GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICES—KERALA JUDICIAL MINISTERIAL SUBORDINATE SERVICE—RULES—ISSUED

PUBLIC (RULES) DEPARTMENT

G.O. (P) No. 177/75/PD. Dated, Trivandrum, 2nd September, 1975

NOTIFICATION

G.O. (P) No. 177/75 —In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (13 of 1968) and in supersession of all the existing rules and orders on the subject, the Government of Kerala hereby make the following special Rules in respect of the Kerala Judicial Ministerial Subordinate Service, namely:—

RULES

1. *Short title and commencement.*—(a) These rules may be called the Kerala Judicial Ministerial Subordinate Service Rules.

(b) They shall come into force on the date of their publication in the Gazette.

2. *Application.*—These rules shall apply to the holders of all posts in the service whether the posts are temporary or permanent and whether their appointments thereto are before the coming into force of these rules, except to the extent otherwise expressly provided

(i) by or under any law for the time being in force, and

(ii) in respect of any member of the service by a contract or agreement subsisting between such member and the State Government

3. *Applicability of the General Rules.*—The Kerala State and Subordinate Services Rules, 1958 as amended from time to time shall apply to the service except to the extent express provision is otherwise made in these rules.

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4. *Constitution.*—The Service shall consist of the following classes and categories of officers employed in the Subordinate Courts (Civil including the office of the State Transport Appellate Tribunal and Criminal).

CLASS I

Category 1. (a) ~~Sheristadars of Subordinate Judges' Courts and~~ Head Clerks of District Courts

(b) Head Clerks of Chief Judicial Magistrates' Courts.

Category "2. (a) Junior Superintendents of Munsiff's Courts";

(b) Head Clerks of Munsiff's Courts and Central Nazirs;

(c) ~~Head Clerks of Sub Divisional Judicial Magistrates Court~~". Courts of Judicial Magistrates of the First Class Munsiff-Magistrate's Courts (Criminal side) and " Courts of judicial Magistrates of Second Class and the Bench Clerks of the "Chief Judicial Magistrate's Courts." *

Category "3. (a) Upper Division Clerks and Deputy Nazirs (Civil Wing)

(b) Upper Division Clerks (Criminal Wing)

(c) Kannada Translators (Civil Wings)

Category 4. (a) Lower Division Clerks including Examiners (Civil and Criminal Wings)

(b) Kannada Lower Division Clerks (Civil and Criminal Wings)

(c) Tamil Lower Division Clerks (Civil and Criminal Wings)"*

(d) Clerk-Typist (Criminal Wing).**

Category 5. Stenographers (Civil and Criminal Wings)

(a) Senior Grade

(b) Grade I

(c) Grade II

Category 6. Typists (Civil and Criminal Wings)

(a) Senior Grade

(b) Upper Division

(c) Lower Division

Category 7. Amins (Civil Wings)

Category 8. Copyists including Typists—Copyists (Civil and Criminal Wings)

CLASS II

Category : Attenders (Civil and Criminal Wings)

5. *Appointment and appointing authorities.*—(a) Appointment to the several classes and categories shall be made as follows:—

Class and category	*Method of appointment*
(1)	(2)
Category 1 (a): ~~Sheristadars of Subordinate Judges Courts and~~ Head Clerks of District Courts.	*Class I* Appointment from category 2(a) or if no qualified and suitable member is available for such promotion, promotion from category 2 (b) or if no qualified and suitable member is available for such promotion, recruitment by transfer from any other service or direct recruitment.*
Category 1(b); Head Clerks of "Chief Judicial Magistrates' Courts	Promotion from category 2 (c) or i no qualified and suitable member is available for such promotion, promotion from category 3(b) or if no qualified and suitable member is available for such promotion, recruitment by transfer from any other service or direct recruitment.*
Category 2 (a): Junior Superintendent of Munsiff's Courts	Promotion from category 2(b); or if no qualified and suitable member is available for such promotion, promotion from Category 3 (a) or 3 (c), or if no qualified and suitable member is available for such promotion, recruitment by transfer from any other service, or direct recruitment ;*
Category (2b); Head Clerks of Munsiff's Courts and Central Nazirs	Promotition from category 3 (a) or 3 (c) or if no qualified and suitable member is available for such promotion, promotion from category 4 or if no qualified and suitable member is available for such promotion, recruitment by transfer from any other service or direct recruitment.*

