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## **DRAFT**

# **THE ASSAM DISTRICT COURT EMPLOYEES SERVICE RULES, 2018**

## **PREAMBLE**

Whereas the Supreme Court of India in Renu and others vs District and Sessions Judge, Tis Hazari and another,<sup>1</sup> directed all High Courts to re-examine the statutory rules dealing with the appointment of staff in the High Court as well as in the subordinate courts and in case any of the rule is not in conformity and consonance with the provisions of Articles 14 and 16 of the Constitution, the same may be modified.

Whereas the Supreme Court of India further directed each High Court to examine and decide whether it is desirable to have centralized selection of candidates for the courts subordinate to the High Court and if it finds it desirable, may formulate the rules to carry out that purpose either for the State or on Zonal or Divisional basis.

Whereas the Chief Justice of the Gauhati High Court was pleased to refer the matter to the Rule Committee and the Committee after due deliberations resolved to formulate a common Rules for the employees working in various courts, tribunals with provisions for centralized recruitment which is also adopted by the Full Court of the High Court.

<sup>1</sup> Civil Appeal no-979 of 2014(Arising out of SLP(C) No-26090 of 2011

In exercise of the powers conferred by Article 309 of the Constitution of India, the Governor of Assam is pleased to make the following Rules for regulating the recruitment and conditions of service of the employees working in various District Courts and Tribunals in the State of Assam.

**1. Short title, commencement and application:**

- i. These rules may be called the "*Assam District Court Employees Service Rules, 2018.*"
- ii. These rules shall come into force immediately on the date of publication in the Official Gazette.
- iii. These rules shall apply to all the employees under different groups of services in the establishment of the Judicial Courts, Motor Accident Claims Tribunals, Special Judges and Family Courts of Assam subordinate to the High Court.
- iv. After coming into force of the above rules, existing separate establishments of District and Sessions Judge and Chief Judicial Magistrate shall be merged in one establishment and shall be termed as "District and Sessions Judge Establishment" and the same will be an independent unit of District Judicial Court Establishment.

**2. Definitions:**

In these Rules, unless the context otherwise requires;

- i. "Appointing Authority" means the District and Sessions Judge for all the employees under his control and the respective Head for the employees of Motor Accident Claims Tribunals, Family Courts and Special Judges.
- ii. "Appellate Authority" means the Gauhati High Court.

- iii. "Central Recruitment Committee" means the Committee comprising of such numbers of Judges of Gauhati High Court, to be nominated by the Chief Justice from time to time."
- iv. "Central Recruitment Cell" means a Cell for recruitment of Staff headed by a Registrar of the High Court and may consist of other Registrars or members of Assam Judicial Service working in the Subordinate Judiciary to be nominated by the Chief Justice from time to time. The Cell shall initiate the process of recruitment with the approval of the concerned Committee or the Chief Justice.
- v. "Chief Justice" means the Chief Justice of the Gauhati High Court and shall include Chief Justice (Acting).
- vi. "District" means a judicial district under the control of District and Sessions Judge comprising of either one or more revenue districts.
- vii. "District Judicial Court Establishment" means and includes all the employees working under the establishment of District and Sessions Judge in the District including the employees under the present establishment of Chief Judicial Magistrate, Family Court, Motor Accident Claims Tribunals and Courts of Special Judges but shall not include Court Managers. However, the establishments of Motor Accident Claims Tribunal, Family Courts and Courts of Special Judges shall be independent units of District Judicial Court Establishment.
- viii. "District Recruitment Committee" means a committee for selection of 'Group- D' category of the employees comprising of the District and Sessions Judge of the concerned District as Chairperson, with a senior Grade-I Judicial Officer and a Grade-II Judicial Officer of the district as members.

Provided that in the event of vacancy to any post, the District and Sessions Judge shall have the power to nominate any other suitable judicial officer working in the district as a member of the committee.

Provided that in case of recruitment of Group-D employee of other independent establishment of District Judicial Court Establishment, the Presiding officer of that independent establishment shall be included in the District Recruitment Committee.

- ix. "District Recruitment Cell" means a cell in each district for the purpose of collecting information as to the vacancies arising upon retirement, promotion, resignation, creation of new post and lien vacancy.

This cell will be headed by a Judicial Officer to be nominated by District and Sessions Judge as chairperson and two senior staff of Group- B shall be the members of the cell. This cell shall publish and short-list the applications received for the posts and shall conduct the examination with the approval of the District Recruitment Committee.

- x. "Direct Recruitment" means an appointment made otherwise than by promotion, transfer or by deputation.
- xi. "Government" means the Government of Assam.
- xii. "High Court" means the Gauhati High Court.
- xiii. "Official Gazette" means Assam Gazette.
- xiv. "service" means a member of service under District Judicial Court Establishment whose duties are mostly clerical, ministerial and any other class of service specially defined as such by general or

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special order by the High Court and shall include members of Group- A, B C and D service and Stenographers of Grade I, II and III.

- xv. "Recognised University or institution" means any university or institution incorporated by law.
- xvi. Board means SEBA, CBSE, AHSEC, ICSE or any other body declared by the government to be a recognized board for the purpose for holding Class X and XII examinations.

### **3. Constitution of Service:**

- i. The Service shall be divided into four broad groups, namely, Group-A, Group-B, Group-C and Group-D and Stenographers of Grade I, II and III. Group-B and D shall have sub-groups as B-I, B-II and D-I and D-II. Each group shall consist of the posts as shown in Schedule- B.
- ii. There shall be one amalgamated establishment of service. The existing employees of establishment of District and Sessions Judge and establishment of Chief Judicial Magistrate shall be an unit of the 'District Judicial Court Establishment' and the designation of the existing posts shall be re-designated as shown in Schedule-A.
- iii. The status of the members of the service except the post of Chief Administrative Officer of the district shall be that of service class-III non-gazetted ministerial service.
- iv. The number of posts, permanent as well as temporary, under each of the categories mentioned in sub-rule(1) of Rule 3 shall be such as may be determined by the Government in consultation with High Court from time to time.

- v. The service under District Judicial Court Establishment is transferable within the state of Assam.

