

**HIGH COURT OF JAMMU AND KASHMIR
(Office of the Registrar General at Jammu)**

NOTIFICATION

No: 1063

Dated: 08.03.2016

In exercise of the powers conferred by Section 30 of the Jammu and Kashmir State Civil Courts Act, Svt. 1977, the High Court has made the following Rules:

CHAPTER - I

1. Short title and commencement :

- (i) These Rules may be called the Jammu and Kashmir Ministerial **Staff** of the Subordinate Courts (Recruitment and Conditions of Service) Rules, **2016**.
- (ii) These Rules shall come into force with effect from the date of their publication in the Government Gazette.

2. Definitions :

In the Rules unless the context otherwise requires :

- (a) 'Administrative Department' for the purpose of these Rules and all other Rules applicable to the ministerial officials means the High Court of Jammu and Kashmir exercising its control on ministerial staff through the Chief Justice.
- (b) 'Chief Justice' means the Chief Justice of the High Court of Jammu and Kashmir.
- (c) 'Competent Authority' means the chief justice or such other authority as may be prescribed by the regulations.
- (d) 'Competitive Examination' means the Examination in such papers, such other practical tests like typing, stenography etc. and such viva voce test or other tests prescribed by these Rules or as may be prescribed by the Chief Justice from time to time for different posts.
- (e) 'Departmental Promotion Committee' means a Committee set up by the Competent Authority for purposes of preparing the list of eligible persons for promotion to a category of posts under these Rules.

- (f) 'District Cadre' means a cadre of the Department in the District comprising all the posts shown in Schedule 'A' as District Cadre posts.
- (g) 'District Recruitment Board (Judicial)' means the Board constituted under these Rules or Regulations for the appointment of a person borne on a District Cadre.
- (h) 'Divisional Cadre' means the cadre of the Department in the Division comprising all posts shown in schedule (A) as Divisional cadre posts.
- (i) 'Divisional Recruitment Board' means the Board constituted under the Rules or Regulations for appointment of a person to the post borne on the Divisional Cadre.
- (j) 'Government' means the Government of Jammu and Kashmir.
- (k) 'High Court' means the High Court of Jammu and Kashmir.
- (l) 'Judge' means the Judge of the High Court of Jammu and Kashmir.
- (m) 'Ministerial **Officials**' means **staff** of every class and category working in the Subordinate Courts of the State.
- (n) 'Regulations' means the Regulations as prescribed by the Chief Justice under these Rules.
- (o) 'Service' means the Jammu and Kashmir Ministerial Officials of Subordinate Courts Service.
- (p) 'State' means the State of Jammu and Kashmir.
- (q) 'State cadre' means the cadre of the department in the state comprising all posts shown in schedule 'A' as State cadre posts.

3. **Interpretation** :

If, at any time, there arises any doubt regarding the application or interpretation of these rules, the same shall be decided by the Chief Justice whose decision in the matter shall be final.

4. **Delegation** :

The High Court or the Chief Justice, as the case may be, may, by a special or general order, delegate all or any of the powers and

functions as conferred or enjoined under these rules, to any Judge or an officer of the High Court.

CHAPTER - II

5. Constitution of J&K Ministerial Staff of Subordinate Courts Service :

“J&K Ministerial Staff of Subordinate Courts Service” shall come into being from the date of coming into force of these Rules. The service shall consist of posts as shown in the Schedule ‘A’. Persons already serving as Ministerial Staff at various levels and in different capacities prior to the coming into force of these rules shall form part of the service in their respective classes and categories. The grades of all these posts shall be the same as shown in Schedule ‘A’ subject to the change, modification or addition or revision as may be approved and sanctioned by the Government from time to time on the recommendation of the Chief Justice or otherwise.

6. Strength and Composition of the Cadre :

The State, Divisional and District Cadre of the Service shall consist of such number of permanent and temporary posts as stand sanctioned in the respective cadres on the date of enforcement of these Rules and such number of posts as may be sanctioned from time to time.

