

**THE UTTAR PRADESH SUBORDINATE CIVIL COURTS INFERIOR
ESTABLISHMENT RULES, 1955**

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**THE UTTAR PRADESH SUBORDINATE CIVIL COURTS INFERIOR
ESTABLISHMENT RULES, 1955**

(as applicable to the State of Uttarakhand)

(as amended by Amendment Rules, 2019)

- 1. Short title and commencement** – These rules may be called “The U.P. Subordinate Civil Courts Inferior Establishment Rules, 1955” and shall come into force with immediate effect.

These rules were framed by the Governor of Uttar Pradesh in exercise of the powers conferred by proviso to Article 309 of the Constitution of India in supersession of all existing rules and orders to regulate recruitment to posts in and conditions of service of pensions appointed to the Inferior Establishment of the Civil Courts in Uttar Pradesh and were notified in U. P. Gazette Part I-A dated 21 April, 1956.

- 2. Definition** – In these rules unless there is anything repugnant in the subject or context

- (a) “Direct Recruitment” means recruitment otherwise than by promotion of persons already on the staff of a Subordinate Court of the Judgeship.
- (b) “Establishment” means the inferior establishment of a Subordinate Civil Court consisting of Government servants classed as interior and paid from the establishment section of the budget of each judgeship.
- (c) “Governor” means the Governor of ¹[Uttarakhand].
- (d) “Government” means the Government of ¹[Uttarakhand].
- (e) “High Court” means the ¹[High Court of Uttarakhand at Nainital].
- (f) “Waiting List” means the list of candidate approved under these rules, for appointment to the various posts in the establishment.
- (g) ¹“Subordinate Civil Court” means the Court of a District and Sessions Judge, the Principal Judge/Judge of Family Courts, Additional District and Sessions Judge, Civil Judge, Additional Civil Judge, Munsif, Additional Munsif, Court of Small Causes and all other courts Subordinate to District and Session Judge and Principal Judge/Judge of Family Courts Subordinate to the High Court.]
- (h) “District Judge” means a Judge incharge of a Judgeship.
- (i) “Judgeship” means local limits of the jurisdiction of a District Judge defined by the State Government from time to time.

- 3. Strength of inferior establishment** – (1) The strength of the establishment shall be such as may be determined by the Government from time to time.

Provided that the High Court or the District Judge may create such additional temporary posts from time to time as may be found necessary subject to the extent and the conditions under which power to create such posts has been delegated to them.

¹ Substituted by Not. No. 177/XXXVI(2)/2019, Dehradun, dated 19.07.2019

Provided that any vacant posts may be kept in abeyance by the Governor or left unfilled by the appointing authority without thereby entitling any person to compensation.

- (2) The inferior staff on each Judgeship shall, ordinarily, be divided into the following classes;
 - (i) Dafteries and Bundle lifters
 - (ii) Orderly peons, office peons, process-servers and farrashes, and
 - (iii) Chaukidars, Malis, Sweepers and whole-time Waterman paid from the establishment section of the budget.

²[4. **Method of recruitment-** Recruitment to the following posts in the establishment shall be made.

(1) Daftaries and bundle lifters- by promotion strictly on merit from amongst process-servers, orderlies, office peons and farrashes, who have put in at least five years service as such:

Provided that no person shall be promoted to these posts unless he is able to read and write Hindi in Devanagari script with correctness and fluency and can discharge the duties of the office satisfactorily and in the case of the post of daftari unless he also knows book binding.

(2) Process servers, orderly, peons, office peons, farrashes, chaukidars, malis and sweepers- by Direct Recruitment.]

³[4A. **Recruitment to the establishment-** For making Direct Recruitment to Inferior Establishment, an objective type multiple choice examination shall be taken which shall comprise of 100 questions of one mark each, from the subjects, such as, General Knowledge, General English, General Hindi, General Science, Maths, Knowledge about Uttarakhand Standard of question paper shall be of Junior High School (8th) level. There shall be no negative marking. Qualifying marks for a candidate belonging to General category shall be 50% and for a candidate belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes shall be 45%”.

4B. Mode of Recruitment – (i) High Court may conduct centralized recruitment for all the establishments by itself or may take assistance from any recruitment agency, as nominated by the Chief Justice or may delegate the same to be conducted by concerned District Judge or Family Judge.

(ii) As the Group ‘D’ establishment in subordinate courts is district cadre and District Judge is the appointing authority, therefore, a candidate may apply by opting only for one district and he/she shall be considered for selection for that District only. For the appointment, district-wise merit list shall be prepared.]

² Substituted by Not. No. 177/XXXVI(2)/2019, Dehradun, dated 19.07.2019

³ Inserted by Not. No. 177/XXXVI(2)/2019, Dehradun, dated 19.07.2019

5. **Appointing authorities** – All appointments to the establishment in a judgeship shall be made by the District Judge.