**Recruitment, Selection & Appointment to the Service:**

**4. General Qualifications and Disqualifications for appointment:-**

- i. No person shall be eligible for appointment to the service under any of the categories unless he is:
- a) A citizen of India under Article 5 and 6 of the Constitution of India,
  - (b) Possessed of the minimum qualification for the post
- ii. No person shall be eligible for appointment to the service, if
- (a) He has entered into or contracted a marriage with a person having a spouse living or;
  - (b) He has a spouse living and has entered into or contracted a marriage with any person;
  - (c) He is or has been a member of or has associated himself with anybody or association which is declared as an unlawful body or association; or
  - (d) Who has associated with or participated in any activity or programme aimed at subverting the Constitution of India; or
  - (e) He has associated with or participated in any activity promoting feelings of enmity or hatred between different groups on grounds of religion, race, language, caste or community;
  - (f) He has associated or participated in any act prejudicial to sovereignty and integrity of India or security of the State; or

(g) He has been debarred or disqualified by the Union or State Public Service Commission or any court of law from appearing in any examination or selection conducted by it; or

(h) He is convicted of any offence involving moral turpitude and is sentenced to undergo imprisonment of any period except sentence of imprisonment till rising court of fine only;

(i) He has been dismissed from service under Union of India, or State Government or of any Public Sector Undertaking.

#### **5. Age:**

- i. No person shall be recruited to the service by direct recruitment if he is less than 18 years or is more than 38 years of age.

Provided that the upper age limit may be relaxed up to forty five years in case of persons already in the employment of any state Government, Union of India, Gauhati High Court and its subordinate Courts.

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

- ii. In the case of ex-servicemen, physically challenged person and appointment on compassionate grounds on priority basis, the upper age limit shall be such as may be prescribed by the Government from time to time.

#### **6. Mode of Appointment and Qualifications to the Posts:**

Subject to the general qualification and disqualifications, in respect of each category of posts of the service as shown in

column 2 of the Schedule B, the method of recruitment, reservation of posts and eligibility criteria shall be as shown in columns 4 and 5 of Schedule B.

**7. Process of Selection to service:-**

**A. For Promotion:-**

The Central Recruitment Cell with the approval of the Chief Justice or the Central Recruitment Committee, except for filling up vacancies in Group D, either by direct recruitment or by way of promotion, shall initiate the recruitment process in the following manner:

- a) The Central Recruitment Cell shall call for applications from the eligible candidates of every District for promotion to Group A from Group B-I employees, after scrutinizing the applications of willing candidates, call them for interview/viva-voce in 1: 3 ratio of posts available in the next calendar year and considering their ACRs and Service Book for last 5 years, assess their merit and shall thereafter prepare a list in order of merit cum seniority which shall remain valid till the end of calendar year for which the list was prepared.

Provided that the Chief Justice in exigencies may extend the validity of the list for a period not exceeding one year.

- b) The Central Recruitment Cell shall prepare a list of eligible employees for promotion to posts of B-I category and after considering their ACR and Service Books for last 5 years, shall prepare a list of such employee in order of seniority cum merit zone wise.



- c) The procedure as shown in sub rule (b) above shall also be applicable in respect inter-Group elevation/intra group promotion of Group-D employee to Group-C and from Group-C to Group-B.
- d) The Central Recruitment Cell shall conduct proficiency test in shorthand and typing speed by calling applications for promotions of Stenographers from existing grade to higher grade from eligible employees having requisite qualifications as shown in Schedule B.
- e) If any candidate does not desire to join in the new post as offered to him on appointment or promotion, the next candidate in the merit list may be appointed, and the earlier selected candidate shall be disentitled for such promotion or appointment.
- f) The District and Sessions Judge of the concerned district may appoint a Chief Administrative Officer in Officiating capacity in the event of leave vacancy or vacancy occurred otherwise for a period till regular appointment is made.

#### **B. Promotion by Limited Departmental Examination**

The Central Recruitment Cell with the approval of the Chief Justice or the concerned Committee shall call for application from eligible candidates for filling up the vacancies by limited departmental examination as per criteria shown in Schedule-B and shall hold examination as per syllabus shown in Schedule-E and publish list of qualified candidates on the basis of merit.

#### **C. Direct Recruitment by Central Recruitment Cell.**

- a) The Central Recruitment Cell shall publish a list of vacancies (both existing vacancy, anticipated vacancies and 10% additional anticipated vacancy) for each zone separately showing number of vacancy in each district.

- b) The candidates for direct recruitment shall have to apply on the prescribed form with the necessary requirements as set out in the advertisement which may vary from time to time.
- c) The Central Recruitment Cell shall advertise the vacancies and process of recruitment in two news papers one in English and other vernacular language. Apart from that the Cell shall upload the advertisement in the official website and shall also intimate the District and Sub-divisional Employment Exchanges. In case of publication of advertisement for filling up of vacancies in more than one zone, a candidate can apply for one zone only by giving his preference of the districts under the zone for which he has applied.
- d) The appointment will be offered to the candidates in the district of their choice but in case of failure to adjust the candidate in his preferred district, he may be posted in other District of the zones, in order of his merit and preference of districts. In case the candidate refuses to accept posting in the offered district, he shall be debarred from claiming appointment on the basis of his rank in the selection list.
- e) The process of selection by direct recruitment for the post of Group C will be held on two tier basis –
- (i) Screening test as per the syllabus shown in Schedule E.
  - (ii) Written examination as per the syllabus as shown in schedule E.
- f) The Central Recruitment Cell shall hold separate screening test for the candidates of each Zone. The candidates will be short listed strictly on merit basis for appearing in written examination preferably at the ratio of 1:10. Screening test will be held at Zonal

Head Quarters or at such other place as may be fixed by High Court.

- g) The Central Recruitment Cell shall conduct separate examination for each Zone. The shortlisted candidates shall have to appear in written examination for selection to be held at Zonal Head Quarters or at such other place as fixed by the High Court. Candidates who qualify the same shall have to appear in for viva-voce and computer proficiency test preferably at the ratio of 1:3.
- h) The Central Recruitment Cell may conduct Viva-voce and computer proficiency test at Guwahati or any such other place as fixed by the Gauhati High Court.
- i) The Central Recruitment Cell shall, thereafter, publish the list of selected candidates for each Zone separately along with a waiting list
- j) The Central Recruitment Cell, with the approval of the Chief Justice or the concerned Committee shall recommend for appointment to the Appointing authority for the appointment of the selected candidate in the vacant post of said District. The Central Recruitment Cell shall publish the list of selected candidates and recommend for their appointment to the concerned appointing authority.
- k) A candidate shall have to obtain the minimum qualifying marks at each level of the different tests, examination which would be fixed by the High Court from time to time.
- l) The merit list will be prepared Zone wise on the cumulative marks obtained in mains, viva-voce and computer proficiency test subject to obtaining minimum qualifying marks at each level.