(1)	(2)
Category 2(c):	
Head Clerks of Sub-divisional Judicial Magistrates' Courts, Additional Courts of Judicial Magistrates of the First Class Munsiff- Magistrates Courts (Criminal side) and Courts of Judicial Magistrates of the Second Class and the Bench Clerks of the Chief Judicial Magistrates Courts	Promotion from category 3 (b) or if no qualified and suitable member is available for such promotion, promotion from category 4 or if no qualified and suitable member is available for such promotion, recruitment by transfer from any other service or direct recruitment.
Category 3 (a):	
Upper Division Clerks and Deputy Nazirs (Civil Wing)	(1) Promotion from category 4. OR (2) If no qualified and suitable member is available under item (1) above by promotion from categories 7 and 8 on the basis of their length of service in the respective categories. OR (3) If no qualified and suitable member is available under items (1) and (2) above recruitment by transfer from any other service or direct recruitment.
Category 3 (b):	
Upper Division Clerks (Criminal Wing)	(1) Promotion from Category 4. OR (2) If no qualified and suitable member is available under item (1) above, by promotion from category 8. OR (3) If no qualified and suitable member is available under items (1) and (2) above recruitment by transfer from any other service or direct recruitment.

(1)	(2)
Category 3 (c):	
Kannnada Translators (Civil Wing)	Promotion from a post on the next lower grade of pay in the Civil Wing or if no qualified and suitable hand is available for such promotion from the Civil Wing, then from the Criminal Wing of the same district, or if no qualified and suitable hand is available for such promotion, by transfer or direct recruitment. *Note.*—Stenographers, Grade II category 5(c) and Lower Division Typists category 6(c) allotted to the Kerala State from the erstwhile Madras State are also eligible for promotion to category 3 (a) and 3 (b) if they are qualified and otherwise suitable.
"*Category* 4(a):	
Lower Division Clerks including Examiners (Civil and Criminal Wings)	The method of appointment prescribed by Government for the post of Lower Division Clerks in the Kerala Ministerial Subordinate Service from time to time shall apply to this category unless otherwise expressly provided herein.*
"*Category* 4(b):	
Kannada Lower Division Clerks (Civil and Criminal Wings)	The method of appointment prescribed by Government for the post of Lower Division Clerks in the Kerala Ministerial Subordinate Service from time to time shall apply to this category unless otherwise expressly provided herein.*
"*Category* 4(c):	
Tamil Lower Division Clerks (Civil and Criminal Wings)	The method of appointment prescribed by Government for the post of Lower Division Clerks in the Kerala Ministerial Subordinate Service from time to time shall apply to this category unless otherwise expressly provided herein.*

(1)	(2)
,'*Category* 4 (d):	
Clerk-Typists (Criminal Wing)	1. Promotion from qualified Copyists 2. If no qualified and suitable candidate is available under item (1) above, by promotion from Attenders (~~Civil and Criminal Wings~~) under ~~*Class II*~~. 3. If no qualified and suitable candidates is available under items (1) and (2) above, by transfer from the Last Grade Servants of the same unit. 4. By direct recruitment. *Note:*—Promotion or transfer and direct recruitment shall be in the ratio of 1:2";**
Category 5:	
Stenographers (Civil and Criminal Wings)	
(a) Senior Grade	Promotion from Stenographers, Grade I
(b) Grade I	Promotion from Stenographers, Grade II
(c) Grade II	Promotion from qualified Lower Division Typists who are found suitable and willing and direct recruitment in the ratio of 1:1. *Note:*— The ratio is subject to suitable hands being available for promotion.
Category 6:	
(a) Typist, Senior Grade (Civil and Criminal Wings):	Promotion from Upper Division Typists.*
(b) Typists, Upper Division (Civil and Criminal Wings):	Promotion from Lower Division Typists.
	Civil Wings
(c) Typists, Lower Division (Civil and Criminal Wings):	(1) Promotion from Amins and Copyist on the basis of common seniority in the Civil Wing.