7. Appointment to the Service :

- (i) Appointment to the Service shall be made-
 - (a) by direct recruitment;
 - (b) by promotion; and
 - (c) partly by direct recruitment and partly by promotion.
- (ii) In case suitable candidates are not available for appointment in a mode prescribed in the Schedule, viz, by promotion or direct recruitment, the posts may be filled up by other mode or in such other manner as the Chief Justice may from time to time prescribe.

8. Age for direct Recruitment :

Age for direct recruitment in the service shall be the same as is provided and is made applicable to the State Government Service from time to time.

Provided that the age bar may be relaxed in general or individual cases for the reasons to be recorded in writing by the Chief Justice, if some special circumstances so warrant.

9. Probation :

Persons appointed whether by direct recruitment or by promotion, to any class or category in the Service shall be on probation for two years and their confirmation shall be subject to their clearing probation period satisfactorily. The Chief Justice may extend the period of probation in respect of a person appointed for reasons to be recorded in writing.

10. Qualifications for appointment :

- (i) No person shall be eligible for appointment in the Service, whether by direct recruitment or on promotion, unless he fulfills the requisite qualifications prescribed for such appointment in the Schedule-‘B’ to these Rules.

Provided that while granting promotion to a higher post, officials who are in service on the date these rules come into force shall be considered notwithstanding their qualifications and due regard shall be given to the service rendered by such employee. Chief Justice may grant relaxation in academic qualification to an in-service candidate in such cases, if he is otherwise suitable for the post and his service record has remained satisfactory.

Provided that in exceptional cases, for reasons to be recorded in writing, the Chief Justice may relax the qualification bar, either generally or in individual cases.

- (ii) Only permanent residents of Jammu and Kashmir State shall be eligible for appointment in the Service.

11. Reservations in appointments :

While making appointments either by direct recruitment or promotion, reservation shall be made in accordance with the rules and orders issued from time to time for members of the Scheduled Caste, Scheduled Tribes or any other category or class of permanent residents of the State for whom reservation may be made under orders of the Government subject to such modifications as are deemed necessary by the High Court. The Chief Justice may from time to time, either generally or with relation to any particular recruitment, issue guidelines for the purposes of making such reservation.

12 Procedure for appointment :

- (i) The appointments of ministerial staff of the Divisional Cadre and the District Cadre shall be made by the Chief Justice and the District Judge of the District concerned respectively, as the case may be, in accordance with the procedure prescribed, therefore under the, Regulations framed by the Chief Justice. The Regulations inter alia, provide for the following : -
 - (a) Method of selection to a particular post;
 - (b) The manner in which applications are to be invited from prospective candidate;
 - (c) The holding of written Examination for preliminary scrutiny of candidates or selection, as the case may be;
 - (d) The syllabus prescribed for such written Examinations and marks earmarked therefor;

- (e) Conduct of the viva-voce, shorthand and the type test and the marks prescribed therefore;
- (f) The Constitution of Selection Committee either general or in case of specified classes of selection / appointment, if necessary.
- (g) The number of candidates to be called for viva-voce/shorthand/typing test based upon the result of written Examination, with reference to the availability of posts in any particular class or category;
- (h) The preparation of select/waiting list/and the period 'for which it may remain valid; and
- (i) Constitution of a District or Divisional Recruitment Board.

13. Discipline and Conduct :

In regard to all matters governing the discipline and conduct of the members of the service, including discipline, suspension, imposition of penalty, retirement on superannuation or otherwise, including voluntary retirement, removal or dismissal from service or matters related thereto, directly or indirectly, and not specifically prescribed in or provided for by these Rules, the correspondence Rules applicable to the employees of the State Government, including J&K Civil Services (Classification, Control and Appeal) Rules, 1956 shall be applicable.