- m) The Central Recruitment Committee shall formulate guidelines relating to relaxation of marks at all level of examination for SC/ST/physically challenged candidates.
- n) The Appointing Authority shall act on the recommendations of the Central Recruitment Committee in respect of appointment/promotion of Group A, B, & C employees.
- o) The Appointing Authority shall act on the recommendations of the District Recruitment Committee in respect of appointment of Group D employees.

**8. Reservation policy:-**

The reservation policy as formulated by State Government from time to time and or as prescribed by any other law in force shall be followed in case of direct recruitment as well as in case of promotion.

**9. Protocol Officer:-**

- a) There shall be a protocol officer in select districts of Assam to assist the District and Sessions Judge in entertaining the visiting Judges of High Courts, Supreme Court of India or any other dignitaries and shall also work as liaison officer with High Court Protocol section. The appointment to such post shall be filled up by as per criteria shown in Schedule-B.
- b) There shall be one protocol assistant from each select district and they shall be recruited as per criteria shown in schedule-B.
- c) There shall be one protocol attendant in the select districts to assist the protocol officer. They shall be recruited as per the criteria for recruitment of Group-D employees.

- d) Facilities to Protocol Officer: - The Protocol Officer shall be entitled to a special pay per month to be fixed by the Government from time to time, in consultation with the High Court, in addition to reimbursement of fuel expenses on actual expenditure basis. A protocol officer shall also be entitled to get mobile phone bill allowance per month. The amount is to be fixed by Government from time to time in consultation with the High Court.

**10. Appointment on compassionate ground:-**

- i. The legal heirs of an employee who died in harness may apply for appointment on compassionate ground subject to fulfilling of other criteria of age, qualification and overall suitability and vacancy of post.
- ii. The District and Sessions Judge on receipt of such application for appointment on compassionate ground shall consider the request and send the proposal to the High Court, along with the relevant papers with necessary details of the deceased, suitability of the candidate for the applied post, special ground for relaxation, if any, for consideration.
- iii. The Registry on receipt of the application shall place the matter before concerned Portfolio Judge and, later on, before the Chief Justice for necessary order.

**11. Stenographers:**

- a. There shall be three grades of Stenographers, namely Grade-I, II and III in District Judicial Court Establishment.
- b. The Central Recruitment Cell shall initiate the process of direct recruitment and promotion to higher grade from qualified candidates as shown in schedule B.

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- c. For direct recruitment to stenographer II and III, the candidate having requisite qualification on being called for examination, must appear in written examination/proficiency test regarding speed and accuracy as per curriculum as shown in Schedule E.
- d. For promotion to next higher grade, the existing stenographer having requisite qualification on being called for examination must appear in proficiency test regarding speed and accuracy to be conducted by the Central Recruitment Cell, with the approval of the Chief Justice or the concerned Committee.
- e. Transfer policy as applicable to other members of the service shall also be applicable to stenographers.
- f. Ordinarily, Grade-I Stenographer shall be attached to Grade I Judicial Officer, Grade-II Stenographer with attached to Grade II Judicial Officer and Grade III Stenographer with Grade III Judicial Officer.
- g. The District and Sessions Judge will have the power to attach stenographers under his control to any Judicial Officer, if so required.
- h. A Stenographer Grade I may be attached to District and Sessions Judge, as Executive Assistant.
- i. There shall be a pool of three stenographers (at the minimum) in each District in addition to regular cadre of stenographers. The stenographers in pool will be deputed to work in a particular court to meet the exigencies. Their services may be taken by Special Judges in case of emergency subject to the approval of the concerned District Judge.

- j. Ordinarily, the pool of stenographers shall consist of three Grade-III stenographers.
- k. In the event of vacancy of court or less work, the District and Sessions Judge may direct any of the stenographers to perform any ministerial work.
- l. The Stenographers already in service or to be recruited under this Rule shall have to work in odd hours and even at the residence of the officer depending upon the workload. On publication of this rule, the stenographers, both existing and newly recruited shall have to fill up the bond as specified in Schedule G of this rule.
- m. The Stenographers of all Grades are entitled to get Compensatory allowance per month for visiting the residence of the Presiding officers and the amount may be determined by the Government in consultation with the High Court. In addition to that a Stenographer may be provided 20 liters of petrol per month.
- n.
  - i. A grade-III stenographer after completion of ten years of service, a grade-II stenographer after fifteen years of service and a Grade-I stenographer, after twenty years of service may be permitted to exercise his option to switch over to ministerial cadre.
  - ii. A stenographer may be accommodated to a suitable post of same pay band in the ministerial cadre subject to his overall suitability and vacancy or posts.
  - iii. Such switch over shall not be automatic and shall be permitted only in exceptional circumstances. Whenever a prayer of this kind is received, permissibility of the same shall be examined by a committee comprising of the District and Sessions Judge and two senior most officers of the concerned district and the decision arrived at shall be forwarded to the High Court for approval. In case

of stenographers of other establishments the presiding Officers of the said establishment and two other senior most officers of the establishment of District and Sessions Judge of the concerned district may be included in the committee.

- iv. The Central Recruitment Cell then shall place the matter before the Chief Justice or the concerned committee for consideration.
- v. A stenographer who has switched over to ministerial cadre shall be debarred from exercising a fresh option to switch over to his parent cadre.

**12. Copyist, Typist and Computer Typist:**

All the existing posts of copyist, typist and Computer Typist shall be re-designated as post of Junior Administrative Assistant.

Note: Since under the ROP 2010, the pay band of copyist, typist, Computer Typist and LDA is same.

**13. Group D employees:**

- a. There shall be two categories of Group D employees, viz. D-1 and D-2. These two classes in group D shall consist of the posts as shown in Schedule B.
- b. The recruitment to the posts of Group – D shall be made by the District Recruitment Cell, with the approval of the district recruitment Committee, as shown in Schedule B.
- c. The District Recruitment Cell shall, for direct recruitment in Group D-I, hold a written examination of 100 marks. The Written test shall comprise of subjects ranging from English, General Awareness, Mathematical Ability, Aptitude etc.



- d. The candidates appearing shall have to obtain minimum qualifying mark in written Examination.
- e. The District Recruitment Cell shall hold Viva- Voce of 50 marks for direct recruitment to Group D-II.
- f. For appointment in Group D-II, preference may be given by the District Recruitment Committee to the existing employees serving in temporary/casual/daily wage basis subject to overall suitability by giving weightage for past experiences gained and services rendered by them at the time of making final selection.

14. **Publication and filling up of Vacancy:**

The Central Recruitment Cell or the District Recruitment Cell as the case may be shall collect and make endeavor to publish the vacancy position. The Central Recruitment Cell and the District Recruitment Cell shall fill up the said vacancies by conducting the recruitment examination and process of promotion within the time frame as shown in Schedule C and D with due publication in the notice board and website.

