

Raipur, the 7th April 2006

NOTIFICATION

F.No. 2986/943/21-B/C.G.- In exercise of powers conferred by Article 234 read with the proviso to Article 309 of the Constitution of India, to regulate the Recruitment and Service Condition of Members of Lower Judicial Service, in supersession of the existing Rules in force, the Governor of Chhattisgarh, in consultation with the High Court and State Public Service Commission, hereby makes the following Rules: -

1. Short Title, Commencement and Application. – (1) These Rules shall be called the Chhattisgarh Lower Judicial Service (Recruitment and Conditions of Service) Rules, 2006.

(2) It shall come into force on the date of its publication in the Official Gazette.

(3) It shall apply to all the members of the Chhattisgarh Lower Judicial Service.

2. Definitions. – In these Rules, unless the context otherwise requires --

(a) “Chief Justice” means the Chief Justice of the High Court of Chhattisgarh.

(b) “Committee” means Committee for recruitment consisting of three Judges of the High Court nominated by the Chief Justice.

(c) “Direct Recruitment” means direct recruitment to the post in category (a) of sub-rule (1) of Rule 3 in the manner prescribed in sub-rule (1) of Rule 5.

(d) “Foreign Service” means the service as defined in sub-rule (7) of Rule 9 of Chhattisgarh Fundamental Rules.

(e) “Governor” means the Governor of Chhattisgarh.

(f) “Government” means the Government of Chhattisgarh.

(g) “High Court” means the High Court of Chhattisgarh.

1 – the Rule read as [“Commission” means the Chhattisgarh Public Service Commission] which was substituted vide notification no.7120/D-2517/XXI-B/CG/07 dated 14-08-2007

- (h) “Other Backward Classes” means Other Backward Classes declared by the State Government from time to time by notification.
- (i) “Recognized University” means any University recognized by the Government of India.
- (j) “Service” means the Chhattisgarh Lower Judicial Service.
- (k) “State” means the State of Chhattisgarh.
- (l) “Scheduled Caste” means the Scheduled Caste specified in relation to this State under Article 341 of the Constitution of India.
- (m) “Scheduled Tribe” means the Scheduled Tribe specified in relation to this State under Article 342 of the Constitution of India.

3. Constitution of Service. – The Service shall consist of the following categories namely : -

- (1) Civil Judge –
 - (a) Entry Level (in pay scale Rs. 9,000-250-10,750-300-13,150-350-14,550).
 - (b) Superior Scale – First Stage of Assured Career Progression Pay (in pay Scale Rs. 10,750-300-13,150-350-14,900) after 5 years of continuous service from the date of entry.
 - (c) Selection Grade – Second Stage of Assured Career Progression pay Scale (in pay scale Rs. 12,850-300-13,150-350-15,950-400-17,550) after completion of another 5 years of continuous service, if not promoted as Senior Civil Judge.
- (2) Senior Civil Judge –
 - (a) Promotion Cadre (in pay scale Rs. 12,850-300-13,150-350-15,950-400-17,550).
 - (b) Superior Scale-Chief Judicial Magistrate/Additional Chief Judicial Magistrate – First Stage of Assured Career Progression pay Scale (in pay scale Rs. 14,200-350-15,950-400-18,350) after 5 years of continuous service as Senior Civil Judge.
 - (c) Selection Grade – Second Stage of Assured Career Progression pay Scale (in pay scale Rs. 16,750-400-19,150-

450-20,500) after completion of another 5 years of continuous service, if not promoted to the cadre of District Judge in Higher Judicial Service.

The pay scales provided in sub-rule (1) and (2) shall be revisable from time to time subject to revision of salary of High Court Judges, by maintaining the present ratio.

The conferment of benefit by way of ACP Scales shall be made on the appraisal of the work and performance by the High Court.

- (3) The Service shall consist of following persons :-
- (a) Persons who, at the time of commencement of these Rules, are holding substantive or officiating capacity, the post of Civil Judges – Junior Scale (known as Civil Judge Class-II), Civil Judges – Senior Scale (known as Civil Judge Class-I) and Civil Judges – Selection Grade-cum-Chief Judicial Magistrate/Additional Chief Judicial Magistrate.
 - (b) Persons recruited directly or promoted to the Services in accordance with the provision of these rules.

