

[53] CHAPTER 18

PART A.—THE PUNJAB SUBORDINATE COURTS
ESTABLISHMENT (RECRUITMENT AND GENERAL
CONDITIONS OF SERVICE) RULES 1997

General:

In exercise of the powers delegated by the Government of Punjab under the proviso to Article 309 of the Constitution of India, -vide Punjab Government, Notification No. 1863-J-54/6816, dated 25th March, 1954 and all other powers enabling them in this behalf, the Hon'ble the Chief Justice and Judges of the High Court of Punjab and Haryana are pleased to make with the previous approval of the State Government of Punjab, rules, regulating the recruitment, general conditions of service of persons appointed to class II, III and IV services in connection with the affairs of the Courts Subordinate to the High Court in the State of Punjab including Process Serving Establishment.

1. Short title Commencement and Application

(i) These rules may be called the Punjab Subordinate Courts Establishment (Recruitment and General conditions of service) Rules, 1997.

(ii) These rules shall come into force on the date of their publication in the official Gazette.

(iii) These shall apply to all the posts in class II, III and IV services on the establishment of the Courts subordinate to the High Court, in the state of Punjab.

2. Definitions:

In these rules, unless the context otherwise requires:

- (a) "Appointing authority" for the posts in the service other than Superintendent means the District and Sessions Judge of the District(s).
- (b) "Cadre" means the strength of a service or a part of a service as a separate unit and includes permanent and temporary post which has remained in existence for the last one year.
- (c) "District Establishment" means the employees working in the Sessions Division.
- (d) "Direct Appointment" means an appointment made otherwise than by promotion, transfer or by deputation.

- (e) "Government" means the Government of Punjab.
- (f) "Ministerial servant" means a member of service whose duties are entirely clerical and any other class of service specially defined as such by general or special order by the High Court and shall include members of class II and III service other than ^[54][deleted] Process Servers and Class IV employees.
- (g) "Recognised University or institution" means:-
- (i) any university or institution incorporated by law in any of the State of India; or
 - (ii) any other university or institution which is declared by the Government to be a recognised university or institute.
- (h) "Service" means members of class II, class III and class IV as detailed in schedule I to these rules.
- (i) "State" means state of Punjab.

3. The Service shall comprise the posts as shown in Schedule I to these rules from time to time.

4. Nationality, Domicile and Character of persons appointed to the Service:

- (1) No person shall be appointed to the service unless he is:
- (a) a citizen of India; or
 - (b) a citizen of Nepal; or
 - (c) a citizen of Bhutan; or
 - (d) a Tibetan refugee who came over to India before 1st day of January, 1968 with the intention of permanently settling in India; or
 - (e) a person of India origin who has migrated from Pakistan, Burma, Sri Lanka and East African countries of Kenya, Uganda and United Republic of Tanzania (formerly Tanganyika and Vietnam with the intention of permanently settling in India:

Provided that a person belonging to any of the categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been given by the Government of Punjab in the Department of Home Affairs and Justice.

- (2) A person in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the appointing authority, on his furnishing proof that he has applied for the certificate but he shall not be appointed to the service unless the necessary certificate is given to him by the Government in the Department of Home Affairs and Justice.
- (3) No person shall be recruited to the service by direct appointment unless he produces:
- (a) a certificate of character from the principal academic officer of the university, college, school or institute last attended, if any and similar certificates from two responsible persons not being his relatives, who are well acquainted with him in his private life and are unconnected with his university, college, school or institution; and
 - (b) An affidavit to the effect that he was never convicted for any criminal offence involving moral turpitude and that he was never dismissed or removed from a service of any State Government or of Government of India or of any public sector undertaking.

5. Disqualification:

No person:-

- (a) who has entered into or contracted a marriage with a person having a spouse living or;
- (b) who, having a spouse living has entered into or contracted a marriage with any person

shall be eligible for appointment to the service. Provided that the High Court, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage may exempt any person from the operation of this rule.

6. Age:

(1) No person shall be recruited to the service by direct appointment if he is less than eighteen years or is more than thirty years of age in the case of non-technical posts and thirty-three years in the case of technical posts on the 1st day of January of the year immediately preceding the last date fixed for submission of applications by the appointing authority or unless he is within such range of minimum and maximum age limits as may be specifically fixed by the Government from time to time:

Provided that where different lower and upper age limits have been specifically prescribed for posts in the service, rules, these limits shall be made applicable for appointment to such posts:

Provided further that the upper age limit may be relaxed up to forty-five years in the case of persons already in the employment of the Punjab/Haryana Government, other state Government or the Government of India, High Court, other Subordinate Courts and Union Territory, Chandigarh.

Provided further that in the case of candidates belonging to Scheduled Caste and other Backward Classes, the upper age limit shall be such as may be fixed by the Government from time to time.

(2) In the case of ex-servicemen the upper age limit shall be such as has been prescribed by the Government from time to time.

(3) In the case of appointment on compassionate grounds on priority basis, the upper age limit shall be such as may be specifically fixed by the Government from time to time.