15. **Assured Career Progression:**

All the members of service shall be entitled for 2 ACP i.e. at the end of 10<sup>th</sup> year and 24<sup>th</sup> year of their continuous service if the said employee failed to get promotion to next higher post during the service period subject to suitability and recommendation of District and Sessions Judge.

16. **Travelling Allowance:**

- a. The process server of the District shall get a fixed amount of Travelling Allowance per month to be determined by the Government in consultation with High Court from time to time for the outdoor duties performed by them.

- b. However, if any of the process server is not allotted any process service work in any particular month or was entrusted with any other official work, he shall not be entitled to draw any Travelling allowance.

**17. Probation of persons appointed to service:**

- a. An employee 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:-

(i) Period spent on deputation on a corresponding or a higher post shall be reckoned as the period of probation;

(ii) In the case of an appointment by transfer, any period of work on an equivalent or higher rank prior to the appointment to the service may in the discretion of the appointing authority be allowed to be reckoned towards the period of probation;

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

- b. 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,

(i) Dispense with his services or revert him to a post, on which he held lien prior to his appointment.

If appointed otherwise:-

(ii) Revert him to his former post; or deal with him in such other manner as the terms and conditions of the previous appointment permit.

(iii) Extend the period of probation, if his work and conduct is not found satisfactory.

(c) The appointing authority, on satisfactory completion of probationary period may:

(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

(iii) 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.

**18. Uniform and Uniform allowance for Group-D employees:**

- a. All Group D employees of District Judiciary shall compulsorily wear uniforms while on duty. Colour of the uniform for each group will be notified by the High Court.
- b. Every employee, for the purpose of uniform shall be entitled to a fixed sum of amount as Uniform Allowance to be fixed by the Government in consultation with the High Court from time to time.

**19. Training:**

- a. The High Court may depute the employees for induction and in-service training programme in the Judicial Academy.
- b. The Judicial Academy may formulate training module for both induction and In-service training.

- c. The training period, if organized for newly recruited employee shall not be counted towards the probation period.
- d. The duration and nature of training programme may be determined by the Judicial Academy in consultation with the High Court.

20. **Seniority of members of service:**

- a. A state wise as well as Zone wise gradation list of the employees of each Group of the District Judicial establishment shall be prepared initially on enforcement of these rules and then every year thereafter by the Central Recruitment Cell in case of Group A, B and C.
- b. A district wise Gradation list of the employees of Group D-1 and D-2 of the District Judicial Court establishment shall be prepared initially on enforcement of these rules and then every year thereafter by the District Recruitment Cell.
- c. The *inter se* seniority of members in each group of the service shall be determined by the length of continuous service on a post of the same category in that cadre:
  - i. Provided that in the case of members of 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.
  - ii. 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; and

- b. 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
- c. in the case of members appointed by transfer from different cadres 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: 1. In the case of two candidates possessing equal merit as a result of competitive test and are placed in a bracket, the elder in age shall be senior to the younger.

Note: 2. The inter-se-seniority of members of the existing employees in each cadre of service shall be determined by the length of continuous service on a post of the same category in that Cadre.

Provided that in case two or more existing employees have the same length of service in a Cadre then the employee who has the maximum length of service amongst them shall be senior.

Provided that if two or more existing members have the same length of service in the Cadre and same length of service then the elder amongst them in age would be Senior.

**21. Liability of members of service to transfer:**

- a. Every member of the service shall be treated to be a member of the State cadre for the purpose of transfer and posting and ordinarily

shall be liable to be transferred from one District to another District within the Zone.

- b. An employee cannot demand as of right any transfer or promotion in any zone, but the decision shall rest solely with the High Court and it may make transfers or promotions outside the zone.
- c. The transfer and posting of the employees shall be guided by the transfer policy formulated by the High Court as shown in Schedule-I.
- d. In case of transfer of Chief Administrative officer, he shall be transferred to a post of the same rank and pay.
- e. In the event of transfer of an employee to outside his home District, preference will be given to him in allotment of Government quarter subject to availability.
- f. In case of transfer from one district to another district within the zone or beyond zone, the employee shall be entitled to transfer Travelling Allowance as admissible to other state Government Employee of similar grade pay. However, an employee shall not be entitled to such allowances if the transfer is made on his request.
- g. The power of transfer and posting of any member of the service from one District to another District shall vest with the Registrar General of the Gauhati High Court.

**22. Pay, Allowances, Leave, Pension and other matters:**

Except as provided in these Rules, all matters relating to pay, allowances, leave, pension, discipline, superannuation and all other conditions of service shall be regulated by General Rules framed by the Government for the employees of District Judiciary as recommended by Shetty Commission and accepted by Government of Assam from time to time with concurrence by the High Court.

**23. Retirement:**

Except as otherwise provided in this Rule, every employee working under the District Judicial Court Establishment shall retire from service on the afternoon of the last day of the month in which he attains the age of 60 years.

Provided that all employees whose date of birth is the 1<sup>st</sup> day of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of 60 years.

Provided that in case State Government takes a policy decision on changing the age of service, same shall be applicable to the members of District Judicial Court establishment.

**24. Retirement in Public Interest:**

There shall be a committee consisting of three judges, constituted by the Chief Justice, to review the career progress and performance of the employees of all groups after a staff completes 15 years, 20 years and 25 years of service. If the committee considers that in public interest any such staff should be retired from service, he shall be compulsorily retired by giving him a notice of not less than 3 months in writing or 3 months pay and allowance in lieu thereof subject to the condition that in the event of such retirement on completion of 15 years of service, the officer would be deemed to have put requisite qualifying service for availing the proportionate retirement benefits.

Provided that nothing in the above shall be considered as preventing consideration for compulsory retirement of any employee falling in any group.

Explanation:- for the purpose of R-25, 'review' means the review of the entire service record of the staff with special emphasis on the last five

years of service, regarding suitability or otherwise of such staff for further retention in the service.

25. **Code of Conduct:**

There shall be a code of conduct for all the judicial employees as enumerated in Schedule-F and they shall strictly adhere to it. Any dereliction on the part of a judicial employee shall be treated as misconduct and may call for initiation of disciplinary proceeding against the delinquent employee. The list of conduct enumerated in the schedule is not exhaustive.

