

MAHARASHTRA STATE JUDGES' MEDICAL WELFARE FUND

No.Misc./94/2000.-In exercise of powers vested under Article 235 of the Constitutions of India, the Hon'ble the Chief Justice of High Court of Judicature at Bombay is pleased to constitute a fund with immediate effect for the Medical Welfare of subordinate Judges in the State which shall be governed by the following scheme: -

S C H E M E

1. *Name and Headquarter.* – The fund for the Welfare of the Judges working in the State of Maharashtra and their families shall be known as Maharashtra State Judges Welfare Fund.

The Headquarter of the fund shall be at such central place as the Managing Committee may decide.

2. *Aims and objects.* - The fund is meant for only private welfare purposes. The basic object of the fund is to start a scheme for supporting the members of the fund and their family members out of the resources available for the fund for emergent medical aid. The fund would be operated in order to bring about greater co-operation amongst the members of the Judiciary in the State. For the purpose of the fund, the term 'family' means the Judge, his/her spouse, their children and shall include non earning parents ¹**father-in-law, mother-in-law** and other dependents in individual cases, as the ² **President** may approve.

A member shall be granted advance to meet the expenses of medical treatment only in cases of serious ailments where ordinarily the expenditure would be beyond the reach of the Judicial Officers.

1. Inserted vide notification dated 06 September, 2003.

2. Substituted vide notification dated 06 September, 2003 for the words “**Managing Committee**”.

³The President or in the absence of the President, the Registrar
⁴General, High Court, ⁵(...) Bombay, who is the Ex-officio Vice President of
the Fund shall grant the advance to the Members of the Fund.

3. *Membership.* - The membership of the welfare fund shall be open to all the Members of the Judiciary in service of the State and also to the members of State Civil Services under control of the High Court like Judges of Co-operative Court, Industrial and Labour Courts etc. and shall be voluntary.

Officers desirous of joining the fund would be required to make a declaration in the form prescribed in Appendix "A" of these rules. An officer desirous of joining the fund would have to pay subscription from the date of establishment of the fund i.e. 1st October, 1997 or the date of entry of the officer in service, whichever is later, till the officer remains in service. Once an officer becomes a member of the fund, he would have no liberty to withdraw from membership till retirement from judicial service except by forfeiture of subscription already contributed and the right to receive assistance in future.

If any Judicial Officer already in service on or before October 1997, desires to be a member of the scheme, he is to be admitted only ⁶**on his** paying subscription from October, 1997 onwards as paid by the member at the initial stage plus ⁷**penalty** at the rate of 10 per cent per annum i.e. ⁸**Rs.120/- for one year, Rs. 240/- for two years** and so on.

⁹**If a Judicial Officer joining the service after October, 1997 desires to be a member of the scheme, he is to be admitted only on his paying subscription from the month of his joining the service plus penalty at the above mentioned rate.**

3. Inserted vide notification dated 06 September, 2003.

4. Inserted vide notification dated 21 September 2010.

5. Deleted the words "Appellate Side" vide notification dated 21 September 2010.

6. Substituted vide notification dated 21 September 2010 for the word "by".

7. Substituted vide notification dated 21 September 2010 for the word "interest".

8. Substituted vide notification dated 21 September 2010 for the words " Rs.120 for the first year, Rs.240 for the second year".

9. Substituted vide notification dated 21 September 2010. Prior to that it read as under:

"If a member is unable to pay all such arrears in lumpsum he may be allowed to pay the same in monthly installment of Rs. 100 from the date of becoming the member till arrears are cleared i.e. such member shall pay Rs. 200 per month (Rs. 100 present subscription plus Rs. 100 arrears) till arrears are paid".

¹⁰Membership of the Member is liable to be terminated if he commits default in paying subscription for any three months and further fails to pay all the arrears of subscription, then due, in lumpsum, within a period of one month after receiving demand letter from the Treasurer of the Fund. In the event of termination of membership, the amount of subscription, if it is less than Rs.1000/-, or the amount of Rs.1000/-, if the subscription made by the Member exceeds Rs.1000/-, would be forfeited to the fund and the rest of the amount, if any, exceeding Rs.1000/- would be refunded to him.

Terminated membership may be revived ¹¹and forfeiture of subscription may be cancelled if within three months of termination of membership, the member pays penalty of ¹²Rs.250/- (non-refundable) along with all arrears ¹³, then due in lumpsum.

If a member whose membership is terminated and who has not revived the same within three months by paying the penalty of ¹⁴ Rs.250/-, can become a member by complying the ¹⁵requirements mentioned in para 3 above, i.e. payment of subscription from 1st October 1997 onwards together with penalty.

