

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

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- (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 scalehaving three years' expenence 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 includes,- 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 knowledge 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