

GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No. 88/HOME/99

Dated: 24.11.99

NOTIFICATION

Whereas the High Court of Sikkim vide its letter No. 4436/HCS dated 01.11.1999 drawn the attention of the State Government to the Resolutions passed in the Chief Justices' Conference held on 28th and 29th November, 1997 at New Delhi;

And whereas in the Chief Justices' Conference it was resolved that medical facilities which are available to sitting Judges of the High Court be extended to retired Judges of the High Court and Supreme Court of India;

And whereas no separate rules for provision of medical facilities have been framed for the retired Judges of the High Court of Sikkim due to the limited resources of the State of Sikkim;

And whereas it is now considered expedient to frame rules providing for medical entitlement of the retired Judges of the High Court of Sikkim;

Now, therefore, in exercise of powers conferred under the provisions of section 23 D (2) of the High Court Judges (Conditions of Service) Act, 1954, the State Government, in consultation with the High Court of Sikkim, hereby makes the following rules:-

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| Title and Commencement: | 1. | These Rules may be called the Medical Facilities for the Retired Judges of the High Court of Sikkim and their Families Rules, 1999. |
| | 2. | These Rules shall come into force from the date of publication of the Notification in the Official Gazette. |
| Definition: | 3***** | <i>A Retired Judge of the High Court of Sikkim, for the purpose of these rules, shall mean a Judge or a Chief Justice, who, was or is initially appointed or transferred as a Judge or a Chief Justice of the High Court of Sikkim, demits his office as a Judge or as a Chief Justice of the High Court of Sikkim, either on transfer or on retirement or on any other reason(s), as the case may be.</i> |

- Entitlements:
- 4.(i) A retired Judge and his family shall be entitled to the same medical benefits as are applicable to a sitting Judge of the High Court of Sikkim and his family under rules and orders issued by the Govt. of Sikkim and as amended from time to time.
 - (ii) A Retired Judge shall be entitled to take medical treatment in any Hospital/Nursing Home in the country on the basis of a referral by the District Medical Officer or Sub Divisional Officer or a Doctor having M.D degree who has been medical practitioner for more than ten years in the place of stay of a retired Judge or the place where the need for medical treatment arises.
 - ** (iii) In case a Judge pre-deceases his or her spouse before or after his or her retirement, the facility specified in sub- rule (ii) above shall be made available to the spouse and his or her family during his or her life time.
 - *** (iv) Where, however, a retired Judge has been re-employed, the provisions of these Rules shall not apply during the period the Judge receives, or is entitled to receive, any emolument or benefits by virtue of such re- employment.
 - **** (v) A retired Judge and his family shall be entitled to the assistance of a Liaison Officer for medical treatment and transport for medical treatment at Gangtok, Delhi and Calcutta where the State Government has its Establishment.
 - 5. Reimbursement in respect of the entitlements as per Rule 4 shall be made by the High Court of Sikkim. For this purpose the State Government shall provide adequate funds to the High Court under the salaries head.

By Order,

Sd/-
Additional Secretary,
Home Department

* Inserted vide Notification No. 5/HOME/2004 dated 8.5.2004.
 ** Inserted vide Notification No. 17/HOME/2002 dated 22.5.2002.
 *** Substituted vide Notification No. 51/HOME/2008 dated 7.6.2008.
 **** Inserted vide Notification No. 150/GEN/DOP dated 2.3.2009.
 ***** Substituted vide Notification No. 45/HOME/2011 dated 3.6.2011.