¹⁶3-A *Cessation of Membership.*-A Judicial Officer who is the member of the Maharashtra State Judges' Medical Welfare Fund shall cease to be a member in following cases :-

(i) On elevation to the Bench as High Court Judge.

(ii) If a member ceases to be a member of the Judicial service of the State by reason of his superannuation, ¹⁷compulsory or voluntary retirement, resignation, dismissal, removal, termination, or on any other count.

10. Substituted vide notification dated 21 September 2010. Prior to that it read as under:

"Membership of the member shall be terminated in case of any three defaults by the forfeiture of an amount of Rs. 1,000 and repayment of surplus to the defaulting member. If the total subscription contributed by the member till the date of termination is less than Rs.1,000, then whole amount would be forfeited".

11. Inserted vide notification dated 21September 2010

12. Substituted vide notification dated 21September 2010 for the figure "Rs.100".

13. Inserted vide notification dated 21September 2010

14. Substituted vide notification dated 21September 2010 for the figure "Rs.100".

15. Substituted vide notification dated 21September 2010 for the words "procedure i.e. payment of subscription from 1st October, 1997 onwards together with interest".

16. Inserted vide notification dated 20 July 2002.

17. Inserted vide notification dated 21September 2010.

(iii)¹⁸The Managing Committee may terminate the membership of any member at any time in case it thinks fit to do so after recording reasons for the same in writing. The decision of the Managing Committee in this regard shall be final.

4. *Administration of the Fund.*- The fund shall be administered by the Managing Committee at State level with following constitution :-

- | | | |
|-------------------------------------|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) President | .. | Hon'ble Judge of the High Court to be nominated by the Hon'ble the Chief Justice. |
| (2) Vice-Presidents | .. | (1) Registrar ¹⁹ General , High Court
^{19-A} (....)
(2) President of M.S.J.S.A. (Ex-Officio). |
| (3) Secretaries | .. | (1) ^{19-B} (----)Registrar to be nominated by the President of the Fund in consultation with the Vice-President.
(2) Secretary of MSJSA (Ex-Officio). |
| (4) Treasurer | .. | ²⁰ Principal District Judge, Thane (Ex-Officio). |
| ²¹ (4-A) Joint Treasurer | .. | To be nominated by the President of the Fund in consultation with the Treasurer. |
| (5) Nine Members | .. | To be nominated by the President of the Fund in consultation with Vice Presidents ²² (----)from the cadres of ²³ District Judges, Members, Industrial Court, Judges, Family Courts, Senior Civil Judges and Civil Judges, J.D. |

The Managing Committee shall meet as and when necessary and at least twice every year.

18. Substituted vide notification dated 21 September 2010. Prior to that it read as under:
"If termination of the membership is not revived as per Rule-3".

19. Inserted vide notification dated 21 September 2010

19-A. Deleted the bracketed word (A.S.) vide notification dated 21 September 2010

19-B. Deleted the word "Additional" vide notification dated 21 September 2010.

20. Inserted vide notification dated 21 September 2010

21. Inserted vide notification dated 2 May, 2009

22. Deleted the bracketed words "(one each)" vide notification dated 21 September 2010

23. Substituted vide notification dated 21 September 2010. Prior to that it read as under:

"Judges, City Civil Court, Members Industrial Tribunal, Additional District Judge, Civil Judge, Senior Division/ Chief Judicial Magistrate, Judge, Small Cause Courts, Metropolitan Magistrates and Civil Judge, J.D. & J.M.F.C."

The Managing Committee shall lay down policy for utilization of the fund and shall review the policy from time to time. The Committee shall authorise appropriation of amounts from the fund.

5. *Subscription.-* The subscription shall be at the rate of Rs.100/- per month, payable annually, half yearly, quarterly or monthly, ²⁴**or in lumpsum** at the option of the member, in advance ²⁵**with a maximum of Rs. 15,000/-**. The State Committee shall have the power to ²⁶**change the rate, duration for payment and outer limit** of subscription.

Accounts of subscription received shall be maintained in a general cash book and ledger of individual accounts. The account shall be audited every year.

26A(-----)***

6. *Resources.-* The funds shall be raised in the following manner :

- (1) Subscription from members;
- (2) Donations from members;
- (3) Net profit from specific projects undertaken by the State Committee; and
- (4) Interest on deposits and advances made.