Provided that where any of the power relating to these matters is to be exercised by the Government under various rules, same shall, under these rules, be exercised by the Chief Justice and power vested in the Government in this behalf shall deemed to have vested in the Chief Justice.

14. Residuary matters :

In regard to matters relating to leave, pension gratuity, medical reimbursement, compulsory and voluntary retirements and such other

matters for which no specific provisions have been made in these rules, the Rules, regulations, order and Policies, as are applicable, from time to time, to employees in the State Government shall be applicable to the members of the Service.

Provided that where any of the power relating to these matters is to be exercised by the Government under various rules, same shall, under these rules, be exercised by the Chief Justice and power vested in the Government in this behalf shall deemed to have vested in the Chief Justice.

15. Transfers :

- (i) Within District, Transfers of Ministerial Staff may be ordered by the District Judge of the District concerned.
- (ii) Inter-District and Inter-Divisional transfers of Ministerial Staff may be ordered by the Chief Justice.

Provided that the Chief Justice shall, also have the powers to effect transfers within district in the interest of administration.

- (iii) The Chief Justice may transfer, depute or induct an employee in the High Court Service in the administrative exigency and on according consideration to all eligible and similarly situated officials. The Chief Justice may transfer by way of deputation a ministerial Official to the High Court Service in the administrative exigency and on according consideration to all eligible and similarly situated officials.
- (iv) The Chief Justice may, from time to time issue directions/orders regulating the policy of transfers of ministerial staff, including transfer by way of deputation.

16. Maintain of character rolls, their communication and representation against adverse entries :

- (I) (a) An annual character roll shall be recorded and maintained for each member of the service.

- (b) Entries in the character roll of the members of the service belonging to the Divisional Cadre shall be recorded annually by, an officer appointed in this behalf by the Chief Justice.
 - (c) Entries in the character rolls of the members belonging to the District Cadre shall be recorded by the District Judge concerned.
 - (d) In respect of members of the service, belonging to both Divisional as well as the District Cadre, the Presiding Officers of the Court, where such member is serving, shall submit his report/assessment annually alongwith character roll-form prescribed for this purpose to the Officer mentioned in sub-clause (b) above or the District Judge concerned mentioned in sub-clause (c) above and, while recording the annual character roll, both of them shall ordinarily be guided by such report assessment of the Presiding Officer of the Court unless concerned Officer or the District Judge, as the case may be, comes to a different conclusion and disagrees with the report assessment of the Presiding Officer, for reasons to be recorded in writing.
- (II) Adverse entries in the character roll shall be communicated to the concerned member of the service.
 - (III) If any person is aggrieved by any entry(ies) recorded in his character roll he may make a representation in writing to the authority regarding such entry(ies) within 30 days from the date of communication of such entry(ies). On receipt and consideration of such representation such authority may dispose it of on its merits and pass appropriate orders.
 - (IV) Any person aggrieved by the passing of an order mentioned in clause (II) above, may prefer an appeal within 60 days from the date of passing of such an order to the Chief Justice who on consideration of such appeal, shall pass appropriate orders.
-

17. Crossing of Efficiency Bar :

No Member of Ministerial Staff shall be allowed to cross the efficiency bar prescribed in the scale unless: -

- (i) he possess the qualification, if any, prescribed for holding the scale;
- (ii) his character rolls for the last three years have been good; and
- (iii) his work and conduct is certified to be good by the Presiding Officer of the Court where he is working.

18. Seniority :

- (i) Seniority shall be determined and maintained separately for each category and post in the establishment;
- (ii) Separate seniority lists shall be maintained in the State, Divisional and District cadre in the High Court.
- (iii) General principles of seniority and those specifically contained in the J&K Civil Services (Classification, Control and Appeal) Rules, 1956 shall apply with respect to matters relating to seniority in the service.