Provided ⁴[*****]

6. ⁵**[Reservation** – Reservation shall be available to candidates in accordance with Government Orders issued by the state government from time to time and applicable at the time of recruitment, as adopted by the High Court].
7. **Nationality, domicile and residence** – No person shall be eligible for appointment to a post in the ⁶[inferior establishment of Subordinate Civil Court] unless he is;
- (a) Citizen of India whose original domicile is in ⁶[Uttarakhand] provided he has not acquired a domicile elsewhere; or
 - (b) A citizen of India whose original domicile is not in ⁶[Uttarakhand] but who has acquired a domicile in ⁶[Uttarakhand] and has resided there for not less than five years at the date of which he applies for recruitment to the service of post; or
 - (c) A citizen of India.

The nationality, domicile and residence qualification shall be in accordance with the rules in force at the time of recruitment.

8. ⁶**[Age-** A candidate for appointment to the establishment by direct recruitment must have attained the age of 18 years as 1st day of January, in which year advertisement for the recruitment is issued. Upper age limit shall be as prescribed by the state government time to time. Relaxation in upper age limit shall be given to persons belonging to S.C., S.T., O.B.C. and Ex-serviceman as per prevailing government order, as adopted by the High Court.]
9. **Physical fitness** – No person shall be directly recruited to the establishment unless he be in good mental and bodily health and free from any physical defect likely to interfere with the efficient discharge of his official duties.
10. **Character and antecedents** – The character of a candidate for direct appointment must be such as to render him suitable in all respects for employment in the establishment. It would be the duty of the appointing authority to satisfy itself on this point.
11. ⁶**[Educational qualifications-** No person shall be considered for appointment to the establishment, unless he has passed Junior High School (8th Standard) examination from a recognized institution.]
12. ⁶**[Waiting List-** A district-wise waiting list not exceeding 25% of the total vacancies of that district shall be maintained for appointment to the post in the establishment. The waiting list would be valid for a period of one year, or for any period, as prescribed by the Chief Justice.]

⁴ Omitted by Not. No. 177/XXXVI(2)/2019, Dehradun, dated 19.07.2019

⁵ Substituted by Not. No. 177/XXXVI(2)/2019, Dehradun, dated 19.07.2019

⁶ Substituted by Not. No. 177/XXXVI(2)/2019, Dehradun, dated 19.07.2019

13. **Seniority** – Seniority in any class of posts included in the establishment shall be determined by the date of substantive appointment or promotion to that class;

Provided that if two or more persons are appointed on the same date their seniority should inter se be determined according to the order in which their names appear in the order of appointment.

14. ⁷[**Probation, confirmation etc.-** Every person on appointment or promotion to a post in the establishment in a substantive vacancy, shall be placed on probation for a period of one year, at the end of which, he shall be confirmed in the post, if the appointing authority considers that his work has been satisfactory:

Provided that the appointing authority may extend the period of probation for a specified period not exceeding one year in individual cases.]

15. **Pay during probation** – (i) A person on probation, if he is not already in the service of the State, shall during the period of probation draw the minimum of the time scale of pay of the post to which he is appointed.

Provided that, if the period of probation is extended due to his failure to give satisfaction, the period of extension shall not count for increment, unless the appointing authority directs otherwise.

- (iii) The pay of a person already in the service of the State shall be regulated by rules referred to in Rule 18.

16. **Rates of pay** – The rates or scales of pay attached to the various posts borne on the cadre of a particular Court shall be as shown in the sanctioned proposition statement of the Judgeship concerned.

- (b) The District Judge may transfer any member of the establishment from one office to another in the same judgeship when he is satisfied that such transfer is desirable in the public interest.

17. **Transfers-** (a) The High Court may transfer any member of the establishment from one judgeship to another when they are satisfied that such a transfer is desirable in the public interest.

- (b) The District Judge may transfer any member of the establishment from one office to another in the same judgeship, when he is satisfied that such transfer is desirable in the public interest.

18. ⁷[**Pay, allowance, leave pensions etc.** Except as provided in these rules, the pay and allowance, leave, pension and other conditions of service of persons appointed to post in the establishment, shall be regulated by the rules made under article 309 of the constitution of India, and orders issued by the state government from time to time.]