(1)	(2)
	(2) If no qualified and suitable member is available under item (1) above, promotion from Attenders under CLASS II. (3) If no qualified and suitable member is available under items (1) and (2) above, by recruitment by transfer from the Last Grade Servants of the same unit; (4) Direct recruitment;
	Criminal Wing
	(1) Promotion of qualified Copyists in the Criminal Wing; (2) If no qualified and suitable member is available under item (1) above, promotion from Attenders under CLASS II. (3) If no qualified and suitable member is available under item (1) and (2), above, by recruitment by transfer from the Last Grade Servants of the same unit; (4) Direct recruitment. *Explanation.*—(1) In both Wings (Civil and Criminal) promotion or transfer and direct recruitment shall be in the ratio of 1:2;
Category 7:	
Amins (Civil Wing)	Promotion from Attenders under class II or, if no suitable and qualified member is available for such promotion, transfer from the last grade servants of the same unit, and direct recruitment. The ratio between promotion or transfer and direct recruitment shall be 1 : 2. *Note:*— The ratio is subject to suitable hands being available for promotion or transfer.

(1)	(2)
Category 8:	
Copyists (including Typist-Copyists) (Civil and Criminal Wings)	. Promotion from Attenders under class II or if no suitable and qualified member is available for such promotion, transfer from the last grade servants of the same unit, and direct recruitment. The ratio between promotion or transfer and direct recruitment shall be 1:2; *Note.*— The ratio is subject to suitable hands being available for promotion or transfer.
CLASS II	
Attenders (Civil and Criminal Wings)	Transfer from the last grade service of the same unit or if no suitable and qualified member is available for such transfer, direct recruitment.

(b) The appointing authority for the posts in the Civil Wing shall be the District Judge and for the posts in the Criminal Wing, the Chief Judicial Magistrate. "provided that the appointing authority for categories 5 (a), 5 (b), 6 (a) and 6 (b) in class I in both the wings shall be the Registrar, High Court.*

(c) All appointments shall be made subject to the control of the High Court. The control of the High Court shall be subject to the rules laid down in the Kerala State and Subordinate Services Rules and these rules.

(d) The appointing authority may, on the application of a member belonging to category 7 or 8 in class I, transfer him to a post in category 4 or 6(c) in the same units provided he is suitable and qualified to hold the latter post and has served for at least two years in the former category.

Explanation: For the purpose of this sub-rule service as Reader will be treated as service in categories 7 and 8.

"(e) The appointing authority may, on the application of a member belonging to category 5 or categories 6(a) and 6(b) in CLASS I and who has completed 10 years of service, appoint him to every sixth vacancy arising in category 3(a) or 3(b) in the same unit, provided he is suitable and qualified to hold the post and has as much service as the seniormost member in category 4 awaiting promotion.*

Explanation:—1. For the purpose of this sub rule, service rendered in category 6(c) will also be taken into account in calculating the 10 years service in the case of categories 6 (a) and 6 (b).*

Explanation:—2. As between members of categories 5, 6(a) and 6(b), such appointment shall be made on the basis of seniority determined with reference to the date of appointment to category 5 or category 6, as the case may be";

6. *Unit of appointment, seniority, discharge, etc.*—For the purpose of recruitment seniority, discharge for want of vancacy and reappointment of probationers and approved probationers, appointment of full members, promotion, postings and appointment from one post to another in the same category, the Civil Wing and the Criminal Wing of each district shall each be a separate unit.