19. Powers to dispense with the application of Rules :

Notwithstanding anything contained in these Rules, where the Chief Justice is satisfied that the operation of any Rule causes undue hardship in any particular case, he may by order, dispense with or relax the requirements of that Rule, to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner; provided that the case is not dealt with in a manner less favourable to the concerned than in accordance with the rules.

20. All matters of appointment, promotion, seniority, suspension, leave and punishment of the ministerial staff of the Divisional cadre shall be decided by the competent authority.

21.(i) An appeal shall lie to the Chief Justice against any order passed by a District Judge relating to suspension, promotion, seniority or any punishment imposed by him. An appeal against the order of Chief Justice regarding dismissal or removal shall lie to two Judges of the High Court to be nominated by the Chief Justice.

(ii) The aggrieved employee shall file the appeal before the Competent Authority within thirty days from the date of receipt of the order by him.

22. Suspension :

Any member of the Service belonging to the Divisional or District cadre may, for sufficient reasons and in accordance with the principles laid down in the J&K Civil Services (Classification, Control and Appeal) Rules, 1956 be suspended by the District Judge of the District concerned where he is serving at the relevant time. The suspension, however, by the said District Judge of the members of the Service belonging to the Divisional cadre shall be subject to confirmation by the Chief Justice.

23. Repeal and saving :

(i) All rules, orders, notifications or directions corresponding to or inconsistent with these rules and in force immediately before the commencement of these rules are hereby repealed.

(ii) Notwithstanding such repeal any order made or action taken under the provisions of the rules repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

Schedule A
SANCTIONED STRENGTH OF MINISTERIAL STAFF OF SUBORDINATE COURTS
OF JAMMU AND KASHMIR AS ON 20.02.2016.

S. No	Category	Grade	Jammu	Kashmir	Total No. of Posts	Cadre
1	Administrative Officer	9300-34800+ GP 4800	2	2	04	State
2	Accounts Officer	9300-34800+ GP 4800	3	3	06	State
3	Section Officer	9300-34800+ GP 4600	25	28	53	Divisional
4	PA cum Sr. Scale Stenographer	9300-34800+ GP 4600	14	17	31	Divisional
5	Urdu Stenographer	9300-34800+ GP 4600	01	-	01	Divisional
6	Urdu Stenographer	9300-34800+ GP 4200	-	01	01	Divisional
7	Jr. Scale Stenographer	9300-34800+ GP 4200	20	23	43	Divisional
8	Head Asstt.	9300-34800+ GP 4200	73	77	150	Divisional
9	Senior Asstt.	5200-20200+ GP 2400	221	242	463 (including 40 posts in Kashmir Div and 32 post in Jammu Div. created under 13 th Finance Commission)	Divisional
10	Steno typist	5200-20200+ GP 2400	59	64	123 (including 20 posts in Kashmir Div. and 16 posts in Jammu Dvi. created under 13 th Finance Commission)	Divisional
11	Accounts Clerk	5200-20200+ GP 2400	1	2	3	District
12	Data entry Operator	5200-20200+ GP 2400	6+8=	14	14 (State Cadre)	State
13	Jr. Asstt.	5200-20200+ GP 1900	302	298	600 (including 48 posts in Kashmir Div. and 38 posts in Jammu Dvi. created under 13 th Finance Commission)	District
14	Data entry Operator/computer operator	5200-20200+ GP 1900	5	5	10	District
15	Library Assistant	5200-20200+ GP 1900	1	1	2	District
16	Process Server	5200-20200+ GP 1900	328	269	597	District
17	Driver	5200-20200+ GP 1900	15	22	37	District
18	Jamadar	4440-7440 + GP 1400	11	22	33	District
19	Orderly	4440-7440 +GP 1300	129	165	294 (including 86 posts created under 13 th Finance Commission)	District
20	Chowkidar	4440-7440+ GP1300	18	32	50	District
21	Safaiwala	4440-7440+ GP1300	14	16	30	District

Note: 54 posts of Sr. Assistants are to be surrendered in view of re-organisation scheme.