⁷ Substituted by Not. No. 177/XXXVI(2)/2019, Dehradun, dated 19.07.2019

Appendix I

The Governor has been pleased to order, in pursuance of the provisions of Clause (4) of Article 16 and Article 335 of the Constitution that, consistently with the maintenance of efficiency of administration-

- (i) The interest of the backward classes shall in general be borne in mind in making appointments, and
- (ii) There shall be a general reservation of 18 per cent of the vacancies to be filled by direct recruitment for members of the Scheduled Castes in making appointments to services and posts in connection with the affairs of the State of Uttar Pradesh:

Provided that if in any one year candidates of the Scheduled Casts fails to be recruited to any service or establishment to the extent of 18 per cent, the efficiency shall be made good in the recruitment to the service or establishment concerned in the following year:

Provided further that the reservation on account of the deficiency shall not be carried forward for more than one year.

Appendix II

I. General rule regarding nationality, domicile and residence of candidates for recruitment to services and posts under the rule making control of the Governor, Uttar Pradesh,

A candidate must be-

- (a) A citizen of India whose original domicile is in Uttar Pradesh provided he has not acquired a domicile elsewhere; or
- (b) A citizen of India, whose original domicile is not in Uttar Pradesh but who has acquired a domicile in Uttar Pradesh, and has resided there for not less than five years at the date on which he applies for recruitment to the service or post; or
- (c) (i) a citizen of India, and
(ii) a person who has migrated or may here-after migrate from Pakistan to reside permanently in this State, in whose favour a declaration of eligibility has, except as hereinafter provided, been issued by the Governor of Uttar Pradesh.

Explanation – Notwithstanding anything contained in this rule, the following shall be eligible for recruitment-

- (1) A citizen of India whose father is (or, if dead, was at the time of his death) employed in any department of the Union Government and is (or was) liable to inter-State transfer provided that he has himself resided in Uttar Pradesh for three continuous years immediately preceding the date of application for appointment; or

- (2) (i) a person who migrated to the territory of Uttar Pradesh from the territory now included in Pakistan if he or either of his parents or any of his grand-parents, was born in India as defined in the Government of India Act, 1935 (as originally enacted): and in the case where such person so migrated before July 1948, he has been ordinarily resident in the territory of Uttar Pradesh since the date of his migration; or
- (ii) in the case where such person so migrated on or after July 19, 1948, he was registered as a citizen of India before January 26, 1950, as required under sub-clause (ii) of clause (b) of Article 6 of the Constitution of India, or
- (3) A person, who after having migrated to the territory now included in Pakistan, returned to Uttar Pradesh under a permit for resettlement or permanent return issued by or under the authority of any law and every such person shall for the purposes of clause (b) of Article 6 of the Constitution of India be deemed to have migrated to the territory of Uttar Pradesh after July 19, 1948

Notes – (1) A declaration of eligibility as required by clause (c) above will be given by the Governor after considering each case on merit-

Provided that no declaration of eligibility will be required in the case of persons who migrated from Pakistan to reside permanently in this State on or after July 19, 1948, but before September 30, 1948, if such persons have already entered service on the strength of instructions issued in Appointment (B) Department Memo No. 0-3213II-B-282-1941, dated October 22, 1941.

(2) The appointments of persons who are not covered by the provisions in clauses (a) to (c) above will be made only in very exceptional circumstances and only on a temporary or contract basis the specific orders of the Governor being obtained in each case.

(3) The original domicile prevails until a new domicile has been acquired and a new domicile continues until the former domicile has been resulted or another has been acquired. But a person can have only one domicile at one time for the purpose of this rule.

(4) A person acquires a new domicile by taking up his fixed habitation in a State which is not that of his original domicile. Such person may make a declaration of his having acquired a new domicile before the District magistrate of the district in which he takes of his fixed habitation but such declaration shall not by itself be regarded as sufficient proof of change of domicile.

II. Rules for the determination of domicile for purposes of recruitment to services and posts under the rule-making control of the Governor, Uttar Pradesh.

The domicile of a candidate for direct recruitment shall be determined in accordance with the following provisions:

- (1) Domicile may be defined as the place where a person has his permanent home. Domicile may be of two kinds viz., original domicile and acquired domicile.
- (2) A person can have only one domicile at one time.
- (3) Original domicile prevails until a new domicile has been acquired, and a new domicile continues until the former domicile has been resumed or another has been acquired.
- (4) A person acquires a new domicile by taking up his fixed habitation in a State which is not that of his original domicile. Such a person may make a declaration of his having acquired a new domicile before the District Magistrate of the district in which he takes up his fixed habitation but such declaration shall not by itself be regarded as sufficient proof of change of domicile.
- (5) The domicile of a minor follows the domicile of the parent from whom he derives his original domicile.
- (6) After marriage a woman acquires the domicile of her husband if she had not the same domicile before and her domicile during the marriage follows the domicile of her husband;

Provided that if the husband and wife separated by the order of competent court or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile.
- (7) Save as otherwise provided above, a person cannot during minority, acquire a new domicile.