"Provided that the Civil and Criminal Wings in respect of Categories 5(a), 5(b), 6(a) and 6(b) in CLASS I shall each be a separate State Unit.";

Explanation :—1 The seniority of a member of the service who is transferred on administrative grounds only from one unit to another, shall be fixed in the latter unit with reference to the date of his first appointment or first effective advice as the case may be, in the former unit.

Explanation :—2 A member of the service who is transferred at his own request from one unit to another shall have his seniority fixed in the latter unit with reference to the date of his first appointment in that unit.

Explanation :—3 A member of the service who is transferred from one category to another under rule 5 (d) or rule 5(e) shall have his seniority fixed in the latter category with reference to the date of his first appointment in the latter category.

7. *Reservation of appointments.*—The rules of reservation (Rules 14—17 of the Kerala State and Subordinate Services Rules, 1958 as amended from time to time) shall apply to appointments by direct recruitment.

8. *Promotion.*—Promotion to all posts shall be in accordance with seniority subject to fitness.

Note: This rule shall be subject to the benefits conferred by G.P. No. S(c) 4-14527/56/PD dated 19-11-1957 as modified from time to time, on persons in service on 1-11-1957.

9. *Revision of orders of promotion.*—An order of promotion made by the District Judge or the Chief Judicial Magistrate may be revised by the High Court. Such revision may be made either suo motu at any time, or on a petition submitted by an aggrieved member within six months from the date of passing the order:

Provided that the said period of six months may be extended by the High Court, if sufficient cause is shown for the delay in the submission of the petition.

10. *General qualification.*—No person shall be eligible for appointment to Class I of the service except category 6(c) unless he possesses the minimum general educational qualification of the S.S.L.C. standard specified in the Schedule to Part II of the Kerala State and Subordinate Services Rules provided that Ex-servicemen and candidates belonging to scheduled castes/ scheduled tribes who have passed Standard VII or its equivalent will be considered eligible for appointment as Amin.*

11. *Age qualifications.*—No person shall be eligible for appointment by direct recruitment to any of the posts in the service, if he has not completed or will not complete 18 years of age or if he has completed or will complete 30 years of age on the first July of the year in which applications are invited by the Commission for selection.

12. *Special educational qualifications.*—No person shall be eligible for appointment to the posts specified in column (1) of the table below by the method specified in column (2) unless he possesses the qualifications prescribed in the corresponding entry in column (3) thereof.

Post	*Method of appointment*	*Qualification*
(1)	(2)	(3)
	CLASS I	
1 (a) ~~Sheristadars of Subordinate Judges' Courts~~ and Head Clerks of District Courts	Promotion or transfer	(i) Sheristadar's Test or Head Clerks Test or Judicial Test or Civil Judicial Test and Criminal Judicial Test (except Medical Jurisprudence) (ii) Account Test (Lower) or Account Test for Subordinate Officers, Part I (Madras).*
	Direct recruitment	B.A., B.Sc. or B.Com. and a Degree in Law of a recognised University.
(b) Head Clerks of Chief Judicial Magistrates' Courts	Promotion or transfer	(i) Sheristadar's Test or Head Clerks' Test or Judicial Test or Criminal Judicial Test (except Medical Jurisprudence).

(1)	(2)	(3)
		(ii) Account Test (Lower) or Account Test for Subordinate Officers, Part I (Madras).
	Direct recruitment	B.A., B.Sc., or B.Com. and a Degree in Law of a recognised University.
"2 (a) Junior Superintendent of Munsiff's Courts	Promotion or transfer	(i) Sheristadar's Test or Head Clerks' Test or Judicial Test or Civil Judicial Test.*
		(ii) Account Test (Lower) or Account Test for Subordinate Officers Part I (Madras)
	Direct recruitment	B.A., B.Sc. or B.Com. and a degree in Law of recognised University"
(b) Head Clerks of Munsiff's Courts and Central Nazirs	Promotion or transfer	(i) Sheristadars' Test or Head Clerk's Test or Judicial Test or Civil Judicial Test.
		(ii) Account Test (Lower) or Account Test for Subordinate Officers, Part I (Madras).
(c) Bench Clerks of 1st Grade	Direct recruitment	B.A., B. Sc. or B. Com. and a Degree in Law of a recognised University.
~~(c)~~ Head Clerks of Subdivisional Judicial Magistrates' Courts, "Courts of Judicial Magistrates of the First Class Munsiff-Magistrates' Courts, (Criminal side), Courts of Judicial Magistrates' of the second class and the Bench Clerks of the Chief Judicial Magistrates' Courts	Promotion or transfer	(i) Sheristadars' Test or Head Clerks' Test or Judicial Test or Criminal Judicial Test (except Medical Jurisprudence). (ii) Account Test (Lower) or Account Test for Subordinate Officers, Part I (Madras).

