salary, thirty-six months.

(2) The aggregate amount of leave on full salary granted to a Judge during his whole period of service as such shall not exceed one-twenty fourth of the period spent by him on actual service, but the leave credited to a Judge under sub-clause (b) of clause (1) of section 4 shall not be subject to the limit herein specified.

(3) The period of leave granted at any one time shall not exceed, in the case of leave on full salary, five months and, in the case of leave of any other kind specified in section 3, sixteen months.

**Grant of
leave not
due**

6. Subject to the maximum limits specified in sub-section (1) of section 5, leave on half salary may be granted to a Judge in excess of the amount at his credit-

(a) on a medical certificate; and

(b) for a period not exceeding six months and not more than once during the whole period of his service as Judge, otherwise than on medical certificate.

**Leave
salary**

7. (1) The monthly rate of leave salary payable to a Judge while on leave on full salary shall be equal to the monthly rate of his salary.

(2) The monthly rate of leave salary payable to a Judge while on leave on half salary shall be equal to half the monthly rate of his salary.

(3) A Judge shall not be entitled to draw his leave salary otherwise than in Bangladesh currency unless, in the case of a Judge appointed before the commencement of this Ordinance, he was so entitled.

**Extraordinary
leave**

8. (1) Leave in excess of any leave admissible under the foregoing provisions of this Ordinance may be granted to a Judge for a period not exceeding six months and not more than once during the whole period of his service.

(2) No leave under sub section (1) shall be granted to a Judge so as to terminate with his retirement nor after he has tendered his resignation.

(3) No leave salary shall be payable to a Judge in respect of the period of leave granted under sub section (1).

**Special
disability
leave**

9. Special disability leave may be granted to a Judge when he is disabled by injury intentionally inflicted or caused in, or in consequence of the due performance of his official duties or in consequence of his official position and the provisions of Fundamental Rule 83 shall, so far as may be, apply to a Judge as they apply to a Government servant.

**Combining
leave with**

Vacation

10. A Judge may be permitted to combine vacation with leave of any kind if the leave is either at the commencement, or at the end, of the vacation but not at both:

Provided that no such permission shall be granted to a Judge if it becomes necessary thereby to appoint an Additional Judge.

Consequences of overstaying leave or vacation

11. If a Judge overstays his leave or any vacation whether combined with leave or not, he shall receive no salary for the period of his absence in excess of the leave granted to him or beyond the end of the vacation, as the case may be:

Provided that, if such absence is due to circumstances beyond his control, the period thereof may be treated as leave admissible to him.

Authority competent to grant leave, etc.

12. The authority to grant or refuse leave, or to revoke or curtail leave already granted, shall be the ⁷[President].

PART III

PENSION

Conditions of admissibility of pension

13. A Judge shall, on his retirement, resignation or removal, be paid a pension in accordance with the provisions of this Ordinance if he has-

(a) completed not less than five years of service for pension and attained the retiring age; or

(b) completed not less than ten years of service for pension and, before attaining the retiring age, resigned; or

(c) completed not less than five years of service for pension and, before attaining the retiring age, either resigned, his resignation having been medically certified to be necessitated by ill health, or been removed for physical or mental incapacity:

Provided that for the purpose of clause (a) of Part I of the First Schedule, a deficiency of three months or less in the service for pension as Judge shall be deemed to have been condoned.