7. *Appropriation of the Funds.-* The fund may be appropriated for providing loans for short terms i.e. For six months or till the officer is reimbursed whichever is earlier, at 2 per cent per annum service charges or such other rate as the State Committee may from time to time decide for the purpose of medical treatment for a member of the fund, or his family member suffering from a serious disease requiring investigation, treatment, surgery, transplantation etc.

²⁷**Provided that in case the member, to whom the amount of the Fund is advanced, is unable to repay the same within 1 year, service charges be recovered ²⁸at the following rates :-**

24. Inserted vide notification dated 21September 2010.

25. Inserted vide notification dated 21September 2010.

26. Substituted vide notification dated 21September 2010 for the word "alternate"

26-A. Deleted vide notification dated 21September 2010. Prior to that it read as under:

"Note-- After accumulation of sufficient funds, the amount of subscription may be reduced".

27. Inserted vide notification dated 20 July 2002.

28. Substituted vide notification dated 21September 2010. Prior to that it read as under:

" as under:-

(i) for the 2nd year 3% p.a.

(ii) for the 3rd year 4% p.a.

(iii)for the 4th year and onwards 8% p.a."

(i) *for the second year 7% p.a.*

(ii) *for the third year onwards, 8% p.a.*

²⁹Provided that the Member, to whom the amount of Fund is advanced repays the same as per the installments specified in the sanction order, shall be liable to pay service charges at the following rates :-

(i) **for the 2nd year, 3% p.a.,**

(ii) **for the 3rd year, 4% p.a.**

(iii) **for the 4th year and onwards, 8% p.a.**

7-A. *Repayment.*- The amount paid to any member by way of advance towards emergent medical expenses shall be deducted from all the payment in favour of the member especially from the medical reimbursement bill.

³⁰7-B **In case the member, to whom the amount of the Fund is advanced towards emergent medical expenses, is unable to get reimbursement of the bill within ³¹6 months and as such, is unable to pay the amount of the Fund within ³²6 months, he should start repaying the amount by installment ³³as prescribed in his sanction order.**

³³-A(-----)

At the time of making an application for advance the member shall give a written undertaking in Appendix 'G' to his ³⁴Drawing and ³⁵Disbursing officer authorising him to directly remit the amount of medical reimbursement to the fund and to deduct he balance if any, from his salary in suitable monthly installments and to remit the same to the fund and that if some amount remains due at the time of retirement, it may be deducted from the amounts which would be received by him towards ³⁶G.I.S., G.P.F., gratuity, pension and D.C.R.G.

29. Inserted vide notification dated 21September 2010

30. Inserted vide notification dated 20 July 2002.

31. Substituted for the figure 3 vide notification dated 21September 2010.

32. Substituted for the figure 3 vide notification dated 21September 2010.

33. Substituted vide notification dated 21 September,2010 for the words and figures "of Rs. 1000/- p.m. or 1% of the amount disbursed to him whichever is less".

33-A. Deleted vide notification dated 21 September,2010. Prior to that it read as under:

"In case of difficulty a request of the member for grant of easy installments may be considered and decided by the Managing Committee on merits of each case".

34. Substituted vide notification dated 21 September, 2010 for the small letter "d".

35. Substituted vide notification dated 21 September, 2010 for the small letter "d".

36. Inserted vide notification dated 2 May, 2009.

8. *Refunds.*- The subscription contributed by a member, who was regular in paying the same would be refunded to him at the time of his retirement, ³⁷(***) after adjusting the dues recoverable from him. In case of officer dying in harness, such amount shall be paid to his family members.

Each member shall issue a letter of nomination to whom the balance in his account may be paid in case of death during service.

The member may nominate two or more persons in order of Succession and may also nominate percentage of amount to be refunded to various nominees.

If no nomination is submitted by member, his/her G.P.F. Nomination should be followed for the purpose of refund.

³⁸A member, who ceases to be the member of the Fund, may, by writing a letter to the President of the Fund, donate to the Fund the entire or a part of the subscription paid by him.

9. *Accounts, Records And Audit.*- The Managing Committee shall frame rules for maintaining records and accounts of the fund and shall provide payment of honorarium to employees maintaining these accounts. The Managing Committee shall also cause the accounts to be audited by approved Auditors every year.

The Accountant of the fund shall send annual slip (extract of pass-book) to each member at the end of each financial year i.e. 31st March, showing the balance at his credit.

10. *Amendments.*- The Managing Committee shall have the power to amend these rules with the prior sanction of the Hon'ble ³⁹the Chief Justice of the High Court ⁴⁰of Judicature at Bombay.