(d) & (e) Cre.

(1)	(2)	(3)
	Direct recruitment	B.A., B.Sc., or B.Com. and a Degree in Law of a recognised University..
3(a) Upper Division Clerks and Deputy Nazirs (Civil Wing)	Promotion or transfer	(i) Sheristadars' Test or Head Clerks' Test or Judicial Test or Civil Judicial Test.
		(ii) Account Test (Lower) or Account Test for Subordinate Officers, Part I (Madras).
	Direct recruitment	B.A., B.Sc., or B.Com. and a Degree in Law of a recognised University.
(b) Upper Division Clerks (Criminal Wing)	Promotion or transfer	(i) Sheristadars' Test or Head Clerks' Test or Judicial Test or Criminal Judicial Test (except Medical Jurisprudence).
		(ii) Account Test (Lower) or Account Test for Subordinate Officers, Part I (Madras).
	Direct recruitment.	B.A., B.Sc., or B.Com. and a Degree in Law of a recognised University
(c) Kannada Translators (Civil Wing)	Promotion, transfer or direct recruitment	(i) B.A., or B.Sc. or B.Com. of any recognised University.
		(ii) Must have taken Kannada as one of the subjects under Part II or Part III for the Degree Course:
		Provided that if no suitable candidate with the above qualifications is available a candidate possessing the minimum general educational qualification of S.S.L.C. who has taken Kannada as a subject for his examination may be appointed.

(1)	(2)	(3)
		Note: Selection to the post will be made after holding a practical test to assess the proficiency of the candidates in translating Kannada into English and Malayalam.
"4(b) Kannada Lower Division Clerks (Civil and Criminal Wings)	Direct recruitment	Working knowledge of both Kannada and Malayalam language*
(c) Tamil Lower Division Clerks (Civil and Criminal Wings)	Direct recruitment	Working knowledge of both Tamil and Malayalam Language."
(d) Clerk-Typist (Criminal Wing)	Promotion or Transfer or Direct recruitment	K.G.T.E. (Lower) in Typewriting (English) or equivalent qualification". K.G.T.E. (Lower) in Typewriting (Malayalam)**
"5. Stenographers—(Civil and Criminal Wings):		
(a) Senior Grade	Promotion	K.G.T.E. (Lower) in Typewriting (English) and K.G.T.E. (Lower) in Shorthand (English) or equivalent qualification.*
(b) Grade I	Promotion	K.G.T.E. (Lower) in Typewriting (English) and K.G.T.E. (Lower) in Shorthand (English) or equivalent qualification.
(c) Grade II	Promotion or direct recruitment	K.G.T.E. (Lower) in Typewriting (English) and K.G.T.E. (Lower) Shorthand (English) or equivalent qualification.

Explanation:—In the case of direct recruitment, a pass in K. G. T. E. (Lower) in Typewriting (Malayalam) or equivalent qualification and K.G.T.E. (Lower) in Shorthand (Malayalam) or equivalent qualification are also necessary.

S.A. F.C Spl — See amendment.