7. Mode of Appointment and Qualifications to the Posts:

Class-II:

(i) Superintendent:

Post of Superintendent to District and Sessions Judge shall be in State Cadre and shall be filled up by the High Court by selection from amongst graduate Superintendents, Grade-II, Judgment Writers (Senior Grade), Assistants, Judgment Writers (Junior Grade) and Stenographers who are not below 40 years of age as on the date on which applications are invited. Preference will however, be given to Law Graduates:

Provided that the District and Sessions Judge concerned may make an officiating appointment to the post of Superintendent in a leave vacancy or otherwise for a period not exceeding three months or till regular appointment is made by the High Court subject to the confirmation by the Hon'ble Judges of the High Court.

A select list of candidates for appointment as Superintendent to District and Sessions judge shall be prepared/maintained by the High Court. This list shall contain only such number of candidates as can be absorbed within 2 years.

Before any person is considered for acceptance as a candidate he shall sign a declaration that if appointed as such, he shall be prepared to be posted anywhere in the State of Punjab and in the event of protest against the transfer he shall be liable to disciplinary action.

CLASS III:

(ii) Judgement Writer (Senior Grade):

Judgement Writer (Senior Grade) shall be appointed by promotion from amongst the Stenographers/Judgement Writers (Junior Grade) within 3 years experience, on the basis of seniority- cum-merit.

(iii) Superintendent Grade-II:

Superintendent Grade II shall be appointed by promotion from amongst the Assistants with 3 years experience, on the basis of seniority-cum-merit.

(iv) Judgment Writer (Junior Grade/Stenographer):

Judgment Writer (Junior Grade)/Stenographer shall be appointed by promotion from amongst the Steno-typists with 3 years, experience, on the basis of seniority-cum-merit.

(v) [Assistants:

Assistant shall be appointed by promotion from amongst the graduate Clerks, and; the Clerks already in service (before coming into force of these rules) having five years experience on the basis of seniority-cum-merit.

One post of Assistant shall be designated as Library Assistant and shall be filled up from amongst the B.Lib/M.Lib Clerks having two years experience on the basis of seniority-cum-merit. If no Clerk is found eligible for the post of Library Assistant; then the post shall be filled from amongst the Clerks on the basis of seniority-cum-merit.]

{Rule 7(v) amended vide correction slip no. 62 Rules/II.D4. dated 26.09.2012}

^[55][(vi) Steno-typists:

Appointment to the post of Steno-typist shall be made by direct recruitment from;

Candidates who possess a degree of Bachelor of Arts or Bachelor of Science or equivalent thereto from a recognised university and pass a test at a speed of 80 W.P.M. in English shorthand and 20 W.P.M. in Transcription of the same and have proficiency in computers (Word Processing and Spread Sheets). The select list so prepared on the basis of merit shall remain in force for one year from the date of declaration of result.]

[(vi)(a) Punjabi Steno-typist :

Appointment to the post of Punjabi Steno-typist shall be made by direct recruitment from Candidates who possess a degree of Bachelor of Arts or Bachelor of Science or equivalent thereto from a recognized university and pass a test at the speed of 35 W.P.M. in Punjabi Shorthand and 20 W.P.M. in Transcription of the same. The select list so prepared on the basis of merit shall remain in force for one year from the date of declaration of result.]

{Rule 7(vi)(a) Added vide correction slip no. 48 Rules/II.D.4. dated 17.09.2003}

(vii) Clerks:

Appointment to the post of Clerk shall be made in the ratio of 90% in case of direct recruitment and 10% by way of promotion.

Appointment to the post of Clerk shall be regulated as under:-

- (a) No candidate for direct recruitment shall be eligible to apply for the post of Clerk unless he holds a degree of Bachelor of Arts or Bachelor of Science or equivalent thereto from a recognised university and has passed matriculation examination with Punjabi as one of the subject.

- (b) Candidates shall have to take a written examination in the following subjects:-

Sr. No.	Subject	Max. Marks	Qualifying Marks
1.	English Composition	50	33%
2.	General Knowledge	50	33%

- (c) ^[56] [No candidate shall be considered for appointment unless he obtains 40% marks in aggregate in the written examination and having proficiency in operation of computers.]
- (d) Select list of successful candidates in order of merit shall be prepared as a result of competitive examination which shall remain in force for one year from the date of declaration of the result.
- (e) ^[56] [10% vacancies in the cadre of Clerks shall be filled up by promotion from amongst the Bailiffs, Process Servers, Daftri and Record Lifter possessing minimum Matric qualification or equivalent thereto having 5 years service as such subject to having proficiency in operation of computers.]

(viii) Bailiffs:

Bailiffs shall be appointed by promotion from amongst Process Servers with 3 years experience, on the basis of seniority-cum-merit.

^[57](ix) Driver:

Appointment to the Post of Driver shall be made by direct recruitment. The candidate should possess following academic qualifications/requirements:-

- (i) the candidate should be at least middle pass with Punjabi/Hindi as one of the subject.
- (ii) he should possess a valid licence for L.T.V.
- (iii) he should not have been convicted of any offence for negligent driving and should have a minimum of two years experience of driving of car.