26. **Disciplinary proceedings:**

- a. The appointing authority shall be the disciplinary authority. However, in case of transfer of an employee, the District and Sessions Judge, where the employee is working shall be the disciplinary authority.
- b. The disciplinary authority at its own initiative or on receipt of specific complaint against any of the employees of Group A, B, C and D or Stenographers regarding dereliction of duty, lack of integrity, failure to perform allotted work or for any other cogent reason, may initiate a disciplinary proceeding against the concerned employee.
- c. All disciplinary proceedings shall be governed by Assam Services (Discipline and Appeals) Rules, 1964.

27. **Appeal:**

- a. An appeal against final orders of disciplinary authority shall lie to the appellate authority.
- b. Orders against which no appeal lie - Notwithstanding anything contained in these rules, no appeal shall lie against;



(i) Any order of interlocutory nature to step-in-aid of the final disposal of disciplinary proceedings.

(ii) Any order passed by disciplinary authority in the course of an inquiry held under Assam Civil Services (Discipline and Appeal) Rules, 1964.

28. **Procedure for preferring Appeal:-**

a. Any employee, aggrieved by an order of the disciplinary authority may prefer an appeal before the High Court within thirty days of the passing of such order. However, the time taken in obtaining certified copy shall be excluded in counting of above period.

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

b. The Registry shall place the appeal before the concerned Portfolio Judge to decide the same. The decision of the Portfolio Judge has to be ratified by the Judge Administrative Department. Thereafter, the matter shall be placed before the Chief Justice for his decision.

29. **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.

30. **Effect of refusal to accept promotion:**

The refusal to accept promotion shall be treated as a bar for consideration for promotion in the subsequent chances, which may occur in future within a period of two years from the date of refusal.

Provided that if the appointing authority is satisfied that the refusal is not in the interest of administration, may, notwithstanding such refusal may 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.

31. **Delegation of Financial Powers:**

The District and Sessions Judge may delegate financial power to any suitable officers to deal with the financial matters of officers or staff of his establishment.

32. **Power to Relax:**

Where the Chief Justice is of the opinion that the operation of any rule causes undue hardship in a particular case, he may, by order, relax the requirement of that rule to such extent and subject to such conditions as he may deem necessary.

33. **Application of the rules to other Courts created under Special Law.**

- a. These rules shall be applicable for the ministerial staff in the establishment of the Special Judges, Motor Accidents Claims Tribunals, and Family Courts.
- b. The staff of the aforesaid establishment shall be part of the District Judicial Court Establishment.
- c. The High Court can transfer a staff of the aforesaid establishment to any court in the same rank. However, the District and Sessions Judge

shall have no such power to transfer the staff of the aforesaid establishments.

34. **Repeal and Saving:**

The Assam District and Sessions Judges Establishment (Ministerial) Service Rules, 1987 and the Assam Chief Judicial Magistrate Establishment (Ministerial) Service Rules, 1987 are hereby repealed.

Notwithstanding such repeal, any appointment made, order issued, action taken or anything whatsoever done under the Rules so repealed shall be deemed to have been made, issued, taken or done under the corresponding provisions of these Rules and the provisions of section 6 of the General Clauses Act, 1897 will apply in determining the effect of such repeal.

## SCHEDULE A

[SEE RULE 4(ii)]

## REDESIGNATION OF POSTS

Sl. No.	Existing Designation	New Designation
1	Sheristedar to DJ	Chief Administrative Officer
2	Sheristadar to Addl DJ	Senior Administrative Officer
3	Head Assistant to DJ	Head Administrative Officer to District Judge
4	Superintendent, Family Court	Chief Administrative Officer (Family Court)
5	Head Assistant to CJM	Head Administrative Officer to CJM
6	Sheristadar to Civil Judge	Administrative Officer/Bench Assistant I (of Court of Civil Judge )
7	Sheristadar to Munsiff/ Superintendent/ Supervisory Assistant	Jr. Administrative Officer//Bench Assistant II
8	Nazir	Administrative Officer/Bench Assistant I
9	UDA (upper Division Asstt.)	Senior Administrative Assistant (SAA)/Bench Assistant III
10	LDA/Typists/ Copyist/Computer Typist	Junior Administrative Assistant (JAA)
11	Head Jarikarak	Bailiff
12	Jarikarak	Process Server
13	Peon/Mali/orderly/attendant/cho wkidar	Peon/Mali/orderly/Attender/Guard/Bunglo w peon
14	Sweeper	Cleaner/Safai Karmachari

## SCHEDULE B

[SEE RULE 4(i)]

## Qualification for recruitment/promotion

Sl. No	Designation	Group	Method of recruitment	Qualification Criteria.	Scale of Pay
1	2	3	4	5	6
1	Chief Administrative Officer	A	By way of Promotion on <b>merit cum seniority</b> basis	1. Must be a graduate in any discipline. 2. Must have put 3 years continuous service in the post Senior Administrative Officer/Head Administrative Officer to DJ/ CJM working under any District Court. (Group B-1 posts).	PB-4 Rs. 12000- Rs. 40000, GP – Rs. 6300.
2	Senior Administrative Officer	B-I	By way of elevation on seniority cum merit basis	Must have put 2 years continuous service in the post of Administrative Officer.	PB-4 Rs. 12000- Rs. 40000, GP – Rs. 6100.
3	Head Administrative Officer to Dist Judge	B-I	By way of elevation on seniority cum merit basis	Must have put 2 years continuous service in the post of Administrative Officer/ Bench Assistant I.	PB-4 Rs. 12000- Rs. 40000, GP – Rs. 6100.
4	Chief Administrative Officer (Family Court)	B-I	By way of elevation on seniority cum merit basis	Must have put 2 years continuous service in the post of Senior Administrative Assistant (SAA)/ Bench Assistant III.	PB-3 Rs. 8000- Rs. 35000, GP – Rs. 4900.
5	Head Administrative Officer to CJM	B-I	By way of elevation on seniority cum merit basis	Must have put 2 years continuous service in the post Administrative Officer/ Bench Assistant I.	PB-3 Rs. 8000- Rs. 35000, GP – Rs. 4200.
6	Administrative Officer/Bench Assistant I (Civil Judge)	B-II	By way of elevation on seniority cum merit basis	Must have put 2 years continuous service in the post Jr. Administrative Officer/Bench Assistant II.	PB-3 Rs. 8000- Rs. 35000, GP – Rs. 4200