4. Strength of Service. – The strength of Service shall be determined by the Governor from time to time in consultation with the High Court :

Provided that the number of posts in sub-rule (2) of Rule 3 in the cadre of Senior Civil Judge shall be 40% of the total number of permanent posts in the cadre of Civil Judges.

5. Method of Recruitment and Appointment –

- (1) All appointments to category (a) of sub-rule (1) of Rule 3 shall be made by the Governor by direct recruitment in accordance with the recommendations of the *Committee*¹ on selection :

Provided that the procedure and curriculum for holding examination for the selection of candidates shall be prescribed by the *Committee in consultation with the High Court, as per Schedule¹-I²*:

1– The word “Commission” in sub-rule (1) and the words “Commission in consultation with the High Court and the State Government” in proviso to sub-rule (1) substituted vide notification no.7120/D-2517/XXI-B/CG/07 dated 14-08-2007.

2 – inserted vide notification no.1717/D-658/21-B/08 dated 23-02-2008.

- (2) Appointments to categories sub-rule (2) of Rule 3 shall be made by the High Court by selection and promotion amongst Civil Judges on the basis of merit-cum-seniority :

¹The number of vacancies and the officers to be brought under the zone of consideration for promotion shall be in the ratio 1:3 and the suitability of the officers shall be tested in accordance with norms prescribed in Schedule-II.

¹5 (A) Time Schedule for filling up vacancies & Recruitment – The projected vacancies and the time schedule for filling up the vacancies shall be in accordance with the order dated 04-01-2007 passed by Hon’ble Supreme Court in Civil Appeal No. 1867 of 2006 (Malik Mazhar Sultan And Anr. Versus U.P. Public Service Commission & Ors.).

6. Reservation of Posts for Scheduled Castes, Scheduled Tribe and Other Backward Classes, Women and Physically Handicapped Persons. –

- (1) Posts for direct recruitment (Entry Level) shall be reserved for the candidates belonging to Scheduled Caste, Scheduled Tribe and Other Backward Classes in accordance with the provisions of Chhattisgarh Lok Sewa (Anusuchit Jatiyon, Anusuchit Jan-Jatiyon Aur Anya Pichhade Vargon Ke Liye Aarakshan) Adhiniyam, 1994 (No. 21 of 1994).
- (2) 30% of the posts shall be reserved for the woman candidates at the stage of direct recruitment (Entry Level) and the reservation shall be horizontal and compartmentwise.

Explanation. – “Horizontal and compartment-wise reservation” means reservation in each category, namely: Scheduled Castes, Scheduled Tribes, Other Backward Classes and General.

- (3) Two percent of the posts shall be reserved for the physically handicapped persons having orthopedical disability, in accordance with the notifications, circulars and instructions issued by the State Government from time to time, subject to the conditions as provided in clause (d) sub-rule (1) of Rule 7.

7. Eligibility. –

(1) No person shall be eligible for appointment to posts in category (a) of sub-rule (1) of Rule 3 unless, he or she: -

- (a) is a citizen of India,
- (b) has completed the age of 21 years and has not completed the age of 35 years on the first day of January of the next following year in which applications for appointment are invited:

Provided that the upper age limit shall be relaxable upto a maximum limit of 5 years for candidates belonging to Scheduled Caste, Scheduled Tribe or Other Backward Classes :

Provided further that the upper age limit shall be relaxable upto a maximum limit of 10 years in case of women candidates belonging to each category namely Scheduled Caste, Scheduled Tribe or Other Backward Classes and General:

Provided further that the upper age limit for Government servant whether permanent or temporary, shall be relaxable upto further 3 years in addition to the relaxations available as above.

¹Provided further that where a candidate who was eligible in age to apply for appointment in any calendar year in which vacancies were notified as per Rule 5 (A) and if for some reason recruitment proceeding could not be initiated, such candidate shall be eligible in age to appear in the following recruitment proceedings.

- (c) possesses a degree in law of any recognised University.
 - (d) has good character and is of sound health and mind and is free from any disability which renders him unfit for such appointment.
- (2) A person shall be disqualified for appointment by direct recruitment, if, he/she;
- (a) has more than one spouse living.

- (b) has been dismissed or removed from service by any High Court, Government, Statutory Authority or Local Authority.
- (c) has been convicted of an offence involving moral turpitude or has been permanently debarred or disqualified by any High Court or Union Public Service Commission or any State Public Service Commissions or any Services Selection Board or Staff Selection Commission.
- (d) has been found guilty of professional misconduct under the provisions of the Advocates Act, 1961 or any other law for the time being in force.