CLASS IV

^[57](x) Process Servers:

Appointment to the post of Process Servers shall be made in the manner hereinafter provided:-

- (a) 50% by direct recruitment, (b) 50% from amongst class IV employees having 3 years experience:

Provided that no candidate shall be eligible for appointment/promotion unless he is a matriculate with knowledge of Hindi and Punjabi.

(xi) Daftri, Usher, Record Lifter:

Daftri, Ushers, Record Lifters shall be appointed by promotion from amongst peons working in the District Establishment on the basis of seniority-cum-merit.

(xii) Peon:

Appointment to the post of Peon shall be made by the District and Sessions Judge or his delegates by:-

- (i) direct appointment from candidates who have passed Middle standard examination and possess knowledge of Hindi/Punjabi.
- (ii) by transfer from any other Sessions Division with the permission of the High Court.

Explanation to Rule 7:

- (i) District and Sessions Judge shall determine mode of inviting applications for the posts in the service where direct recruitment is to be made in consultation with the Chief Justice or by the Judge nominated by him by a general or special order.
- (ii) A member of service rendered surplus for any reason shall have a right for re-appointment on availability of a vacancy on the principle of last go first come.
- (iii) Reservation:

The policy as framed by Government for the reservation of post for member of the Scheduled-Castes, Scheduled Tribes, other Backward Classes, Physically handicapped and Ex-servicemen shall be applicable to the member of the service at the stage of initial recruitment:

Provided that where no candidate of reserved category is available then appointment be made from general category.

8. Probation of Persons Appointed to service:

- (1) Persons appointed to any post in the service shall remain on probation for a period of two years, if recruited by direct appointment and one year in the case of promotion, provided that-
 - (a) Period spent on deputation on a corresponding or a higher post shall count towards the period of probation;
 - (b) In the case of an appointment by transfer any period of work on an equivalent or higher rank period to appointment to the service may in the discretion of the appointing authority be allowed to count towards the period of probation;
 - (c) Any period of officiating appointment to the service shall be reckoned as period spent on probation.
- (2) If, in the opinion of the appointing authority the work or conduct of a member of service during the period of probation is not satisfactory, it may-

If such person is recruited by direct appointment dispense with his services, or revert him to a post, on which he held lien prior to his appointment.

If appointed otherwise:-

- (i) revert him to his former post; or deal with him in such other manner as the terms and conditions of the previous appointment permit.
- (3) On the completion of the period of Probation of a person, the appointing authority may-
 - (a) if his work and conduct has, in its opinion been satisfactory:
 - (i) Confirm such person from the date of his appointment if appointed against a permanent vacancy.
 - (ii) Confirm such person from the date from which a permanent vacancy occurs, if appointed against a temporary vacancy.

OR

Declare that he has completed his probation satisfactorily if there is no permanent vacancy:

Provided that the total period of probation including extension if any, shall not exceed three years.

9. SENIORITY OF MEMBERS OF SERVICE:

The Seniority *interse* of members in each cadre of the service shall be determined by the length of continuous service on a post of the same category in that cadre:

Provided that in the case of members appointed by direct appointment seniority shall be determined in the order of merit in which they are selected for appointment and persons appointed as a result of an earlier selection shall be senior to those appointed as a result of subsequent selection:

Provided further that in the case of two or more members appointed on the same date, their seniority shall be determined as follows:-

- (a) a member appointed by direct appointment shall be senior to a member appointed otherwise;
- (b) a member appointed by promotion shall be senior to a person appointed by transfer; and
- (c) in the case of members appointed by promotion or transfer, seniority shall be determined according to the seniority of such members in the cadre from which they were promoted or transferred; and

- (d) in the case of members appointed by transfer from different cadres their seniority shall be determined according to pay preference being given to a member who was drawing a higher rate of pay in his previous appointment and if the rates of pay drawn are also the same then by their length of service in these appointments and if the length of such service is also the same, the elder in age shall be senior to the younger.

Note 1.- This rule shall not apply to members appointed on purely *ad hoc* basis.

Note 2. In the case of members whose period of probation is extended under rule 8 the date of appointment for the purpose of this rule shall be deemed to have been deferred to the extent the period of probation is extended.

Note 3. In the case of the two candidates possessing equal merit as a result of competitive test and they are placed in a bracket the older in age shall be senior to the younger.

10. LIABILITY OF SERVICE TO TRANSFER:

A member of a service may be transferred to any equivalent post:

- (1) Within the Sessions Division, by the District and Sessions Judge.
- (2) Every member of the service shall be liable to transfer under the orders of the Chief Justice anywhere within the state of Punjab.
- (3) On his written request, anywhere within the State by the High Court, if post is available subject to the following conditions:-
 - (a) That he will not claim any seniority over and above the officials already working in the cadre of the Sessions, Division to which he is seeking transfer.
 - (b) No. T.A./D.A. will be permissible and he will not avail joining time provided that official has put in at least 5 years of service in the Sessions Division in which he is initially appointed:

Provided that High Court in a given case relax the requirements of condition of 5 years service.