7	Jr. Administrative Officer/Bench Assistant II	B-II	By way of elevation on seniority cum merit basis	Must have put 2 years continuous service in the post Senior Administrative Assistant (SAA)/Bench Assistant III	PB-2 Rs. 5200- Rs. 20200, GP – Rs. 3100
8	Protocol Officer	B-II	Direct recruitment	(i) A candidate having MBA or equivalent in travel and tourism management or hospitality management obtained through regular classroom course from an UGC recognized University will be eligible to apply. A candidate awaiting final result may not apply. (ii) The candidate should be a permanent resident of the state of Assam. The candidates must have adequate knowledge of various cultures, histories flora and fauna of the North Eastern states and also the places of interest and importance.	PB-2 Rs. 5200- Rs. 20200, GP – Rs. 3000
9	Librarian (on creation of post by Govt.)	B-II	Direct recruitment	Having degree in B. Lib	
10	Administrative Officer/ Bench Assistant I (Nazir)	B-II		Same as Senior Administrative Assistant (SAA)/Bench Assistant III	PB-2 Rs. 5200- Rs. 20200, GP – Rs. 2900
11	Senior Administrative Assistant (SAA)/Bench Assistant III	B-II	By way of promotion	1. Must have put 10 years continuous service in the post Junior Administrative Officer (JAA). 2. Must be a graduate in any discipline. 3. For limited departmental promotion an employee must have put 7 years continuous service in the post Junior Administrative Officer (JAA).	PB-2 Rs. 5200- Rs. 20200, GP – Rs. 2900

12	Executive Assistant to Dist. & Sessions Judge		One of the Stenographer Grade I will act as Executive Assistant	Same as stenographer I	PB-4 Rs. 12000- Rs. 40000, GP – Rs. 5900.
13	Stenographer I			1. Must be a graduate in any discipline.2. Must have put 3 years continuous service in the post of Stenographer II3. Must pass the departmental proficiency test of shorthand and typing skill as prescribed from time to time and to be conducted by Central Recruitment Committee.	PB-4 Rs. 12000- Rs. 40000, GP – Rs. 5900.

14	Stenographer II			<p><b>For Promotion :- ( 50% of the sanctioned posts)</b></p> <ol style="list-style-type: none"><li>1. Must be a graduate in any discipline.</li><li>2. Must have put 5 years continuous service in the post of Stenographer III</li><li>3. Must pass the departmental proficiency test of shorthand and typing skill as prescribed from time to time and to be conducted by Central Recruitment Committee.</li></ol> <p><b>For Direct recruitment:- (50% of the sanctioned posts)</b></p> <ol style="list-style-type: none"><li>1. Must be a graduate in any discipline.</li><li>2. Must hold a diploma/certificate in shorthand from ITI/Poly Technique/ Any other Institute.</li><li>3. Working Knowledge on computer as well as on type machine is must.</li><li>4. Must pass the proficiency test examination of shorthand and typing skill as prescribed from time to time and to be conducted by Central Recruitment Committee.</li></ol>	PB-4 Rs. 8000- Rs. 35000, GP – Rs. 4500.
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15	Stenographer III			<p><b>For Direct recruitment:-</b></p> <ol style="list-style-type: none"> <li>1. Must be a graduate in any discipline.</li> <li>2. Must hold a diploma/certificate in shorthand from ITI/Poly Technique/ Any other Institute.</li> <li>3. Working Knowledge on computer as well as on type machine is must.</li> <li>4. Must pass the proficiency test examination of shorthand and typing skill as prescribed from time to time and to be conducted by Central Recruitment Cell.</li> </ol>	PB-2 Rs. 5200- Rs. 20200, GP – Rs. 2900
16	Junior Administrative Assistant (JAA)	C		<p><b>For Direct recruitment:-</b></p> <ol style="list-style-type: none"> <li>1. Must be a graduate in any discipline.</li> <li>2. Working Knowledge on computer is must.</li> </ol> <p><b>For Promotion:</b></p> <ol style="list-style-type: none"> <li>1. Must be HSSLC Pass.</li> <li>2. Must complete 7 years of continuous service in Group D of the service.</li> </ol>	PB-2 Rs. 5200- Rs. 20200, GP – Rs. 2200
17	Protocol Assistant		Direct recruitment	<ol style="list-style-type: none"> <li>1. A graduate from any UGC recognized university with minimum six months diploma/ certificate in travel and tourism management or hospitality management will be eligible to apply. A candidate awaiting final result may not apply.</li> <li>2. The candidate should be a permanent resident of the state of Assam. The candidate must have adequate knowledge of various cultures, histories, flora and fauna of the North Eastern states and also the places of interest and importance.</li> </ol>	PB-2 Rs. 5200- Rs. 20200, GP – Rs. 2200

18	Bailiff	D-I		Must complete 5 years of continuous service in service as process server.	PB-2 Rs. 5200- Rs. 20200, GP – Rs. 2000
19	Process Server	D-I		<p><b>For Direct recruitment:-</b></p> <p>1. Must be a graduate in any discipline.</p> <p>2. Must have knowledge in official language of Assam.</p> <p><b>For Promotion:</b></p> <p>1. Must be HSLC Pass.</p> <p>2. Must complete 5 years of continuous service in Group D-II of the service</p>	<p>PB-2 Rs. 5200- Rs. 20200, GP – Rs. 2100 (Having qualification of minimum VIII standard)P B-I Rs. 4500- Rs. 15000, GP – Rs. 1600 (Having qualification of below VIII standard)</p>
20	Driver	D-I		<p>1. Must be HSLC pass</p> <p>2. Must hold valid professional driving license to drive LMV/four wheel vehicle for not less than last 5 years.</p>	PB-2 Rs. 5200- Rs. 20200, GP – Rs. 2100
21	Daufury	D-I		<p>1. Must be HSLC Pass.</p> <p>2. Must complete 5 years of continuous service in Group D-II of the service</p>	PB-2 Rs. 5200- Rs. 20200, GP – Rs. 2000
22	Peon/Mali/Orderly/Attender/guard/Bunglow peon/or any other designation as may be given.	D-II		Must be class VIII Pass but below HSLC. A candidate who has passed HSLC shall be ineligible for the post.	PB-I Rs. 4500- Rs. 15000, GP – Rs. 1500
23	Cleaner/Safai Karmachari	D-II	D-II		PB-I Rs. 4500- Rs. 15000, GP – Rs. 1500
24	Personal Attendant		temporary		

**SCHEDULE C**

(see rule 15)

**Time schedule for Central recruitment Committee****For filling up vacancies by direct recruitment:- (for next calendar year)**

