

10016/24

07 JUN 2024

DISTRICT & SESSIONS COURT
THIRUVANANTHAPURAM
101

ANNEXURE-A

GENERAL TRANSFER MEMO 2024

The High Court is authorized by Rule 14 of the Kerala Judicial Service Rules, 1991, to make postings and transfers of members of the Kerala Judicial service, viz., Civil Judge (Senior Division) and Civil Judge (Junior Division). Rule 5A of the Kerala State Higher Judicial Service Rules, 1961, similarly authorizes the High Court to make postings and transfers of District & Sessions Judges. Further, Article 235 of the Constitution of India also empowers the High Court, inter alia, to make postings of persons belonging to the Judicial Services of the State. While exercising the powers so conferred, to avoid appearance of arbitrariness, the following guidelines are framed in the matter of transfers and postings of Judicial Officers, in supersession of all the previous guidelines issued in this regard.

It is found necessary, in the interest of administration of justice, that as far as possible, General Transfers of Judicial Officers, should afford them an opportunity to acquire knowledge by getting exposed to the different nature of work in various parts of the State. Thus, the practice of Officers seeking posting in Stations in close proximity to their home town, place of permanent residence etc. is deprecated. Hence, for the purpose of General Transfer of Judicial Officers in the District Judiciary, the Judicial Districts in the State of Kerala are divided into three zones as follows;

South Zone : Thiruvananthapuram, Kollam, Pathanamthitta, Alappuzha,

Central Zone : Kottayam, Thodupuzha, Ernakulam, Thrissur, Palakkad .

North Zone : Manjeri, Kozhikode, Kalpetta, Thalassery, Kasaragod.

1. Seniority, the suitability of Officers in the interest of administration of justice and also exposing them to different nature of work shall be the paramount criteria for transfer and posting of Officers. Compassionate grounds as per the Mid Term Transfer norms may also be considered provided that such grounds would be considered only after automated General Transfer Proposals are generated and would be granted in exceptional circumstances for a maximum period of one year only.
2. The normal tenure of service of a Judicial officer in one Zone shall be 3 (Three) years from the date of taking charge at a Station in the Zone.
3. No Officer shall be permitted to work in the same District for more than three years continuously. However, he/she shall be permitted to work in another District of the same Zone for another 3 year term, in exceptional circumstances, to the satisfaction of the Administrative Committee, subject to a maximum of 6 years continuous service in a Zone. However, this norm shall not be applicable [a] in the case of Officers who are working on deputation in the High Court and related institutions including KeLSA, as it is within the prerogative of the Honourable the Chief Justice to choose such Officers and [b] in the case of Family Court Judges, who shall normally be allowed to continue in the same Station for five years as per Rule 3 of the Family Courts (Kerala) Additional Rules, 1990 read with sub-section (5) of Section 4 of the Family Courts Act, 1984.
4. Transfer from one Zone to another Zone will be on rotation basis. That is, transfers will be in accordance with the following order :
From South Zone to Central Zone, Central Zone to North Zone and North Zone to South Zone, unless the posts in the respective Zones get exhausted. In that case, the Officer will be posted in the third Zone as much as closer to the exhausted Zone.
Also, if an Officer has previously worked for three years in the designated zone immediately prior to the present term, he can choose the 3rd zone.

5. Intra-Zone postings shall be restricted to the minimum and resorted to only in exceptional circumstances such as in the case of non availability of inter - Zone stations for posting.
6. No Officer who has not completed three years in his current station will be transferred unless it is necessary in the interest of administration of justice.
7. There must be an interval of not less than six years of service between two terms in a Zone, except in exceptional circumstances, to the satisfaction of the Administrative Committee. The period during which an officer has worked in deputation posts including DLSA will also be counted for this purpose, except in the case of deputation in the High Court and related institutions . When the Officer is transferred to a zone where he had worked earlier, the Officer shall be posted in a District other than the District the Officer worked earlier, as much as possible. If the tenure in the first term is less than one year, that may also be excluded while computing the period of six years.
8. An Officer shall not be permitted to work in the same District for more than three terms in his/her total service. An Officer shall be posted in a Zone for the 2nd time only after the lapse of 6 years. No Judicial Officer shall be allowed to work in a particular District for a period of more than nine years in his/her service tenure.