37. Deleted vide notification dated 2 May, 2009. Prior to that it read as under:

“ after making a deduction of Rs.1,000 towards expenses for management of the fund, and”

38. Inserted vide Notification dated 21 September 2010.

39. Inserted vide Notification dated 21 September 2010.

40. Inserted vide Notification dated 21 September 2010.

APPENDIX A

I, (Full Name) on going through the rules relating to Maharashtra State Judges' Medical Welfare Fund do hereby accord consent for my enrollment of said Fund. I am ready to deposit regular subscription of the fund as per rules. I also agree to abide with the flexibility of the rate of subscription as and when prescribed by the Managing Committee constituted in this behalf.

I hereby express my consent for deduction of the regular subscription from my salary. And also agree to remain member of the fund till my retirement.

Date :

Place :

()

Signature,
Name, Designation.

APPENDIX B

MAHARASHTRA STATE JUDGES' MEDICAL WELFARE FUND

No.
Date :

To
The Treasurer,
Maharashtra State Judges'
Medical Welfare Fund,
C/o. District and Sessions
Judge, Thane,
Thane.

Sir,

I am sending herewith Demand Draft No..... dated
drawn on for Rs.....
(Rupees) in favour of the Treasurer,
Maharashtra State Judges' Medical Welfare Fund towards subscription to
the Maharashtra State Judges' Medical Welfare Fund for the period
from to

Kindly acknowledge the receipt.

Yours,

(Signature)

APPENDIX C

MAHARASHTRA STATE JDUGES' MEDICAL WELFARE FUND

Receipt Book

Receipt No.

Date

Received a sum of Rs. (Rupees) from
Shri towards subscription to Maharashtra State
Judges' Medical Welfare fund for the period from
to

(Signature of Official receiving amount),

APPENDIX – D

MAHARASHTRA STATE JDUGES' MEDICAL WELFARE FUND

Receipt Book

Receipt No.

Date

Received a sum of Rs. (Rupees) from the Maharashtra State Judges' Medical Welfare Fund for meeting with expenses towards the emergent medical aid.

(Signature of receiving Judicial Officer),

APPENDIX E

MAHARASHTRA STATE JUDGES' MEDICAL WELFARE FUND

Receipt Book

Receipt No.

Date

Received an amount of Rs. (Rupees)
from towards the repayment of advance of
Rs. (Rupees) paid to him
on for emergent medical aid.

(Signature of Official receiving amount),

APPENDIX F

Part-I	..	Cash Book.
Part-II	..	Personal Ledger.

APPENDIX G

MAHARASHTRA STATE JDUGES' MEDICAL WELFARE FUND

Undertaking

I, have applied for the grant of medical advance and I hereby undertake to repay the entire amount which would be advance to me to the fund and for that purpose I hereby authorise the ⁴¹**Principal** District and Sessions Judge (if the ⁴²**Principal** District Judge is not ⁴³**Drawing** and ^{43-A}**Disbursing** officer the designation of such officer shall be mentioned instead of ⁴⁴**Principal** District Judge) to directly remit the amount of medical reimbursement payable to me as and when the amount becomes payable to me and further authorise the ⁴⁵**Principal** District and Sessions Judge, (or other Drawing and Disbursing authority) to deduct the balance, if any, from my salary in suitable monthly installments and to remit the same to the fund.

⁴⁶In case I am unable to get reimbursement bill encashed within ⁴⁷6 months from the date of advance, I hereby undertake to repay the amount granted to me ⁴⁸by monthly installments as prescribed in the sanction order and I hereby authorise the ⁴⁹Principal District and Sessions Judge or other Drawing or Disbursing authority to deduct the said installment from my salary or withhold my cheque of salary.

In case some amount still remains due against me at the time of my retirement, I authorise the ^{43-B}**Drawing** and ^{43-C}**Disbursing** authority to deduct the same from the amounts which would be payable to me from ⁵⁰**G.I.S., G.P.F., gratuity, pension and D.C.R.G.**

Signature

Place :

Name :

Date :

Designation :

41, 42, 44, 45 & 49 inserted vide Notification dated 21 September 2010.

43, 43-A, 43-B & 43-C. substituted vide notification dated 21 September, 2010 for the small letter "d".

46. Inserted vide Notification dated 20 July, 2002

47. Substituted vide notification dated 21 September, 2010 for the figure '3'.

48. Substituted vide notification dated 21 September, 2010 for the words "in the monthly installment of Rs.1000/- or 1% of the amount advanced to me whichever is less towards repayment".

50. Inserted vide notification dated 21 September 2010.