11. LEAVE, PENSION AND OTHER MATTERS:

In respect of pay, leave, pension, superannuation and all other matters not expressly provided for in these rules, a member of the service shall be governed by such rules and regulations as framed by the State Government. The instructions issued by the State Government from time to time shall apply after their due adoption by the Chief Justice.

12. DISCIPLINE AND PUNISHMENT:

(1) General order regarding discipline etc :

Whenever any official/office is personally interested in a case to be heard by the Court to which he is attached, we must bring this fact to the notice of the Presiding Officer.

(2) Punishment :

The following penalties may for good and sufficient reasons be imposed upon members of the service working in the sessions Division, by the authority as specified in Rule 13.

- (i) Censure;
- (ii) Withholding of his promotion;
- (iii) recovery from pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders;
- (iv) withholding of increment of pay without cumulative effect;
- (iv-A) withholding of increment of pay with cumulative effect;
- (v) reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the Government employee will earn increments of pay during the period of such reduction and whether on the expiry of such period the reduction will or will not have the effect of postponing the future increments of his pay;
- (vi) reduction to a lower time-scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the Government employee to the time-scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the Government employee was reduced and his seniority and pay on such restoration to that grade, post or service.

- (vii) Compulsory retirement;
- (viii) removal from service which shall not be a disqualification for future employment under the Government;
- (ix) dismissal from service which shall ordinarily be a disqualification, for future employment under the Government.

Note 1.- Penalties mentioned at Sr. No. (i) to (iv) shall be termed as 'minor penalties' whereas from Sr. No. (iv-A) to (ix) are to be termed as 'major-penalties';

Note 2.- In the matter of procedure for imposing any of the above penalties a member of a service will be governed by Punjab Civil Services (Punishment and Appeal) Rules, 1970.

13. PUNISHING AUTHORITY:

(i) The District and Sessions Judge may impose on a member of Class II service any of the minor penalties specified in rule 12(2) as amended from time to time.

(ii) The Chief Justice of the High Court or Judge nominated by him in this behalf may impose any of the penalties specified in rule 12(2) on a member of Class-II service.

(iii) The District and Sessions Judge may impose any of the penalties specified in rule 12(2) of these rules on a member of class III and IV of the service.

14. APPEAL:

Appellate Authority:

(1) An appeal shall lie to the High Court against order of a District and Sessions Judge imposing any penalty and such appeal may be disposed of by the Chief Justice or a Judge nominated by him in this behalf.

(2) An appeal shall lie to a Division Bench of the High court against an order of the Chief Justice or of a Judge imposing any of the penalties on members of Class II service.

A. Orders against which no appeal lies :

Notwithstanding anything contained in these rules, no appeal shall lie against:-

- (i) Any order of inter-locutory nature to step-in-aid of the final disposal of a disciplinary proceeding.

- (ii) any order passed by an inquiring authority in the course of an inquiry held under Punjab Civil Services (Punishment and Appeal) Rules, 1970.

B. Subject to the provisions of rule 14A, a member of service may prefer an appeal against all or any of the following orders, namely:-

- (i) an order of punishment passed by the District and Sessions Judge inflicting penalties mentioned in rule 12(2) IV A to IX.
- (ii) an order of substantive appointment by promotion or otherwise to a permanent and pensionable post.
- (iii) an order of temporary appointment which is to last more than 3 months or has in fact lasted more than 3 months.

C. (i) Persons appealing to the High Court under this rule shall do by petition. Such petition, accompanied by a copy of the order complained against, shall be presented to the District and Sessions Judge who passed the order within 45 days of the date of such order (the period between the date of application of the copy and the date on which it is supplied being excluded):

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant and sufficient cause for not preferring the appeal in time.

(ii) The District and Sessions Judge will forward the petition to the Registrar of the High Court without unnecessary delay along with his parawise comments thereon.

D. After reading the petition, the High Court may either:-

- (i) reject it without hearing the petitioner after passing a speaking order; or
- (ii) hear the petitioner, and in cases where other persons are held to be concerned in the subject of the petition, such other persons in open court:-

E. While disposing of an appeal against order under this rule or any penalty specified in rule 12, the High Court shall consider:-

- (i) Whether the facts on which the order was based have been established;

- (ii) whether the facts established afford sufficient ground for taking action; and
- (iii) whether the penalty is excessive, adequate or inadequate and after consideration shall pass such order as it thinks proper:

Provided that no penalty shall be increased unless opportunity is given to the person concerned to show-cause why such penalty should not be increased.

F. The District and Sessions Judge from whose order the appeal is preferred under these rules shall give effect to any order made by the High Court.

G. Nothing in these rules shall debar the High Court from altering, if deemed fit, any order of punishment or appointment not provided for above which may be passed by District and Sessions Judge in respect of member of service, when an aggrieved person, petitions or otherwise, District and Sessions Judge should not therefore, withhold any petition addressed to the High Court whether an appeal lies to it in the case or not under these rules. In a case in which no appeal lies, the District and Sessions Judge should forward it without any comments and relevant documents unless he wishes to do so or is so required by the High Court. Petitioners are forbidden to attend personally at the High Court unless summoned to do so. Order on their petition will be communicated to them through the District and Sessions Judge concerned.