Schedule B

S.no	Name of post	Existing pay scale	Class	Category	Minimum Qualification	Method of Recruitment
1	Administrative Officer	9300-34800 + GP 4800	I	A	Graduation	By selection from Class II categories "A", "B" and "C" in ratio of 50:50 who have knowledge of Local Laws, CSR etc. Total strength of each category shall at no time exceed prescribed ratio of total posts.
2	Accounts Officer	9300-34800+ GP 4800	I	B	-do-	By selection from Class II category "A" who have knowledge of Accountancy.
3	Section Officer	9300-34800+ GP 4600	II	A	-do-	By selection from Class III category "C" who have knowledge of local Laws, CSR etc.
4	PA cum Sr. Scale Stenographer	9300-34800+ GP 4600	II	B	-do-	By selection from Class III category "B" who have put in at least 5 years of service as such and after qualifying test in shorthand and typewriting with standard as laid down by the Chief Justice.
5	Urdu Stenographer	9300-34800+ GP 4600	II	C	Graduation with Diploma in Urdu Stenography from a Government recognized Institute.	By direct recruitment.
6	Urdu Stenographer	9300-34800+ GP 4200	III	A	Graduation with Diploma in Urdu Stenography from a Government recognized Institute.	By direct recruitment.
7	Jr. Scale Stenographer	9300-34800+ GP 4200	III	B	-do-	By promotion from Class IV category 'B'.
8	Head Asstt.	9300-34800+ GP 4200	III	C	Graduation from a recognized University	By Promotion from Class IV "A" & "C".
9	Senior Asstt.	5200-20200+ GP 2400	IV	A	-do-	By promoting from Class V category 'A' and 'C'.
10	Steno typist	5200-20200+ GP 2400	IV	B	-do-	Direct recruitment (qualifying test in Shorthand & Typewriting with minimum standard as laid down by the Chief Justice.
11	Accounts Clerk	5200-20200+ GP 2400	IV	C	Graduation from a recognized university having proficiency in Accountancy.	By direct recruitment.
12	Data entry Operator	5200-20200+ GP 2400	IV	D	Graduation from a recognised University with Diploma in Computer Application from an Institute recognized by All India Board of Technical Education/ State Board of Technical Education. Or Bachelors degree in Computer Applications from a recognised University.	By direct recruitment.

13	Jr. Asstt.	5200-20200+ GP 1900	V	A	-do-	1) 80% by direct recruitment. 2) 20% by selection from amongst graduate Process Servers having experience of two years.
14	Data entry Operator/computer operator	5200-20200+ GP 1900	V	B	Graduation from a recognised University with Diploma in Computer Application from an Institute recognized by All India Board of Technical Education/ State Board of Technical Education. Or Bachelors degree in Computer Applications from a recognised University.	By direct recruitment.
15	Library Assistant	5200-20200+ GP 1900	V	C	B. Lib from a recognised University	By direct recruitment.
16	Process Server	5200-20200+ GP 1900	V	D	10+2 or equivalent from recognized Board/University.	1) 50% by direct recruitment. 2) 50% by selection from class VI "A" & Class VII category A,B,C with minimum experience of 3 years.
17	Driver	5200-20200+ GP 1900	V	E	Matric.	By direct recruitment after conducting test including driving test. The candidate shall be carrying a valid LMV/HMV licence at the time of recruitment.
18	Jamadar	4440-7440 + GP 1400	VI	A	Matric.	By promotion from Class VII category "A", "B" and "C" on the basis of seniority.
19	Orderly	4440-7440 + GP 1300	VII	A	-do-	By direct recruitment.
20	Chowkidar	4440-7440+ GP1300	-do-	B	-do-	-do-
21	Safaiwala	4440-7440+ GP1300	-do-	C	-do-	-do-

M. Y. Akhison
Principal Secy.
to Hon'ble Chief Justice.

(M.K. Hanjura)
Registrar General