(1)	(2)	(3)
"6. Typists (Civil and Criminal Wings)"		
(a) Senior Grade	Promotion	K.G.T.E. (Lower) in Typewriting (English) or equivalent qualification
(b) Upper Division	Promotion	K.G.T.E. (Lower) in Typewriting (English) or equivalent qualification.*
(c) Lower Division	Promotion or Transfer or Direct recruitment	K.G.T.E. (Lower) in Typewriting (English) or equivalent qualification

Explanation:—In the case of direct recruitment, a pass in K.G.T.E. (Lower) in Typewriting (Malayalam) or equivalent qualification is also necessary";

8. Copysts including Typists-Copysts (Civil and Criminal Wings)	Any method	"K.G.T.E. (Lower) in Typewriting or equivalent qualification either in English or in Malayalam";*
Attenders (Civil and Criminal Wings)	Class II Transfer	Must have passed the test conducted by the Public Service Commission for appointment as Attenders.
	Direct recruitment	S.S.L.C.

Note: Graduates in Law need not pass the Sheristadars' Test or Head Clerks' Test or Civil Judicial Test or Judicial Test or Criminal Judicial Test.

"Last Grade Servants in possession of S.S.L.C. or equivalent qualification need not pass the Attenders' Test".**

13. *Security Posts.*—Fidelity Insurance will be introduced for the posts requiring security.

14. *Probation.*—Every person appointed to any category shall from the date on which he joins duty be on probation as follows:—

(i) If recruited direct or by transfer from any other service, for a total period of two years on duty within a continuous period of three years;

"(ii) if appointed from another category within the service for a total period of one year on duty within a continuous period of two years.";*

15. *Tests.*—A person appointed to any of the categories by direct recruitment except categories 4, 5(c) 6(c) 7 and 8 of class I and Attenders of class II shall, during the period of probation, pass the Account Test (Lower) if he has not already passed the test.

16. *Probationer desiring course of study not connected with probation.*—A probationer who desires to undergo any course of study which though not essentially connected with his probation, is likely to enhance his usefulness as a member of the service, shall on his application, be permitted by the appointing authority to undergo the desired course of study. He shall also be granted at his request the entire or any part of the amount of leave, if any, admissible under the rules applicable to him if but for such leave he would have continued to be on duty.

17. *Revision of order of termination of probation.*—The High Court may, either of its own motion or otherwise, revise any order discharging a probationer under any of the provisions of the General Rules.

18. *Appointment of full members.*—Where owing to discharge or re-appointment made out of turn under Rule 7 of the General Rules a member of the service completes his probation earlier than another member of the service who is senior to him, the member who so completes his probation earlier shall not be confirmed before the member who is senior to him. In such cases the senior member shall be confirmed according to his seniority in the service after he completes satisfactorily the period of his probation:

Provided that the confirmation of the junior shall not be delayed on the sole ground that the senior has not been so confirmed due to the failure to complete his probation satisfactorily within the prescribed period of probation or within the period, if any, extended under rule 21 of Part II of the Kerala State and Subordinate Services Rules.

Explanation:—A member of the service who is transferred at his own request from one unit to another shall not merely by reason of his having completed his probation earlier than other probationers in the new unit be confirmed before them.

19. *Creation of Special Post.*—The Government may on the recommendation of the High Court if satisfied that an adequate knowledge of a particular language or languages or the possession of a particular qualification is necessary for holding a specified post in a category declare that such post is reserved for persons with such knowledge or qualification. When such a declaration has been made, such post shall, for all purposes, be deemd to form a separate category and a person holding such post shall become a member of the category in which the post is included only on being specifically appointed to that category.*

20. *Transfers.*—(a) Transfer of members of the service from the jurisdiction of one appointing authority to that of another shall be made by the High Court.

(b) Subject to the control of the High Court, the District Judge and the Chief Judicial Magistrate may effect transfers within their jurisdiction.

21. *Saving.*—If, before the issue of these rules, a person had been exempted under the orders then in force from the possession of any qualification or the passing of any test, and the possession of such qualification or the passing of such test is prescribed by these rules, these rules shall not apply to such person to the extent and in respect of the category, grade of post specifically covered by the order of exemption.