8. Disqualification. – Any attempt on the part of the candidate to obtain support for his candidature, by any means, may be a disqualification for admission to examination or selection for the Service.

9. *Committee's*¹ Decision about Eligibility of Candidate. – The decision of the *Committee*¹ as to eligibility or otherwise of the candidate for admission to the examination shall be final.

10. List of Candidates Recommended by the *Committee*¹. –

- (1) The *Committee*¹ shall forward to the Government a list arranged in order of merit of the candidates qualified for the post. The list shall be published for general information.
- (2) Subject to the provisions of these Rules and Chhattisgarh Civil Services (General Conditions of Service) Rules, 1961, candidates shall be considered for appointment to the available vacancies in the order in which their names appear in the list.

11. Probation. –

- (1) A person appointed to category (a) of sub-rule (1) of Rule 3 shall be posted on probation for a period of two years.
- (2) A person appointed to a post in category (a) of sub-rule (1) of Rule 3 shall undergo a judicial training for a period of one year in accordance with the scheme prepared by the High Court and shall also include training in the State Judicial Officers' Training Institute.

¹ – The word “Commission” in Rule 9 and sub-rule (1) of Rule 10 substituted vide notification no.7120/D-2517/XXI-B/CG/07 dated 14-08-2007.

- (3) The High Court may, at any time, before the completion of probation period extend the period of probation, but the total period of probation shall not exceed three years.
- (4) The High Court, may at any time, before the completion of period of probation, recommend termination of the services of Civil Judge appointed to the category (a) of sub-rule (1) of Rule 3.
- (5) On successfully completion of probation, a probationer shall be confirmed in the Service or post, to which, he has been appointed and if no permanent post is available, a certificate shall be issued in his favour by the High Court to the effect that the probationer would have been confirmed, but for the non-availability of the permanent post and as soon as a permanent post becomes available, he shall be confirmed.
- (6) A person appointed on probation shall continue as such until terminated or confirmed under sub-rule (4) or sub-rule (5) as the case may be.
- (7) When a probationer is confirmed, he shall be allowed to draw annual increment for the whole of the period of probation.

12. Postings and Transfers. – All posting and transfers of person appointed to the Service shall be made by the High Court.

13. Seniority. –

- 1) The seniority of the members of the Service holding substantive or officiating post at the time of commencement of these Rules shall continue to be the same as it exist at the commencement of these Rules.
- (2) The seniority of persons appointed to the Service after the commencement of these Rules shall be determined in accordance with the provisions of Chhattisgarh Civil Services (General Conditions of Service) Rules, 1961.

14. Pay, Allowances and other Conditions of Service. –

- (1) The members of the Service shall be paid, pay, allowances and be provided with facilities as recommended by the First National Judicial Pay Commission (Shetty Pay Commission) as accepted by the Supreme Court of India in its judgment dated 21-3-2002 in the case of All India Judges' Association vs. Union of India, (2002 AIR SCW 1706).

- (2) Fixation of pay of the members of Service shall be made in accordance with the Chhattisgarh Lower and Higher Judicial Service (Revision of Pay of Rules, 2003).
- (3) The members of the Service shall also be entitled to other benefits and their conditions of service shall be governed in accordance with the existing rules applicable to the Government servants of the corresponding grade in general and not inconsistent with these Rules.

15. Superannuation Age. –

- (1) The retirement age of a Member of the Service shall be 60 years without prejudice to the provisions contained in sub-rule (3) of Rule 56 of the Fundamental Rules and clause (b) of sub-rule (1) of Rule 42 of the Chhattisgarh Civil Services (Pension) Rules, 1976.

Provided that well within time before the attainment of the age of 58 years by a Member of the Service, the High Court, after assessment and evaluating the record if not found fit and eligible to continue in Service may recommend the retirement of such Member, of the Service on completion of the age of 58 years.

- (2) For finding out whether a Member of the Service should be retired prematurely under sub-rule (3) of Rule 56 of the Fundamental Rules and clause (b) of sub-rule (1) of Rule 42 of the Chhattisgarh Civil Services (Pension) Rules, 1996 or compulsorily retired under the first proviso of sub-rule (1), the Chief Justice may constitute a Screening Committee for the scrutiny and assessment of such Member of the Service based on his past record of service, character rolls, quality of judgments/orders and other relevant matters like his integrity, reputation and utility.

