

THE GAUHATI HIGH COURT AT GUWAHATI
(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)

NOTIFICATION

Dated Guwahati, the 22nd September, 2016

TRANSFER POLICY

Whereas there is no well defined policy for transfer and posting of Judicial Officers in the State of Nagaland and in the process causing inconvenience to the Judicial Officers as well as to the High Court, now, therefore, to streamline the procedure and to maintain uniformity in transfer and posting of Judicial Officers of the State of Nagaland, the High Court hereby lays down the following transfer policy.

1. This policy shall be known as transfer policy of Judicial Officers in the State of Nagaland.
2. Transfer being an incidence of service, the Judicial Officers shall be liable to transfer from one station to another on routine as well as on the basis of exigency of service.
3. For the purpose of transfer and posting, the entire State of Nagaland is divided into 3(three) zones comprising of some districts and the same are as follows:
 - (i) Zone – A – Kohima and Dimapur
 - (ii) Zone – B – Peren, Mokokchung, Wokha and Phek
 - (iii) Zone – C – Zunheboto, Tuensang, Mon, Kiphire and Longleng.
4. Transfer from one zone to another will be on rotation basis. As such, all officers shall have to serve in all the zones during their tenure of service.
5. The normal tenure in one zone shall be of 3(three) years from the date of joining at a station irrespective of whether the officer gets promotion or not to the next higher post. However, an officer may file representation for extension of tenure at a place beyond 3(three) years or for transfer before expiry of such period of 3(three) years. In either case, such representation shall be examined and decided by High Court on merit. In

the event an officer is promoted within the normal tenure of 3(three) years to the next higher grade, effort shall be made to keep him in the same zone. However, if any exigency arises and there is no vacancy in the zone, in that event he may be transferred out of the zone on promotion.

6. Annual transfer of Judicial Officers shall be made in the month of December and March, every year and in the month of October Officers may submit option in the Form, attached herewith, to the High Court, in the case of those who complete 3(three) years, in December and March indicating 3(three) places of choice with reasons for choosing the places and in case of others, who desire transfer before completion of the aforesaid period indicating request for transfer and 3(three) places of their choice. However, it is made clear that the High Court, may in the interest of administration of public interest transfer any Officer to any station of the aforesaid zones.
7. Ordinarily an officer posted in 1(one) zone would not be considered for posting in the same zone till he has been posted in all other zones.
8. An officer on completion of total length of service of 12(twelve) years irrespective of his grade may ask for choice posting in any district which shall be considered on overall length of service subject to availability of vacancy and exigency of service.
9. While considering such choice posting the period of service of the officer left for retirement would also be considered. Such choice posting can be availed only once in the entire service period.
10. As far as possible the last posting of an officer, before retirement, should be in the district of which he is a permanent resident or a district of his choice.
11. If in a particular grade in a particular zone, sufficient posts are not available, the officer on transfer on completion of normal tenure may be accommodated in another zone.
12. Judicial Officers should work in both civil and criminal side.
13. No officer shall be posted within a period of 10(ten) years from the date of his initial appointment in a station which falls in his home district or where he had occasion to work as an Advocate on regular basis.

14. Where both husband and wife are Judicial Officers, effort shall be made first to post them in the same station, if not possible, in the same district and if that is also not possible, in the same zone, subject, however to the condition that one of the officers should not be the Reporting or Reviewing Authority of the ACR in respect of the other officer.
15. If an officer or any of his near relations (parents, spouse & children) and parents-in-laws in case of lady Judicial Officers are suffering from terminal illness such as cancer, kidney failure etc. he shall be entitled to preferential treatment for posting in a place where proper treatment facilities are available.
16. Judicial Officer with physical disability of 40% other than visual or hearing shall be entitled to posting in such places where frequent travels or mobility for long period is not required.
17. The Judicial Officers shall not make transfer request on frivolous grounds and such request for transfer can only be made when there are genuine grounds, supported by genuine circumstances and corroborated by tenable materials. Otherwise, they will risk disciplinary action.
18. Judicial Officers who is transferred at his own request is not entitled to travelling allowance in the spirit of SR 241 in Division XII of the Fundamental Rules and Subsidiary Rules.
19. The Hon'ble Chief Justice, however, shall have the power to relax and/ or to dispense with any of the foregoing provisions, if exigency of service so requires.
20. In case of any doubt or confusion in regard to purport, meaning or application of any of the aforesaid provisions, the decision of the Hon'ble Chief Justice shall be final.

By Order,
Sd/- M. A. Ali,
REGISTRAR (VIGILANCE)

Memo No.HC.VII-68/2016/ 4501-15 /A dated 22.09.2016

Copy to: -

1. The Secretary to the Govt. of Nagaland, Department of Justice and Law, Kohima.

2. The Principal Accountant General, Nagaland, Kohima.
3. The Registrar General, Gauhati High Court, Guwahati.
4. The Registrar (_____), Gauhati High Court, Guwahati.
5. The Registrar-cum-Principal Secretary to Hon'ble the Chief Justice, Gauhati High Court, Guwahati.
6. The Principal District & Sessions Judge, _____.
(They are requested to bring the Transfer Policy to the notice of all the Judicial Officers working under their jurisdiction)
7. The Registrar, Gauhati High Court, Kohima Bench, Kohima.
8. The District & Sessions Judge, _____.
9. The Principal Judge, Family Court, Kohima.
10. TDP (Vigilance), Kohima.
11. The Joint Registrar (_____), Gauhati High Court, Guwahati.
12. The Deputy Registrar (_____), Gauhati High Court, Guwahati.
13. The Private Secretary to Hon'ble Mr. Justice _____, Gauhati High Court, Guwahati.
14. The Systems Analyst, Gauhati High Court, Guwahati for uploading the Notification the Gauhati High Court website.
15. The Director (Printing & Stationery), Nagaland Govt. Press, Kohima for publication of the Notification in the Nagaland Gazette.

CAS 22/9/16
REGISTRAR (VIGILANCE)

22/9/16