15. LIABILITY FOR VACCINATION AND RE-VACCINATION:

Every member of the service shall get himself vaccinated or re-vaccinated when the High Court so directs by a special or general order.

16. OATH OF ALLEGIANCE:

Every member of service, unless he has already done so, shall be required to take oath of allegiance to India and to the Constitution of India as by law established.

17. DEBARRING FOR CONSIDERATION FOR PROMOTION OF A GOVERNMENT EMPLOYEE WHO REFUSES TO ACCEPT PROMOTION:

In the event of refusal to accept promotion by a member of service he shall be debarred by the appointing authority for consideration for promotion for all the consequent chances which may occur in future within a period of two years from the date of such refusal to accept promotion:

Provided if the appointing authority in the event of refusal to accept promotion by member of a service is satisfied that the refusal is not in the interest of administration may notwithstanding such refusal promote him:

Provided that in a case, where the appointing authority is satisfied that a member of a service has refused to accept promotion under the circumstances beyond his control, it may exempt such a member for reasons to be recorded in writing from the operation of this rule.

18. POWER TO RELAX:

Where the District and Sessions Judge is satisfied that the operation of any rule causes undue hardship in any particular case, he may by order subject to the confirmation by the Chief Justice dispense with or relax the requirement 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 officer or official concerned than in accordance with the rules.

19. REPEAL AND SAVING:

The rules framed by the High Court under Section 35(3) of the Punjab Court's Act, 1918 for subordinate services attached to Civil Courts other than the High Court incorporated in Chapter 18-A of the Rules and Orders of the High Court, Volume I and the rules relating to the appointment and control of clerks of court (now Superintendents) to the District and Sessions Judges framed by the High Court in 1947 in exercise of the power delegated to it by the Governor of Punjab under Section 241 of the Government of India Act, 1935 are hereby repealed:

Provided that such repeal shall not except as otherwise expressly provided in these rules-

- (i) affect the previous operation of any order or decision given under the rules so repealed or anything duly done or suffered thereunder; or
- (ii) affect any right, privilege, obligation incurred thereunder:-

20. INTERPRETATION:

If any question arises as to the interpretation of these rules, the Chief Justice or a Judge nominated by him in this behalf shall decide the same, and the decision shall be final.

SCHEDULE-I

Statement showing the posts with different proposed Nomenclature in
the Subordinate Courts with Pay Scales

Sr. No.	Post	Old Scale	Revised Pay Scale
	CLASS II:	(Rs.)	(Rs.)
1.	Superintendent to District and Sessions Judge	2,200-4,000	7,220-11,660
	CLASS III:		
2.	Superintendent Grade-II	2,000-3,500+100 (Spl. Pay)	6,400-10,640
3.	Judgment Writer (Sr. Scale) to District & Sessions Judge/Addl. District Judge	2,000-3,500+100 (Spl. Pay)	6,400-10,640
4.	Reader to District and Sessions Judge/Addl. District and Sessions Judge	2,000-3,500+100 (Spl. Pay)	6,400-10,640
5.	Judgment Writer (Jr. Grade) / Stenographer	1,800-3,200+80 (Spl. Pay)	5,800-9,200
6.	Reader to Civil Judge (Sr. Division)/ Addl. Civil Judge (Sr. Division) Chief Judicial Magistrate, Civil Judge (Jr. Division) English Clerk Copying Assistant Translator Record Keeper Addl. English Clerk Library Assistant Clerk of Court of Civil Judge (Sr. Division) Civil Nazir Record Keeper to Civil Judge (Sr. Division)	Assistant 1,800-3,200	5,800-9,200
7.	Steno-Typists Leave Reserve Steno-Typists	1,020-1,800	3,330-6,200
8.	Ahlmad Addl. Ahlmad Inspection Clerk Copyist Record Clerk Copying Clerk Library Clerk Leave Reserve Clerk G.P.F. Clerk Typist Naib Nazir Madad Naib Nazir Execution Clerk Fine Clerk Summary Clerk Malkhana Nazir Asstt. Nazir Asstt. Malkhana Nazir	Clerk 950-1,800	3,120-5,160

9.	Bailiff	950-1,800	3,120-5,160
10.	Driver	1,020-2,130+150 (Spl. Pay)	3,330-6,200
11	CLASS-IV:		
	(i) Daftri	800-1,455	} 2,720-4,260
	(ii) Usher	800-1,455+40(Spl. Pay)	
	(iii) Record Lifter	800-1,455	
	(iv) Process Server	800-1,455	
	(v) Peon Waterman Orderly Library Peon Mali-cum-Chowkidar Peon-cum-Driver Addl. Peon Record Peon Malkhana Peon Malkhana Chowkidar	} Peon 750-1,410 (initial start Rs. 770)	} 2,520-4,140 (with a minimum start of Rs. 2,620)
	(vi) Mali		
	(vii) Chowkidar	750-1,410 (Spl. Allowance Rs. 200(initial Start Rs. 770)	2,520-4,140 (with a minimum start of Rs. 2,620)
	(viii) Sweeper	750-1,410 (initial start Rs. 770/-)	2,520-4,140 (with a minimum start of Rs. 2,620)

K.K. GARG.
Registrar (General).