16. Oath. – Every person, appointed to the Service by direct recruitment before he joins, shall make and subscribe before such person as may be specified by the Chief Justice, oath or affirmation in the following form :-

“I,, having been appointed as a member of the Chhattisgarh Lower Judicial Service, do swear in the name of God/solemnly affirm, that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India. That I will duly and faithfully and to the best of my ability, knowledge and judgment, perform the duties of my office without fear or favour, affection or ill will, and that I will uphold the Constitution and the laws”.

¹ the words “headed by himself” omitted vide notification no.1717/D-658/21-B/08 dated 23-02-2008

17. Deputation. – A member of the Service may be appointed in deputation to perform the duties of any post under Central Government or the State Government or to serve in an organization, which is wholly or partly owned or controlled by such Government or in foreign service or in the High Court.

18. Interpretation. – If any question arises as to the interpretation of these Rules, the decision of the High Court shall be final.

¹18-A In consultation with the High Court, State Government shall be competent to make any further amendment in these rules as may be necessary from time to time.

19. Power to Relax. – Where the High Court is satisfied that the operation of any of these Rules causes undue hardship in any particular case or class it may for reasons to be recorded in writing dispense with or relax the particular Rule to such extent and subject to such exceptions and conditions as may be deemed necessary:

Provided that as and when any such relaxation is granted by the High Court, the Governor shall be informed of the same.

20. Repeal & Saving. – Chhattisgarh Lower Judicial Service (Recruitment and Conditions of Service) Rules, 1994 and orders, resolutions, if any, in force immediately before the commencement of these Rules, are hereby repealed or rescinded, as the case may be, in respect of matters covered by these Rules :

Provided that any order made or action taken under the Rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these Rules.

¹Schedule-I²

(Under Rule 5 (1))

The Examination shall be conducted in three parts, namely, (i) Preliminary examination, (ii) Final Examination and (iii) Viva-voce. The scheme of the examinations shall be as follows: -

(a) Preliminary Examination

The preliminary examination shall be of the duration of two hours consisting of objective-type questions from the following :

- (1) *Indian Penal Code*
- (2) *Code of Civil Procedure*
- (3) *Code of Criminal Procedure*
- (4) *Indian Evidence Act*
- (5) *Constitution of India*
- (6) *Transfer of Property Act*
- (7) *Contract Act*
- (8) *Limitation Act*
- (9) *Accommodation Control Act*
- (10) *Court Fees Act*
- (11) *Specific Reliefs Act*
- (12) *Registration Act*
- (13) *Court Fees Act*
- (14) *CG Land Revenue Code.*

(b) Main Examination (Written) (Max. Marks 100)

For main Examination, the relatively more meritorious candidates from among those who appeared in the preliminary examination in the ratio of 1:10 have regard to the number of vacancies, shall be called for final examination to be conducted which shall consist of :

- (i) *Framing of Issues and writing of Judgment in Civil Cases.* (Max. Marks 40)
- (ii) *Framing of Charges and writing of Judgment in Criminal Cases.* (Max. Marks 40)

1 – Schedule inserted vide notification no.7120/D-2517/XXI-B/CG/07 dated 14-08-2007

2 - inserted vide notification no.1717/D-658/21-B/08 dated 23-02-2008

(iii) Translation :**(1) English to Hindi - Maximum 10 marks.****(2) Hindi to English - Maximum 10 marks.****(c) Viva-voce**

Relatively more meritorious candidates from among those who appeared in the Main Examination in the ratio of [1:10]¹ having regard to the number of vacancies, shall be called for final examination to be conducted. The maximum marks for Viva-voce would be [15]².

³Schedule-II**{See Rule 5 (2)}**

(1) Evaluation of judgments -	40 marks
(2) Evaluation of Annual Confidential Reports for the last five years	10 marks
(3) Vigilance Report	10 marks
(4) Viva Voce test	40 marks

Total	- 100 marks''

By order and in the name of the Governor of Chhattisgarh,

A.K.Goyal, Deputy Secretary

1 – The ratio “1 : 3” substituted vide notification no.1717/D-658/21-B/08 dated 23-02-2008

2 - “50” marks for viva-voce substituted by “15” vide notification no.4687/D-1449/21-B/C.G./08 dated 07-05-2008

3 - Scheduled – II inserted vide notification no.1717/D-658/21-B/08 dated 23-02-2008