Provided that if a Judicial Officer has served in a particular district for a total period of nine years, he/she shall not be posted again in the same district throughout his/her service career .

9. No Officer shall be permitted to work in a Centre /Station in which he/she has practiced as a lawyer. As much as possible, the Officers shall be posted in a Centre/Station other than a place where they were born and brought up or where they have close relations, landed property etc. Officers in the cadre of District Judges shall not be posted in the District of their practice, even if the place of practice was only at a different Centre/Station in that District .

Explanation: (i) Close relative means father, mother, spouse, son, daughter, father in-law, mother-in-law .

10. Officers who are completing three years between 1 June and 31 August of the year of transfer shall also be considered for general transfer .
11. Applications for transfer of Officers who have not completed three years will not be entertained, except under special circumstances. However, Officers who are posted at a particular station during midterm on account of first appointment or promotion to a higher cadre or posted or transferred otherwise than on their own request will also be considered in the next general transfer at his/her request. In such cases the Officer shall not be eligible for transfer grant.
12. On promotion, in case the Officer has not completed 3 (Three) years stay in a Zone and vacancy is available, he/she may, at the discretion of High Court, be allowed to continue in the same Zone till he/she completes 3 (Three) years.
13. Where both husband and wife are Judicial Officers, irrespective of their seniority, as far as possible they will be posted 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 Authority of the purpose of preparation of ACR of the other Officer. In case the aforesaid arrangement cannot be adhered, one of the spouses may be posted in adjoining Zone, at the discretion of the High Court. Accommodating a couple in one station or within the same district or Zone would be to the discretion of the High Court. Administrative exigency and administration of justice shall always remain predominant factors for consideration by the High Court.
14. Notwithstanding the provisions, Judicial Officer with not more than one year of service from attaining superannuation, may not to be disturbed from his/her existing place of posting. Such Officer may, on his/her preference get the posting in his/her the home station, as far as possible. However, the Officer is entitled to request for transfer to any other place.
15. An Officer who has worked in all Zones and has only three years or lesser service remaining, can opt any district in his/her present zone itself, other than the present District.

16. Physically Challenged Judicial Officers with disability of 40% or more shall be entitled to posting in such places where frequent travels or mobility for long period is not required irrespective of their seniority.
17. Judicial Officers may be allowed to continue at their place of posting for more than three years, if his/her son or daughter is pursuing study in 9th or 11th Standards at the time of submission of General Transfer applications.
18. For the purpose of posting of Principal District and Sessions Judges or other Courts which the Administrative Committee finds to be of special importance and where senior most officers are ordinarily posted, zone restrictions would not be applicable and the High Court can post them anywhere, considering administrative exigencies and the suitability of the Officer concerned in terms of the norms of the High Court.
19. The Registry, before the end of October every year, will alert the Officers who are likely to be transferred so as to enable them to indicate their first, second and third preferences within the designated zone.
20. After the applications have been obtained, the Registrar (District Judiciary) shall make draft proposals as per the norms, and the same shall be placed before the Special Committee to scrutinize the proposals for General Transfer. The proposals approved or modified by the said Committee shall then be placed before the Administrative Committee, and finally before the Full Court for its decision. The proposals shall be finalized before the end of December each year and will be published in the website of the High Court.
21. No representation against the General Transfers ordered by the High Court will be entertained, except on very exceptional grounds, to the satisfaction of the Administrative Committee.
22. The above guidelines shall not in any way affect the powers of the High Court to transfer any Officer at any time to any station, in exigencies of service.
23. In case any difficulty arises in respect of interpretation of any clause of this norms or its implementation, the same shall be clarified by the Chief Justice and the clarification be treated as part of this policy.

P. KRISHNA KUMAR
Registrar General
High Court of Kerala
Kochi-682 031



Order No. M-10015/2024 dated 15.06.2024 of the District Court, Thalassery :- Copy communicated to all Presiding Officers in this district for information and strict compliance



DISTRICT JUDGE
[Signature]