PART IV

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CORRECTION SLIP

No. 61/Rules/11.04

Dated 30th August, 2012

CHAPTER 18 PART A OF RULES AND ORDERS OF
PUNJAB AND HARYANA HIGH COURT, VOLUME-I

The following shall be substituted for the existing Punjab Subordinate Courts Establishment (Recruitment and General Conditions of Service) Rules, 1997 in respect of Group D Service.

In exercise of the powers delegated by the Government of Punjab under the proviso to Article 309 of the Constitution of India vide Punjab Government Notification No. 1863-J-54/6816, dated the 25th March, 1954 and all other powers enabling him in this behalf and with previous approval of the Government of Punjab, the Hon'ble Chief Justice and Judges of the High Court of Punjab and Haryana are pleased to make rules regulating the recruitment, general conditions of service of persons appointed to the Punjab Subordinate Courts Establishment (Recruitment and General Conditions of Service) Group 'D' Service, namely:-

RULES

1. Short title, commencement and application.- (I) These rules may be called the Punjab Subordinate Courts Establishment (Recruitment and General Conditions of Service) Group 'D' Service Rules, 2012.
 - (2) They shall come into force on the date of their publication in the Official Gazette.
 - (3) They shall apply to the posts specified in Appendix 'A'.
2. Definitions.- In these rules, unless the context otherwise requires:-
 - (a) "Appointing Authority" means the District and Sessions Judge;
 - (b) "Chief Justice" means the Chief Justice of Punjab and Haryana High Court at Chandigarh.

- (c) "direct appointment" means an appointment made otherwise than by promotion;
- (d) "Government" means the Government of the State of Punjab;
- (e) "High Court" means the Punjab and Haryana High Court at Chandigarh.
- (f) "Recruitment Committee" means the Committee constituted under rule 6; and
- (g) "Service" means the Punjab Subordinate Courts Establishment (Recruitment and General Conditions of Service) Group 'D' Service

3. Number and Character of posts.- The Service shall comprise the posts shown in Appendix 'A'.

Provided that nothing in these rules shall affect the inherent right of the Government on the recommendation of the Chief Justice to add to or to reduce the number of such posts or to create new posts with different designations and scale of pay whether permanently or temporarily.

4. Mode of appointment, Qualifications and experience.-

- (1) Subject to the provisions of sub-rule (3) all appointments to the Service shall be made in the manner specified in Appendix 'B'.
- (2) No person shall be appointed to a post in the Service unless he possesses the qualifications and experience as specified against that post in Appendix '13'.
- (3) A candidate selected for a post in the Service shall, before being appointed to the service, undergo training of such period and of such nature as may be determined by the Chandigarh Judicial Academy in consultation with the High Court and the period of such training shall not be counted towards the period of probation.

5. Recruitment Cell.- There shall be a recruitment cell established in each District Court for the purpose of collecting information continuously as to the vacancies arising upon retirement or promotion or resignation. This cell

shall assist the recruitment committee and process the applications received for the posts and short list them as per the guidelines of the Recruitment Committee. The cell shall be provided with adequate staff. It will be responsibility of this cell to ensure that recruitment takes place every year well in time before the vacancy arises.

6. Recruitment Committee.- There shall be a Recruitment Committee for each District, which shall consist of-

- | | |
|--|----------|
| (a) District and Sessions Judge | Chairman |
| (b) Senior most Additional District and Sessions Judge | Member |
| (c) Civil Judge (Sr. Div.)/Chief Judicial Magistrate | Member |

7. Home Peon.- (I) The Home Peon may be selected by the Judicial Officer concerned, who shall then be employed on contractual basis by the District & Sessions Judge on the written recommendation of such Judicial Officer.

(2) The Home Peon shall initially be appointed on contractual basis on a consolidated sum of Rs. 5000/- per month .

(3) Subject to the satisfactory work and conduct of the contractually appointed Home Peon to be certified by the Officer concerned, he shall be entitled to an increase of Rs. 2000/- in his monthly emoluments, on completion of three years service.

(4) On further completion of three years satisfactory service i.e. total six years service, the contractually appointed Home Peon may be given minimum of the basic pay scale as admissible to a regularly appointed Peon on the establishment of the District & Sessions Judge, which shall, however, be not less than the consolidated salary of Rs. 7000/- per month admissible to him under sub-rule (3) above.

(5) The contractually appointed Home Peons shall be eligible to be

considered for appointment as a probationer Peon on regular basis on the establishment of District & Sessions Judge in the pay scale of Rs. 4900-10600+GP 1300/-, as may be revised from time to time, subject to his suitability, eligibility and availability of vacancy ear-marked for absorption of such contractually appointed employees, after he completes ten years of satisfactory contractual service.