1. Determination of vacancies	by 15 <sup>th</sup> June
2. Advertisement for recruitment	by 30 <sup>th</sup> of June
3. Last date of receipt of application	by 30 <sup>th</sup> of July
4. Issuance of admit cards	by 31 <sup>st</sup> of August
5. Holding of screening test	by 14 <sup>th</sup> of September
6. Declaration of results of screening test	by 30 <sup>th</sup> of September
7. Holding of written examination	within 20 <sup>th</sup> October
8. Declaration of results	within 20 <sup>th</sup> November
9. Viva voce/interview	within 10 <sup>th</sup> of December
10. Publication of final selection list	within 22 <sup>nd</sup> of December
11. Issue of appointment letter	Prior to 15 days of post falling vacant

**For filling up vacancies by Promotion:- (for next calendar year)**

1. Determination of vacancies to be filled by promotion	by 30 <sup>th</sup> of June
2. Receipt of Application for Promotion	by 30 <sup>th</sup> of July
3. Calling of ACR by Central Recruitment Cell	by 14 <sup>th</sup> of August.
4. Submission of ACR by district recruitment cell	within 30 <sup>th</sup> August
5. Holding of proficiency test (for stenographers)	within 30 <sup>th</sup> September
6. Viva voce/interview (if required)	within 30 <sup>th</sup> of October
7. Publication of final promotion/selection list	within 30 <sup>th</sup> of November
8. Issue of posting letter on promotion	Prior to 15 days of post falling vacant

**For filling up vacancies by Limited Departmental Examination:- (for next calendar year)**

1. Determination of vacancies	by 30 <sup>th</sup> of June
2. Advertisement for recruitment	by 30 <sup>th</sup> of July
3. Last date of receipt of application	by 30 <sup>th</sup> of August
4. Issuance of admit cards	by 14 <sup>th</sup> of September
5. Holding of written examination	within 30 <sup>th</sup> September
6. Declaration of results	within 20 <sup>th</sup> October
7. Viva voce/interview	within 10 <sup>th</sup> of November
8. Publication of final selection list	within 30 <sup>th</sup> of November
9. Issue of appointment letter	Prior to 15 days of post falling vacant

**SCHEDULE D**

(See rule 15)

**Time schedule for District recruitment Committee****For filling up vacancies in Group D by direct recruitment: (for next calendar year)**

1. Determination of vacancies	by 15 <sup>th</sup> June
2. Advertisement for recruitment	by 30 <sup>th</sup> of June
3. Last date of receipt of application	by 30 <sup>th</sup> of July
4. Issuance of admit cards	by 31 <sup>st</sup> of August
5. Holding of screening test (if required)	by 14 <sup>th</sup> of September
6. Declaration of results of screening test (if done)	by 30 <sup>th</sup> of September
7. Holding of written examination (for D-1 post)	within 20 <sup>th</sup> October
8. Declaration of results	within 20 <sup>th</sup> November
9. Viva voce/interview	within 10 <sup>th</sup> of December
10. Publication of final selection list	Within 22 <sup>nd</sup> of December
11. Issue of appointment letter	Prior to 15 days of post falling vacant

**For filling up vacancies by Promotion:- (for next calendar year)**

1. Determination of vacancies to be filled by promotion	by 30 <sup>th</sup> of July
2. Receipt of Application for Promotion	by 30 <sup>th</sup> of August
3. Calling of ACR by District Recruitment Committee	by 14 <sup>th</sup> of September.
4. Submission of ACR by District Recruitment Cell	within 30 <sup>th</sup> September
5. Viva voce/interview (if required)	within 20 <sup>th</sup> of October
6. Publication of final promotion/selection list	within 30 <sup>th</sup> of October
7. Issue of posting letter on promotion	Prior to 15 days of post falling vacant

**SCHEDULE - E****Syllabus for Direct Recruitment in Group C**

1. General English, Precise writing, Essay writing, Drafting, translation, English Grammar etc.	100 Marks
2. General Knowledge, Current affairs, Mathematics,	100 Marks
3. Viva voce and Computer Proficiency/Typing test	50 + 50 Marks

**Syllabus for Direct Recruitment in Stenographer II & III**

1. General English, Precise writing, Essay writing, Drafting, translation, English Grammar etc.	100 Marks
2. General Knowledge, Current affairs, Mathematics,	100 Marks
3. Shorthand Test & Computer Proficiency/Typing test	50 Marks
4. Viva voce	50 Marks

**Syllabus for promotion through Departmental Examination in Group B**

1. General English, Precise writing, Essay writing, translation, English Grammar, Mathematics etc.	100 Marks
2. General Knowledge, Current affairs, preparing office notes, Letter drafting, knowledge of Civil Court Rules and order, Criminal Court rules and Order.	100 Marks
3. Viva voce, and Computer Proficiency/Typing test	50 + 50 Marks

## SCHEDULE-F

An independent and honorable Judiciary is indispensable to deliver justice in our society. A judicial employee should personally observe high standards of conduct so that the integrity and independence of the Judiciary are preserved and the judicial employee's office reflects a devotion to serving the public. Judicial employees should require adherence to such standards.

All employees in courts hold highly visible positions of public trust. They must conduct their business in an environment and in a manner that favorably reflects the ideals consistent with the fundamental values of our judicial system. These values include: fairness, accessibility, accountability, effectiveness, responsiveness and independence. The actions of the employees at all times should uphold and increase the public trust and confidence in the judicial system, reflect the highest degree of integrity, and demonstrate commitment to each principle embodied in this model code.

### **Abuse of Position:**

- i. A judicial employee of Court will not use or attempt to use his position to secure unwarranted privileges for himself or others.
- ii. A judicial employee shall not solicit or accept, or appear to solicit or accept, any gift, favor, or anything of value based upon any material understanding that the official actions, decisions, or any court employee would be influenced.
- iii. A judicial employee shall not discriminate against or otherwise give special treatment or anything of value to any person, whether or not for compensation, or permit family, social, or other relationships to influence or appear to influence my official conduct or judgment.
- iv. A judicial employee will use the resources, property, and funds under his official control judiciously and solely in accordance with prescribed legal and court operating procedures.

### **Conflict of Interest:**

- i. A judicial employee shall avoid conflicts of interest and the appearance of conflicts of interest in the performance of his duties.
- ii. A judicial employee shall not engage in outside employment which may conflict or appear to conflict with the performance of his official responsibilities.
- iii. When a judicial employee knows that a conflict of interest may be presented, the judicial employee should promptly inform his or her appointing authority. The appointing authority, after determining that a

conflict or the appearance of a conflict of interest exists, should take appropriate steps to restrict the judicial employee's performance of official duties in such matter so as to avoid a conflict or the appearance of a conflict of interest. A judicial employee should observe restrictions imposed by his or her appointing authority in this regard.