8. Reservation.- The policy as framed by the State Government for the reservation for the members of the Scheduled Castes, Scheduled Tribes, other Backward Classes, Physically handicapped, Freedom Fighters and Ex-Servicemen shall be applicable to the member of the Service at the stage of initial recruitment only;

Provided that where no candidate of reserved category is available then appointment be made from general category.

9. Age.- (1) No person shall be recruited to the service by direct recruitment if he is less than 18 years or is more than 35 years of age;

Provided that the upper age limit may be relaxed up to forty five years in the case of persons already in the employment of the Punjab Government, Haryana Government, other State Government or the Government of India, High Court, other subordinate courts or Union Territory.

Provided further that in the case of candidates belonging to Scheduled Caste, Scheduled Tribe and other Backward Classes, the upper age limit shall be as such as may be fixed by the State Government from time to time.

10. Probation of persons appointed to the service - (1) Persons appointed to any post in the service shall remain on probation for a period of two years, if recruited by direct appointment and one year in the case of promotion, provided that-

- (a) Period spent on deputation on a corresponding or a higher post shall be reckoned as the period of probation.
- (b) In the case of an appointment by transfer any period of work on an equivalent or higher rank to the appointment to the service may in

the discretion of the appointing authority be allowed to be reckoned towards the period of probation.

- (c) Any period of officiating appointment to the service shall be reckoned as period spent on probation.

(2) If, in the opinion of the appointing authority the work or conduct of a member of service during the period of probation is not satisfactory, it may.

If such person, is recruited by direct appointment dispense with his services or revert him to a post, on which he held lien prior to his appointment. If appointed otherwise-

- (i) Revert him to his former post or deal with him in such other manner as the terms and conditions of the previous appointment permit.
- (ii) Extend the period of probation, if his work and conduct is not found satisfactory.

(3) The appointing authority on satisfactory completion of probationary period may confirm such person from the date of his appointment if appointed against a permanent vacancy;

- (i) confirm such person from the date of his appointment if appointed against a permanent vacancy;
- (ii) confirm such person from the date from which a permanent vacancy occurs, if appointed against a temporary vacancy or declare that he has completed his probation satisfactorily if there is no permanent vacancy.

Provided that the total period of probation including extension, if any, shall not exceed three years.

11. Seniority of members of service – The inter se seniority of members in each cadre of the service shall be determined by the length of continuous service on a post of the same category in that cadre:

Provided that in the case of members appointed by direct appointment

seniority shall be determined in the order of merit in which they are selected for appointment and persons appointed as a result of an earlier selection shall rank senior to those appointed as a result of subsequent selection:

Provided further that in the case of two candidates possessing equal merit as a result of competitive test and they are placed in a bracket, the elder in age shall be senior to the younger:

Provided further that in the case of two or more members appointed on the same date, their seniority shall be determined as follows:-

- (a) A member appointed by direct appointment shall be senior to a member appointed otherwise;
- (b) A member appointed by promotion shall be senior to a person appointed by transfer;
- (c) In the case of members appointed by promotion or transfer, seniority shall be determined according to the seniority of such members in the cadre from which they were promoted or transferred ; and
- (d) In the case of members appointed by transfer from a different cadre, their seniority shall be determined according to pay and preference is to be given to a member who was drawing a higher rate of pay in his previous appointment and if the rates of pay drawn are also the same then by their length of service in these appointments and if the length of such service is also the same, the elder in age shall be senior to the younger.

Note:-Seniority of a member in service recruited and appointed prior to coming into operation of these rules shall remain the same as in his parental district even after his transfer to some other district.

12. Liability of members of service to transfer:- A member of service may be transferred to an equivalent post -

- (1) Within the Sessions Division by the District and Sessions Judge;
- (2) Every member of the service shall be liable to transfer under the

orders of Chief Justice anywhere within the State of Punjab;

(3) On his written request, anywhere within the State by the High Court, if post is available subject to the following conditions-

(a) That he will not claim any seniority over and above the official already working in the cadre of the Sessions Division in which he is seeking transfer;

(b) No. T.A./D.A . will be permissible and he will not avail joining time:

Provided that official has put in at least five years of service in the Sessions Division in which he is initially appointed.

Provided further that the High Court, in a given case, may relax the requirement of five years of service.

13. Leave, Pension and other matters.- In respect of pay, leave, pension, superannuation and all other matters not expressly provided for in these rules, a member of the service, shall be governed by such rules and regulations as framed by the State Government. The instructions issued by the State Government from time to time shall apply after their due adoption by the Chief Justice.

14. General order regarding discipline etc.- Whenever any official/officer is personally interested in a case being heard by the Court to which he is attached, he must bring this fact to the notice of the Presiding Officer.

15. Penalties.- The following penalties may, for good and sufficient reasons, and as hereinafter provided be imposed upon the members of the Service by the authority as specified in rule 17 of these rules, namely:-

Minor Penalties

- (i) Censure;
- (ii) Withholding of promotion;
- (iii) recovery from pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders;

- (iv) withholding of increment of pay without cumulative effect;

Major Penalties

- (v) withholding of increments of pay with cumulative effect or reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the members of the Service will earn increments of pay during the period of such reduction and whether on the expiry of such period the reduction will or will not have the effect of postponing the future increments of his pay;
- (vi) reduction to a lower time-scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the members of the Service to the time scale of pay grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the member of the Service was reduced and his seniority and pay on such restoration to that grade, post or service;
- (vii) Compulsory retirement;
- (viii) removal from service which shall ordinarily be a disqualification for future employment under the Government and
- (ix) dismissal from service which shall ordinarily be a disqualification for future employment under the Government.

16 Procedure for imposing penalties:- In the matter of procedure for imposing any of the penalties specified in rules, a member of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970 as amended from time to time.

17 Punishing Authority:- In the case of the members of the Service, the appointing authority shall be the punishing authority.

18 Orders against which no appeal lies:- Notwithstanding anything contained in these rules, no appeal shall lie against:-

- (i) any order interlocutory nature to step-in-aid of the final disposal of a disciplinary proceedings; and

- (ii) any order passed by an inquiring authority in the course of an inquiry held under Punjab Civil Services (Punishment and Appeal) Rules, 1970.

19 Appellate Authority:- A members of the Service may prefer any appeal to the High Court against all or any orders passed by the punishing authority except the orders specified in rule 18.

20 Period of limitation of appeal:- No appeal under these rules shall be entertained unless such appeal is preferred which in a period of forty five days from the date on which a copy of the order appealed against is delivered to the appellant :

Provided that the appellate authority may entertain the appeal after the expiry of the said period, it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

21 Procedure for preferring appeal :-A Petition shall be presented by the appellant to the District & Sessions Judge, who shall furnish his para-wise comments thereon and forwarded the same to the Registrar General within a period of one month.

22 Consideration of appeal:- (1) In the case of any appeal against order including an order of any penalty specified in rule 9, the High Court shall consider:-

- (i) Whether the facts on which the order was based have been established
- (ii) whether the facts established afford sufficient ground for taking action; and
- (iii) whether the penalty is excessive, adequate or inadequate and after consideration shall pass such order as it thinks proper:

Provided that no penalty shall be increased unless opportunity is given to the appellant to show cause why such penalty should not be increased.

(2) The order passed on the appeal filed shall be communicated to the member of the Service through the District and Sessions Judge concerned.

23 Over-riding power.- (1) Nothing said in these rules shall be construed to debar the High Court from altering, if deemed fit, any order of punishment or appointment, which may be passed by the District & Sessions Judge in respect of a member of the Service.

(2) A member of the Service is forbidden to attend personally the High Court unless he is summoned.

24 Interpretation :- If any question arises as to the interpretation of these rules, the Chief Justice or a Judge nominated by him in this behalf shall decide the same and that decision shall be final.

25 Repeal and Saving:- The Subordinate Courts Establishment (Recruitment and General Conditions of Service) Rules, 1997 in so far as they are applicable to the members of the Service are hereby repealed :

Provided that any order issued or any action under the rules so repealed shall be deemed to have been made or taken under the provision of these rules.

Appendix 'A'

(See rule 3)

Sr. No.	Designation of the post	Number of Posts			Scale of Pay (in rupees)
		Permanent	Temporary	Total	
I	Group=D Process Server	462	166	628	Rs. 4900-10680+ 1650 GP
II	Daftri Usher Record Lifter	82	136	218	Rs. 4900-10680+ 1400 GP Rs. 4900-10680+ 1400 GP Rs. 4900-10680+ 1400 GP

(BHDR 9, 1934 SAKA)

m	Peon includes,- Watenman Orderly Library Peon Mali-cum-driver Orderly Additional Peon Record Peon Malkhana Peon Malkhana- Chowkidar Mali Chowkidar Sweeper	282	723	1005	Rs.4900-10680+ 1300 GP
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Appendix 'B'

(See rule 5)

Sr. No.	Designation of the post	Percentage of appointment by		Method of appointment, Qualification and <u>Experience</u> for appointment by -	
		Direct Appointment	Promotion	Direct Appointment	Promotion
1	2	3	4	5	6
1	Process Server	Fifty Percent	Fifty Percent	Should be matriculate with knowledge of Punjabi language	From amongst other Group'D' employees in a lesser pay scale having three years' experience on the basis of eniority-cum-merit.

(BHDR9,1934SAKA)

1	2	3	4	5	6
2	Daftri Usher Record Lifter	-	Hundred PerCent	-	From amongst Peons working in the District Establishmen t on the basis of seniority- cum-merit.
3	Peon includés,- Waterman Orderly Library Peon Mali-cum-driver Orderly Additional Peon Record Peon Malkhana Peon Malkhana- Chowkidar Mali Chowkidar Sweeper	Ninety Five Per cent	Five Per cent	Should have know ledge of Punjabi language upto middle standard.	From amongst the Home Peon, who have knowledge of Punjabi language uptomiddle standard.

BY ORDER OF HON'BLE THE CHIEF JUSTICE AND JUDGES

KARUNESH,
REGISTRAR RULES