**Confidentiality:**

- i. A judicial employee shall not disclose to any unauthorized person any confidential information acquired in the course of his court employment.
- ii. A judicial employee should avoid making public comment on the merits of a pending or impending action and should require similar restraint by personnel subject to the judicial employee's direction and control. This proscription does not extend to public statements made in the course of official duties or to the explanation of court procedures

**Performance of Duties:**

- i. A judicial employee shall carry out his responsibilities to the public in a timely, impartial, diligent, and courteous manner and shall not discriminate based upon race, colour, religion, national origin, gender, or other protected group, in the conduct of service to the court and the public.
- ii. A judicial employee will actively pursue continuing education opportunities for the purpose of improving his professional skills and thereby providing higher quality service to the court and the public.
- iii. A judicial employee shall avoid any activity which would reflect adversely on his position or the position of the Institution.

**Political Activities:**

A judicial employee should refrain from partisan political activity; should not act as a leader or hold any office in a partisan political organization; should not make speeches for or publicly endorse or oppose a partisan political organization or candidate; should not solicit funds for or contribute to a partisan political organization, candidate, or event; should not become a candidate for partisan political office; and should not otherwise actively engage in partisan political activities.

**Financial Activities:**

- i. A judicial employee should refrain from outside financial and business dealings that tend to detract from the dignity of the court, interfere with the proper performance of official duties, exploit the position, or associate the judicial employee in a substantial financial manner with lawyers or



other persons likely to come before the judicial employee or the court or office the judicial employee serves.

- ii. A judicial employee should not solicit or accept a gift from anyone seeking official action from or doing business with the court or other entity served by the judicial employee, or from anyone whose interests may be substantially affected by the performance or nonperformance of official duties. A judicial employee should endeavor to prevent a member of a judicial employee's family residing in the household from soliciting or accepting any such gift.
- iii. A judicial employee shall disclose the statement of his assets and liability every year.

### **Sexual Harassment:**

Sexual harassment is prohibited in work place. The guidelines of the Supreme Court in the case Vishaka or any law or Regulations that may come into effect shall be strictly followed. Any such act on the part of a judicial employee shall be treated as gross misconduct.

### **Punctuality & Discipline:**

- i. All judicial employees shall attend court in time and shall not leave office before office hour without intimating the authority.
- ii. Any unauthorized absence from duty by a judicial employee will be treated as misconduct.
- iii. All judicial employees shall carry an identity card which shall be visible to public.
- iv. All judicial employees who are required to wear uniform shall strictly follow the same.

The list is not exhaustive and High Court from time to time may add to it. Even any conduct which undermine the dignity of the post which an employee hold shall be treated as misconduct.

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**SCHEDULE-G**

**BOND FOR STENOGRAPHER/ DRIVER**

I \_\_\_\_\_ do hereby undertake to work at odd hours in office and/ or at the residence of the judicial officer as per the requirement of the judicial officer, within the court hours and beyond it, and also during holidays, and my failure to do so would amount to misconduct on my part.

**SCHEDULE -H**

**(Creation of Zones) Headquarter may be notified**

- (1) ZONE A- Sessions Division of Kamrup(Metro), Kamrup, Darrang, Nalbari, Barpeta, Morigaon, Udalguri
- (2) ZONE B- Sessions Division of Cachar, Karimganj, Hailakandi, Dima Haso
- (3) ZONE C- Sessions Division of Tinsukia, Dibrugarh, Sibsagar, Jorhat, Golaghat, Karbi Anglong
- (4) ZONE D- Sessions Division of Dhemaji, Lakhimpur, Sonitpur, Nagaon
- (5) ZONE E- Sessions Division of Kokrajhar, Bongaigaon, Dhubri, Goalpara, Chirang, Baksa.

**SCHEDULE –I****TRANSFER POLICY FOR MINISTERIAL STAFF IN DISTRICT  
JUDICIARY OF ASSAM**

Transfer is an incidence of service which is usually done in public interest for improving the efficiency of the system. Ordinarily, ministerial staff is not transferred frequently. But for Judiciary, the exercise is perhaps necessary to improve, the quality of justice delivery system, maintaining discipline, and to remove deficiency of the ministerial staff working in various District Courts. Keeping above objective in mind the transfer policy for the ministerial staff in District Judiciary of Assam, other than Group-D employees, is formulated as under:-

- i. Unlike Judicial Officer, the transfer of employees of subordinate Judiciary may not be done in a routine manner for the time being. It may be done in public interest and on the event of immediate necessity.
- ii. The transfer may be need based and in administrative exigency for the time being and may not be done in every three years as the lack of infrastructure for residential accommodation for staff in every station.
- iii. The High Court may take necessary steps in due course to provide residential accommodation to staff in future, so that employees can be transferred like judicial officers, in regular interval.
- iv. Since litigants come in contact first with the ministerial staff in courts so every staff is required to maintain high standard of probity while discharging their functions. Any indication/ appearance of impropriety may warrant transfer of a staff from one station to another for restoring confidence of the litigants in the system.

- v. If transfer of an employee becomes inevitable then his place of posting may be considered at the nearest station of his home town. This will reduce discontents to a great extent.
- vi. In the event of transfer from one District to another District seniority of the incumbent may be maintained in that District to which he is transferred. For this purpose a Gradation list, (to be applicable to) of all the employees of the state of Assam, may be prepared and maintained in the Principal Seat.
- vii. As far as practicable all transfers shall be given effect to in the month of January of the calendar year so that the children (offspring) of the incumbent faces no difficulties in getting admissions either in colleges or in the Schools.
- viii. Mid-term transfer, unless warranted by compelling circumstances, shall not be resorted to.
- ix. If wife of the incumbent is also an employee of any of the two establishments, then they shall be accommodate in the same station, provided vacancies are available.
- x. Transfer on request may be considered by the High Court, only if there exists any valid reasons for such request, but same is subject to availability of vacancies in other district head-quarter or sub-division or on mutual transfer.
- xi. Ordinarily, an employee with disability should not be transferred from one station to other, unless public interest and administrative exigencies warrants.
- xii. Transfer of an incumbent may not be considered 6(six) months before his (immediate) retirement, as it may cause much difficulty in getting his pension after retirement.

- xiii. On transfer, the incumbents will be entitled to T.A. and D.A. as per Govt. Rule. But if transfer is considered on the request of the incumbent, then he will not be entitled to any T.A. and D.A.
- xiv. All proposals for transfer, prepared by the Registry may be considered by a committee comprising of Judges constituted for this purpose. The numbers of the judges of the committee may be determined by the Chief Justice.

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